

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

IN RE THE PERSONAL RESTRAINT
PETITION OF:

D'MARCUS GEORGE,

Petitioner.

NO. 52216-1-II

STATE'S RESPONSE TO PERSONAL
RESTRAINT PETITION

I. ISSUES PERTAINING TO PERSONAL RESTRAINT PETITION:

1. Is the petition untimely?
2. Has petitioner demonstrated that the interests of justice require revisiting issues already finally decided on direct appeal?
3. For any of the issues presented, has petitioner demonstrated actual and substantial prejudice to a constitutional right?
4. Has petitioner demonstrated prosecutorial misconduct so flagrant and ill intentioned that it could not have been remedied with a curative instruction?
5. Has petitioner established a claim for relief based upon *State v. O'Dell*?

1 II. STATUS OF PETITIONER:

2 Petitioner, D'Marcus George, is restrained pursuant to a Judgment and Sentence
3 (Appendix "A")¹ entered in Pierce County Cause No. 05-1-00143-9. On September 13,
4 2014, petitioner was found guilty of murder in the second degree. *Id.*

5 III. ARGUMENT:

6 A. THE PETITION IS TIME BARRED.

7 Respondent asks this court to incorporate the State's previously filed Motion to
8 Dismiss PRP as Being Time Barred into this response.

9 B. PETITIONER HAS PRESENTED NO GOOD REASON TO
10 REVISIT THE STATE'S ARGUMENT REGARDING SELF
DEFENSE.

11 This personal restraint petition follows petitioner's second trial and appeal.
12 Petitioner argues that in his first trial "Mr. George was not allowed to *bring* a claim of self-
13 defense in 2009 and he was precluded from presenting all the evidence he sought to on that
14 point." (emphasis not added) PRP at 28. From this premise, petitioner concludes that it
15 was unfair to allow petitioner's own testimony in that first trial to be used to impeach him
16 in his second trial. This argument does not correspond with the facts.

17 Petitioner himself unambiguously presented a claim of self-defense at his first trial:
18

19 Q. Now, after you were hit by Isaiah, and after you saw Rickie hitting Fred,
what was going through your head at that point?

20 A. At that time, I was a little -- when you get hit. and you're not aware,
21 you're -- you know, you're sort of, kind of, dizzy a little bit; and at that time,
I really had -- I didn't know what was going to happen. At that time, I really,
22 kind of, feared for my life at that time. I didn't know what else was going to
happen after that.

23 (First Trial) 10 VRP 1126.
24

25 ¹ The Appendices referenced in this response all refer to the State's Motion to Dismiss PRP as Being Time Barred previously filed in this matter. The Clerk's Papers references in this response are all references to the Clerk's Papers relating to petitioner's second appeal.

1 Q. Okay. Do you recall when you -- what was your first memory of when
2 you decided to reach for the gun that was in the back seat?

3 A. I was down. My first memory was: I thought I was going to die at that
4 time. I was really scared. I didn't -- I really didn't know what was going to
5 happen after that.

6 Q. Okay. Now, do you remember reaching for the gun?

7 A. Yes.

8 Q. Now, as you were reaching for the gun, do you remember where Isaiah
9 was at?

10 A. Yeah. He was, like, on -- he was, like, on top of me.

11 Q. Now, what were you planning on doing when you reached for the gun?

12 A. I was hoping that it, maybe, scared him, you know, to, maybe, stop the
13 situation.

14 (First Trial) 11 VRP 1234.

15 Q. (By Mr. Benjamin) Did you pull the gun towards -- to put it between
16 yourself and Isaiah?

17 A. Yes, I did.

18 Q. Did Isaiah ever back off after you pulled the gun to put it between yourself
19 and him?

20 A. No.

21 (First Trial) 11 VRP 1235.

22 Q. (By Mr. Benjamin) Now, Dmarcus, do you recall where Isaiah was when
23 the gun went off?

24 A. He was, basically, charging me.

25 Q. Well, let me ask this other question: Do you, actually, recall pulling the
trigger at that point?

A. No. Not the first one.

Q. Now, do you have a clear recollection of where the gun was -- how you
were holding the gun and where Isaiah was when the gun went off the first
time?

A. No. I know the gun was in my right hand --

1 Q. Okay.

2 A. -- and I was halfway inside the car and then --

3 (First Trial) 11 VRP 1235. Petitioner testified further about how shocked and afraid he
4 was as he shot Mr. Clark again. (First Trial) 11 VRP 1235-39. Petitioner couldn't
5 remember how many times he pulled the trigger. (First Trial) 11 VRP 1239. Petitioner's
6 claim of self defense was unambiguous:

7 Q. Okay. Did you think that you were acting in self-defense at the time that
8 those shots were fired?

9 A. At that time, I felt like I was only -- that was the only thing I really could
10 do at that point.

11 (First Trial) 11 VRP 1308.

12 At the time petitioner testified in his first trial, the matter of self defense jury
13 instructions was still in the future. *See* (First Trial) 13 VRP 1369-1386. Any suggestion
14 that petitioner in the first trial was somehow motivated not to present self-defense evidence
15 at the first trial is not supported by the record. The denial of self-defense jury instructions
16 (founded very largely upon petitioner's own testimony) resulted in the reversal of
17 petitioner's first trial. *State v. George*, 161 Wn. App. 86, 249 P.3d 202 (2011).

18 Petitioner's claim that he was precluded from introducing evidence of self-defense
19 during his first trial had no relevance in his second trial. If there was something that
20 petitioner tried to say in the first trial, but was "precluded" from saying in the first trial,
21 petitioner could have introduced that evidence in his second trial to demonstrate an
22 alternative explanation for his failure to mention the firearm first revealed during
23 petitioner's testimony at his second trial. Petitioner has not assumed that burden.

24 Petitioner presents an argument based upon "the prosecutor repeatedly telling the
25 jury that George had not testified as to self-defense in 2009..." PRP at 26-27. As support

1 for this proposition, petitioner includes the following (interrupted) statement made during
2 closing argument: "In 2009 he leaves out the most important fact. And why is that?
3 **Because in 2009 his testimony was not self-defense.** In 2009 –" (emphasis not added)
4 PRP at 26. Reference to 9/2/14 VRP 90-91 demonstrates that the prosecutor argued that
5 petitioner did present a self defense claim in 2009, but that self-defense claim was a weak
6 claim that became much stronger (with a gun) in the second trial. *Id.*

7
8 Petitioner complains that the prosecutor wrongfully argued about "this new
9 information about a gun." PRP at 27. That argument did not constitute misconduct
10 because the gun really was new information. Petitioner's first trial self-defense testimony,
11 cited above, did not include anything about a victim armed with a firearm. Petitioner's
12 second trial self-defense testimony presented a victim armed with a firearm. Appendix B
13 (Slip Opinion) at 5-7. Those two flamingly inconsistent testimonies invited a fair adverse
14 argument. This Court noted the reasonableness of that argument on direct appeal and
15 petitioner has not demonstrated that the interests of justice warrant revisiting that decision.
16 Appendix B (Slip Opinion) at 15. *In re Vandervlugt*, 120 Wn.2d 427, 432, 842 P.2d 950,
17 953 (1992).

18 Petitioner appears to argue that this Court's direct appeal holding that the jury
19 should have been instructed on self-defense in the first trial somehow means that the
20 prosecutor could not argue in the second trial that petitioner's first-trial testimony did not
21 support a self-defense claim. PRP at 28-30. Self-defense jury instructions are construed in
22 the light most favorable to the defendant,² while the prosecutor's closing arguments are
23
24
25

² *State v. George*, 161 Wn. App. 86, 95, 249 P.3d 202, 207 (2011) citing *State v. Jelle*, 21 Wn. App. 872, 873, 587 P.2d 595 (1978).

1 not.³ Petitioner's argument makes no sense. This Court should refuse to reconsider its
2 previous resolution of this matter because petitioner has failed to demonstrate that the
3 interests of justice warrant reconsideration of its previous decision. *In re Vandervlugt*,
4 *supra*.

5 Petitioner points out an error in this Court's unpublished opinion following
6 petitioner's second trial where the Court stated:

7 Here, the prosecutor was arguing that, because a reasonable person would not
8 have used deadly force in this situation, the jury did not need to consider
9 whether George subjectively believed deadly force was appropriate. In other
10 words, the prosecutor was arguing that because George failed to prove one
11 component of self-defense, the jury did not need to consider the other
12 component.

13 Appendix B (Slip Opinion) at 16. The first sentence in this quote from the opinion is
14 unproblematic. The second sentence is glaringly wrong both as a statement of fact (what
15 actually happened during the prosecutor's closing argument) and as a statement of law
16 (impermissibly shifting the burden of proof in a self-defense case). This Court should re-
17 examine the prosecutor's closing argument at 9/2/14 VRP 72-74.

18 The statement at issue is unproblematic:

19 We don't care what the defendant says he would do or why he did it because
20 he may not be a reasonably prudent person.

21 9/2/14 VRP 72. This statement urges a disregard of defendant's testimony only of what
22 the defendant said he would do or why he did it. *Id.* This is fair argument that the
23 defendant's judgment was not relevant to the issue of how a reasonable person would
24 behave given the circumstances of this case. Petitioner was only entitled to

25 ³ "In closing argument, a prosecutor has wide latitude to draw and express reasonable inferences from the evidence. Challenges to remarks made in final argument must be judged in the context in which they are made." *State v. Mak*, 105 Wn.2d 692, 698, 718 P.2d 407, 414 (1986).

1 use such force and means as a reasonably prudent person would use under
2 the same or similar conditions as they reasonably appeared to the slayer
3 taking into consideration all the facts and circumstances as they appeared to
4 him, at the time of and prior to the incident.

5 CP 368 (Instruction 24). The State was seeking to persuade the jury to apply the objective
6 reasonableness standard to petitioner's conduct. As this Court noted, that was fair
7 argument. A review of the relevant record also demonstrates that the State did not engage
8 in any burden shifting. 9/2/14 VRP 72-74.

9 Petitioner, briefly and without any legal argument, complains about the
10 prosecutor's reference to admitted evidence at trial, specifically "emphasis on the claim
11 that George looked 'like a monster.'" PRP at 31. When viewed in context, the reference
12 to the witness' testimony is fair argument:

13 She also describes for you the look on the defendant's face as the shooting is
14 happening. And, again, like I said before, are we to believe that she could
15 identify his face but she didn't know what his face looked like, the emotion
16 on his face as he's shooting Isaiah's Clark? What does she say? Here is her
17 vantage point. Here is the photographs she viewed. What does she say about
18 the look on the defendant's face? "No fear in his face; nothing to it; at ease;
19 menacing;" and "like a monster." These are the terms she used to describe
20 the emotion and his state of mind as he's firing that gun. These are the
21 expressions of a man who's murdering someone in cold blood. Nothing about
22 fear here, nothing about him being attacked.

23 9/2/14 VRP 77-78.⁴ This argument is powerfully adverse to petitioner, but it applies the
24 relevant facts to the relevant law and it is fair. A challenge to that argument has already
25 been presented and rejected on direct appeal:

Finally, George argues that the prosecutor committed misconduct by
referring to Johnson's "monster" comment in closing argument, and by
highlighting the comment on a slide during the argument. But this evidence
was admitted at trial. And as explained above, George has provided no basis
for establishing that the "monster" comment was improperly admitted
evidence. The prosecutor referred to a specific piece of evidence in closing
argument which is not improper. George has provided no alternative

⁴ The PowerPoint presentation used in this closing argument is attached as Exhibit E.

1 explanation for why the prosecutor's argument based on evidence admitted at
2 trial would be improper. Accordingly, the prosecutor's references to
3 Johnson's "monster" comment were not improper and this is not an error that
4 can support George's cumulative error argument.

5 Appendix B (Slip Opinion) at 17-18. Petitioner has presented no argument why the
6 interests of justice warrant reconsideration in this personal restraint petition. *In re*
7 *Vandervlugt, supra*. The petition should be denied for that reason. Alternatively,

8 The right to collateral review by a personal restraint petition requires the
9 petitioner to make a heightened showing of prejudice. *In re Cook*, 114
10 Wn.2d at 810, 792 P.2d 506 (citing *In re Haverty*, 101 Wn.2d 498, 504, 681
11 P.2d 835 (1984)). A personal restraint petitioner must state "with
12 particularity facts which, if proven, would entitle him [or her] to relief." *In*
13 *re Rice*, 118 Wn.2d 876, 886, 828 P.2d 1086 (1992). "Bald assertions and
14 conclusory allegations" alone are insufficient. *Id.*; RAP 16.7(a)(2)(i).

15 *In re Fero*, 190 Wn.2d 1, 15, 409 P.3d 214, 222 (2018). Petitioner has not approached the
16 threshold necessary for the consideration of this claim. Petitioner devotes only a sentence
17 fragment to this argument.⁵ Alternatively, petitioner has not made the "heightened
18 showing of prejudice" required in a personal restraint petition (*In re Cook, supra*).
19 Alternatively, petitioner not demonstrated that the misconduct alleged (not
20 contemporaneously objected to) was so flagrant and ill intentioned that no curative
21 instruction would have obviated any prejudicial effect on the jury. *State v. Thorgerson*,
22 172 Wn.2d 438, 455, 258 P.3d 43 (2011).

23 C. PETITIONER'S **O'DELL**-BASED CLAIM IS INVALIDATED BY
24 **IN RE LIGHT-ROTH**.

25 Petitioner was sentenced on September 19, 2014. Appendix A.⁶ *State v. O'Dell*,
183 Wn.2d 680, 358 P.3d 359 (2015) was decided on August 13, 2015. This Court,
applying *In re O'Dell* to the facts of this case, rendered its opinion on direct appeal in this

⁵ "... including a mug shot, emphasis on the claim that George looked 'like a monster' . . ." PRP at 31.

⁶ Appendices A, B, C, and D referenced in this response are the attachments to the State's Motion to Dismiss PRP as Being Time Barred.

1 case on February 28, 2017. Appendix B (Slip Opinion). In this personal restraint petition,
2 petitioner asks this Court to reconsider its earlier decision.

3 Petitioner’s claim depends upon the assertion that *O’Dell* represents “a significant,
4 material change in the law.” Petition at 33-40. That argument was rejected in *In re Light-*
5 *Roth*, 191 Wn.2d 328, 337-38, 422 P.3d 444 (2018).⁷ *In re Light-Roth* reaffirmed the
6 settled proposition that “age is not a per se mitigating factor” at sentencing. 191 Wn.2d at
7 336. The personal restraint petitioner in *Light-Roth*, “could have argued youth as a
8 mitigating factor, as he was permitted to do under [*State v. Ha’min*, 132 Wn.2d 834, 940
9 P.2d 633 (1997)],”⁸ but did not. *In re Light-Roth*, 191 Wn.2d at 332. That conclusion
10 was outcome determinative in *In re Light-Roth*. 191 Wn.2d at 332-33. The same
11 conclusion, based upon similar facts was outcome determinative in this case on direct
12 appeal.⁹ *In re Light-Roth* validates this Court’s decision on direct appeal. Petitioner has
13 failed to demonstrate that the ends of justice would be served by reconsidering this Court’s
14 correct decision on direct appeal. *In re Vandervlugt*, 120 Wn.2d 427, 432, 842 P.2d 950,
15 953 (1992). Petitioner’s *O’Dell* based claim should be rejected because petitioner has
16 demonstrated no good reason why this Court should revisit the sentencing issue already
17 correctly resolved on direct appeal.¹⁰

20 ⁷ *In re Light-Roth* was decided three days after the instant restraint petition was filed.

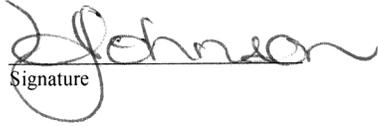
21 ⁸ *In re Light-Roth*, 191 Wn.2d at 337.

22 ⁹ The Court of Appeals on direct appeal stated “defendant waived his challenge to his standard range
23 sentence by failing to request an exceptional sentence downward at the time of sentencing.” Appendix B
(Slip Opinion) at 21. Defendant was 20 years old at the time of his offense in this case. Appendix A.
(Judgment and Sentence) at 3. Light-Roth was 19 years old when he committed his offense. *In re Light-*
Roth, 191 Wn.2d at 331. O’Dell had just turned eighteen when he committed his offense. *State v. O’Dell*,
183 Wn.2d at 683.

24 ¹⁰ The trial court in *In re O’Dell* “clearly believed” that it was “absolutely prohibited . . . from considering
25 whether youth diminished O’Dell’s capacity to appreciate the wrongfulness of his conduct or conform that
conduct to the requirements of the law.” *In re O’Dell*, 183 Wn.2d at 696-97. That erroneous belief—which
resulted in the trial court’s failure to exercise sentencing discretion—is what compelled the Supreme Court’s
holding in *In re O’Dell*. *In re O’Dell* 183 Wn.2d at 698-99. In this case, no facts suggest that the trial court
failed to exercise its sentencing discretion.

Certificate of Service:

The undersigned certifies that on this day she delivered by ^{efile} U.S. mail or ABC-LMI delivery to the attorney of record for the appellant and appellant c/o his or her attorney or to the attorney of record for the respondent and respondent c/o his or her attorney true and correct copies of the document to which this certificate is attached. This statement is certified to be true and correct under penalty of perjury of the laws of the State of Washington. Signed at Tacoma, Washington, on the date below.

5/3/19 
Date Signature

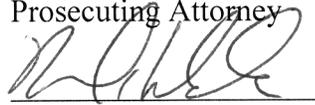
1 Alternatively, has failed to demonstrate actual prejudice. To prevail on a personal
2 restraint petition asserting constitutional error a petitioner must satisfy a threshold burden
3 of demonstrating actual and substantial prejudice to a constitutional right. *In re Stockwell*,
4 179 Wn.2d 588, 597, 316 P.3d 1007, 1012 (2014) (citing *In re Haverty*, 101 Wn.2d 498,
5 504, 681 P.2d 835 (1984)). All petitioner presents is his age at the time of the offense (20
6 years), and that is not enough. 191 Wn.2d at 336.

7 IV. CONCLUSION:

8 Petitioner presents an untimely personal restraint petition which only recycles
9 arguments already considered and rejected on direct appeal. Petitioner's *O'Dell*-based
10 claim should be denied pursuant to *In re Light-Roth*. The personal restraint petition
11 should be dismissed.

12 DATED: May 3, 2019.

13
14 MARY E. ROBNETT
15 Pierce County
16 Prosecuting Attorney



17 Mark von Wahlde
18 Deputy Prosecuting Attorney
19 WSB #18373

APPENDIX “E”

Powerpoint Presentation



05-1-00143-9 43245030 NT 09-08-14



2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 05-1-00143-9

vs.

DMARCUS DEWITT GEORGE,

Defendant.

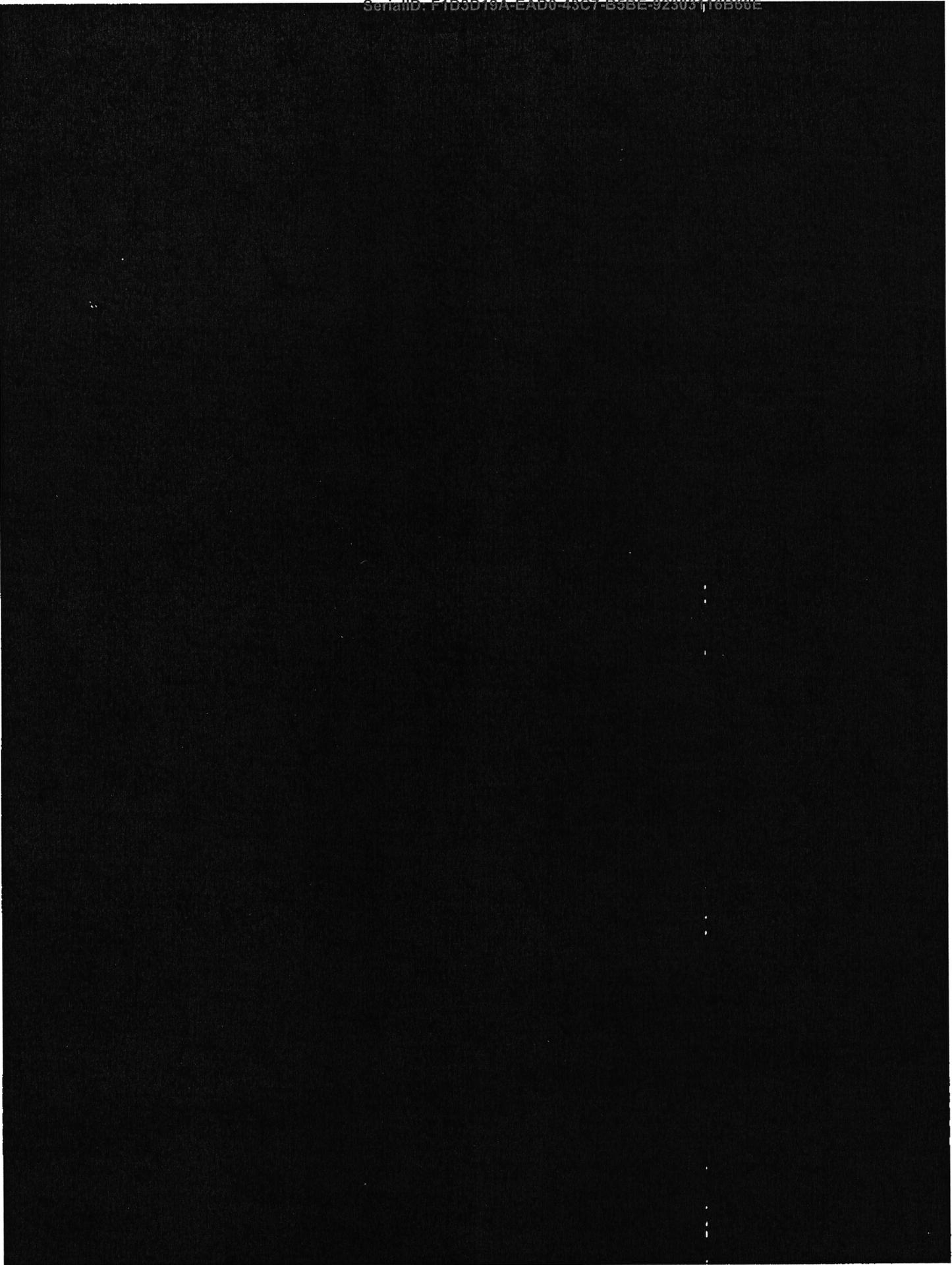
STATE'S POWERPOINT PRESENTATION
USED IN CLOSING ARGUMENT

On September 2, 2014, the State gave its closing argument in this matter. The State's closing argument included a PowerPoint presentation. Attached to this cover sheet is a true and correct copy of the slides using during that presentation.

Dated this 2nd day of September, 2014.

MARK LINDQUIST
Pierce County Prosecuting Attorney

JESSE WILLIAMS
Deputy Prosecuting Attorney
WSB # 35543



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

State v. Dmarcus George

Proof Beyond a Reasonable Doubt

- Doubts as to elements
- Doubts which are reasonable
- Think of it like a puzzle

Count I: Murder 2 (Intentional Murder)

Did the defendant act
intending to kill Isaiah Clark?



When we act, we intend the natural and
foreseeable consequences of our actions



4 shots. Into his chest.
Defendant came out of the car ready to fire.

Lesser Crime for Count I:

Manslaughter 1

Count II: Murder 2 (Felony Murder)

Did the defendant commit Assault 1 or Assault 2, and did Isaiah Clark die?

Assault 2: Assault w/ firearm

Assault 1: Assault w/ firearm + intent
for great bodily harm

Special Verdict Forms:

Use of a Firearm

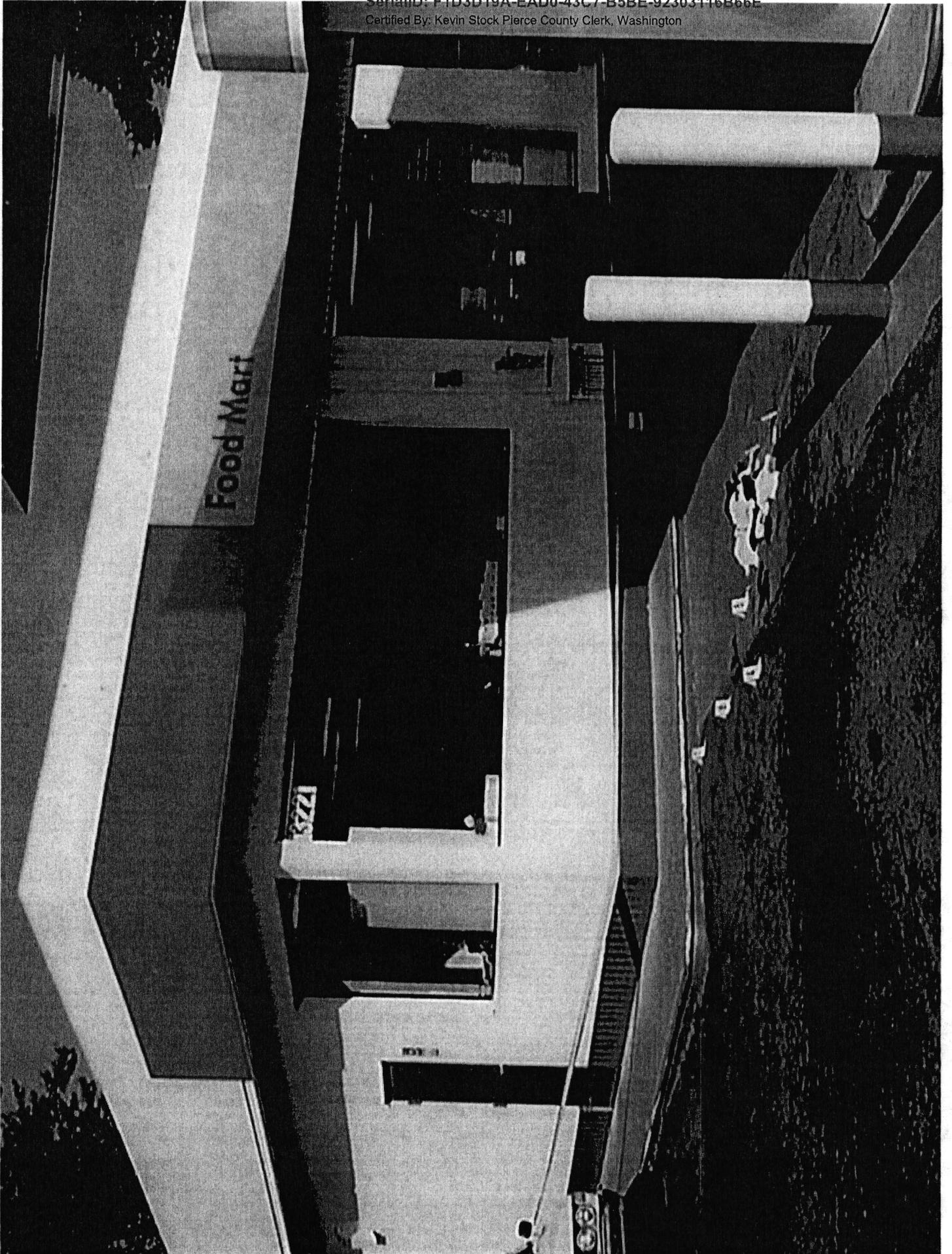
Self Defense

Self Defense:

- What would a reasonably prudent person do?
 - Look at all the circumstances
 - Was it necessary?
 - Was the amount of force used proportional?
i.e., death or great personal injury

This was not Self Defense

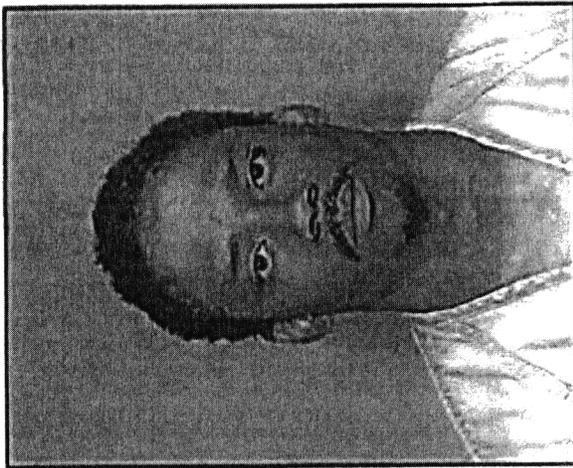
- Monica Johnson



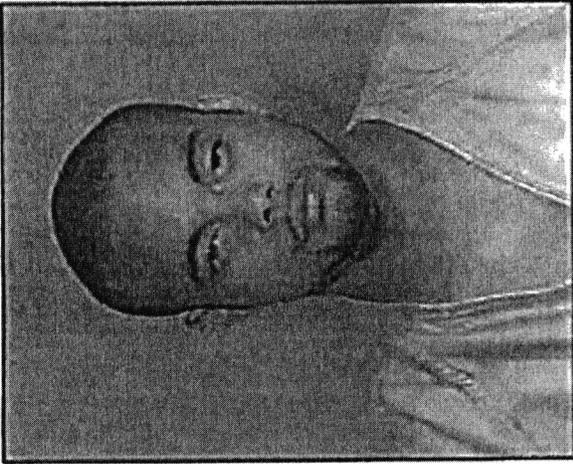
Pierce County Sheriff's Dept

Lineup ID: 27734

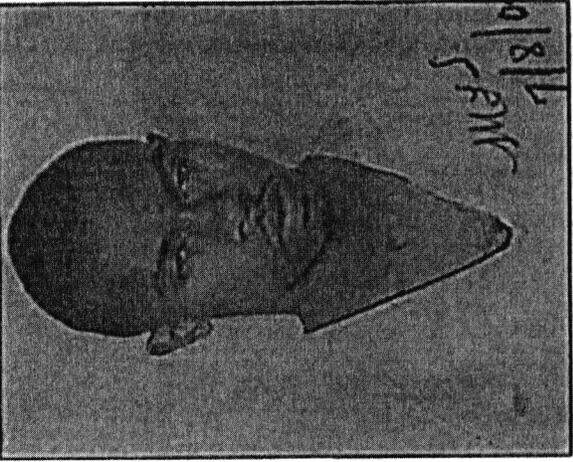
06 Jul 200



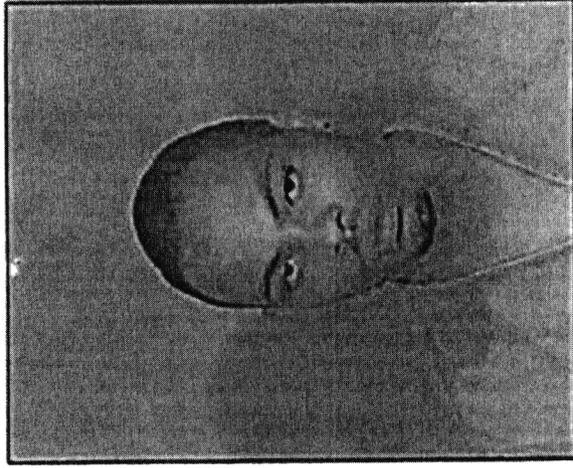
1



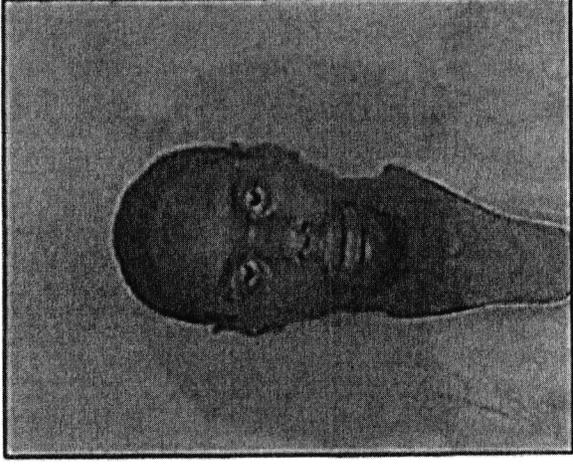
2



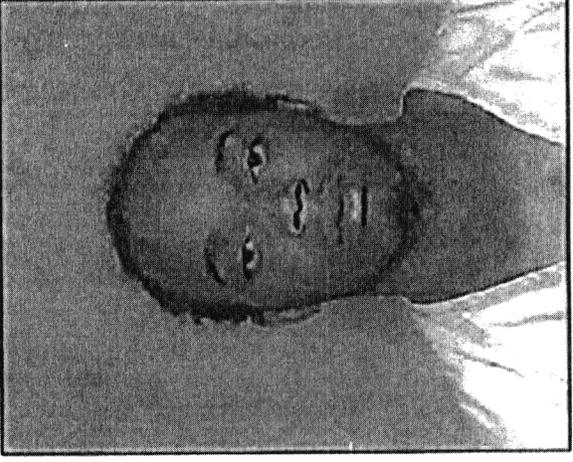
3



4



5



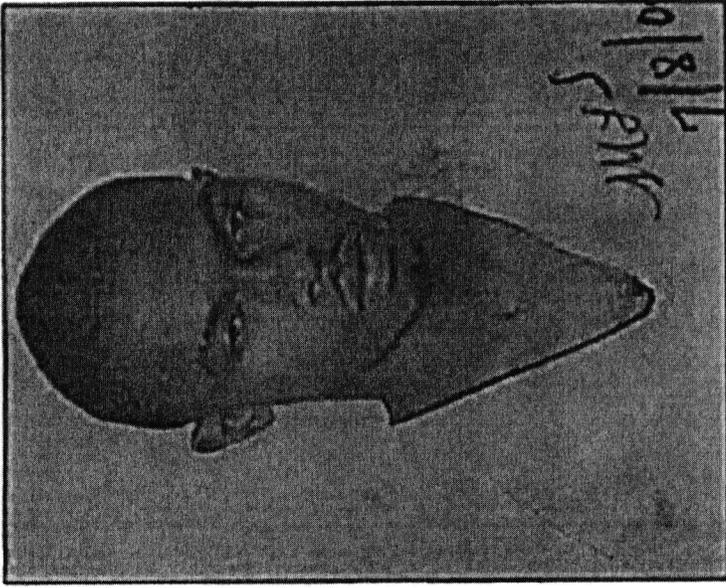
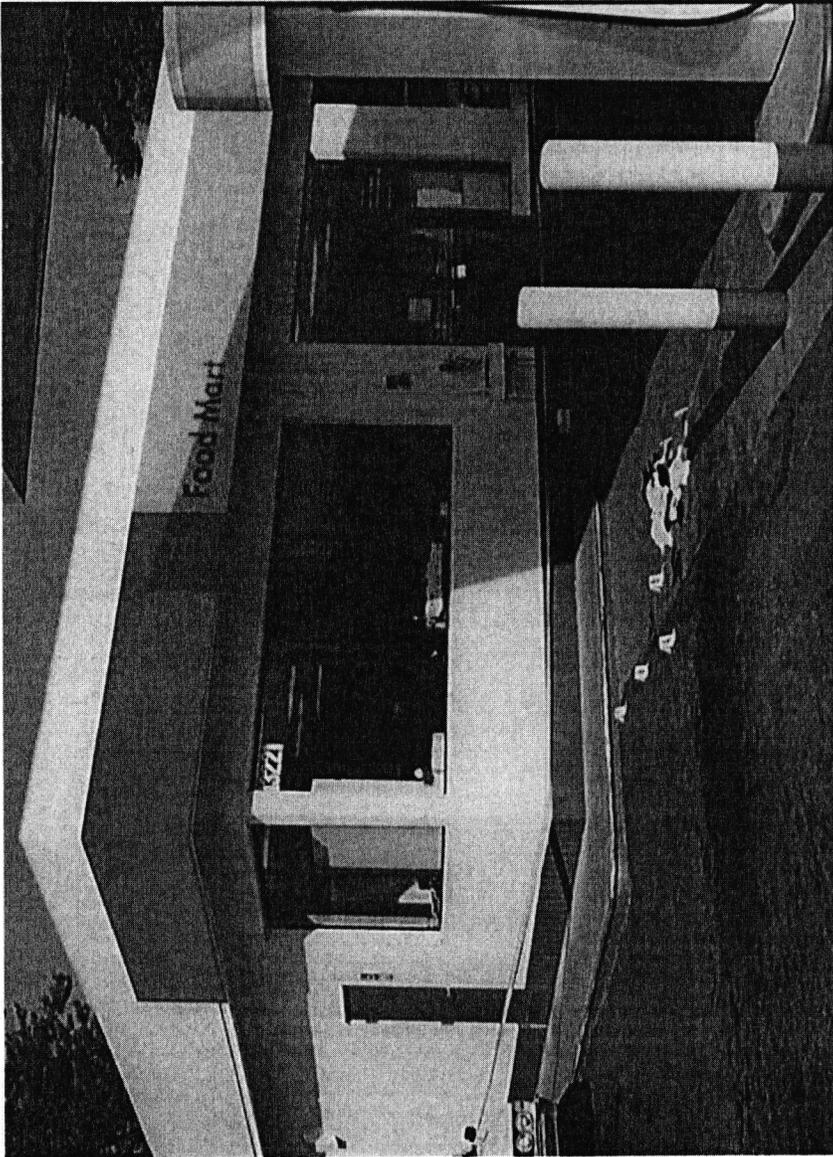
6

FOR OFFICIAL USE ONLY

Copyright © 1998 All rights reserved. ImageWare Software

Monica Johnson

- Isaiah just standing there
- Isaiah shrugs when asked what's going on
- Defendant in backseat
- She's in store for only seconds when:
 - Commotion gets louder
 - Defendant comes out of car w/ gun in hand
- Isaiah not doing anything when he is shot
- Isaiah does not touch or act aggressively to anyone
- Isaiah shot & fell forward from where he was standing
- The look on defendant's face as he comes out of the car to shoot



3

The look on the defendant's face:

"No fear"

"At ease"

"Nothing to it"

"Menacing"

"Like a monster"

This was not Self Defense

- Monica Johnson
- Laura Devereaux

Laura Devereaux

- Confrontation did not appear serious:
 - Thought they were joking and goofing around at first
 - Not concerned for her safety until shots
- Isaiah standing to left of store doors
- Never saw Isaiah:
 - make an aggressive move
 - say anything
 - have anything in his hands
- Isaiah fell forward from where he was standing
- Male (McGrew): "Dog, what did you just do?"

This was not Self Defense

- Monica Johnson
- Laura Devereaux
- Dan Brooks

Dan Brooks

- Memory not entirely accurate
- The confrontation:
 - “nothing to draw my senses”
 - “nothing to draw my attention”
- Isaiah Clark standing at trunk of car doing nothing when defendant comes out of backseat w/ gun
- Hears female (Tamrah Dickman): “don’t shoot him, don’t shoot him”
- Isaiah never took any aggressive acts
- Sees Isaiah hit by 4 shots

This was not Self Defense

- Monica Johnson
- Laura Devereaux
- Dan Brooks
- Rickie Millender

Rickie Millender

- Isaiah standing towards back of car, standing by himself, not talking to anyone
- Isaiah not involved. This was not his "beef."
- Defendant reaching for a gun under the seat while he is confronting McGrew
- Sees defendant standing over Isaiah with gun

This was not Self Defense

- Monica Johnson
- Laura Devereaux
- Dan Brooks
- Rickie Millender
- Defendant flees the state

Consistent Points

- No one but defendant had weapon
- Confrontation between McGrew/Millender not alarming
- At worst, this was a fistfight between McGrew/Millender
- Isaiah a bystander
- Isaiah Clark:
 - never touched anyone
 - never an aggressive act
 - never said anything
- Defendant inexplicably comes out of backseat with gun
- Shooting immediate

Defense Case

- Dave Moore
- Tamrah Dickman
- Defendant

Dave Moore

- Never sees Defendant or Dickman outside car
- Never sees Clark touch Defendant or Dickman
- Isaiah not involved in confrontation
- Best he can say:
 - Isaiah appears angry at some point
 - Walks around backside of car
 - Leans into passenger side and shots ring out

Tamrah Dickman

June 23, 2004

2009 testimony

2014 testimony

Car w/2 black men.
One confronted Fred.



Car filled w/black
men looking to
"jump" Fred

Isaiah just
standing there



Isaiah just
standing there



Isaiah aggressively
posturing

Isaiah did not
punch Defendant



Isaiah punches
Defendant



Isaiah punches
Defendant

Tamrah Dickman

- Story constantly evolves to benefit Defendant
- Her story v. Defendant's story
- Interview on June 23, 2004

Defendant

- 10 years to rehearse
- 5+ years to try again
- 2009 testimony v. Now

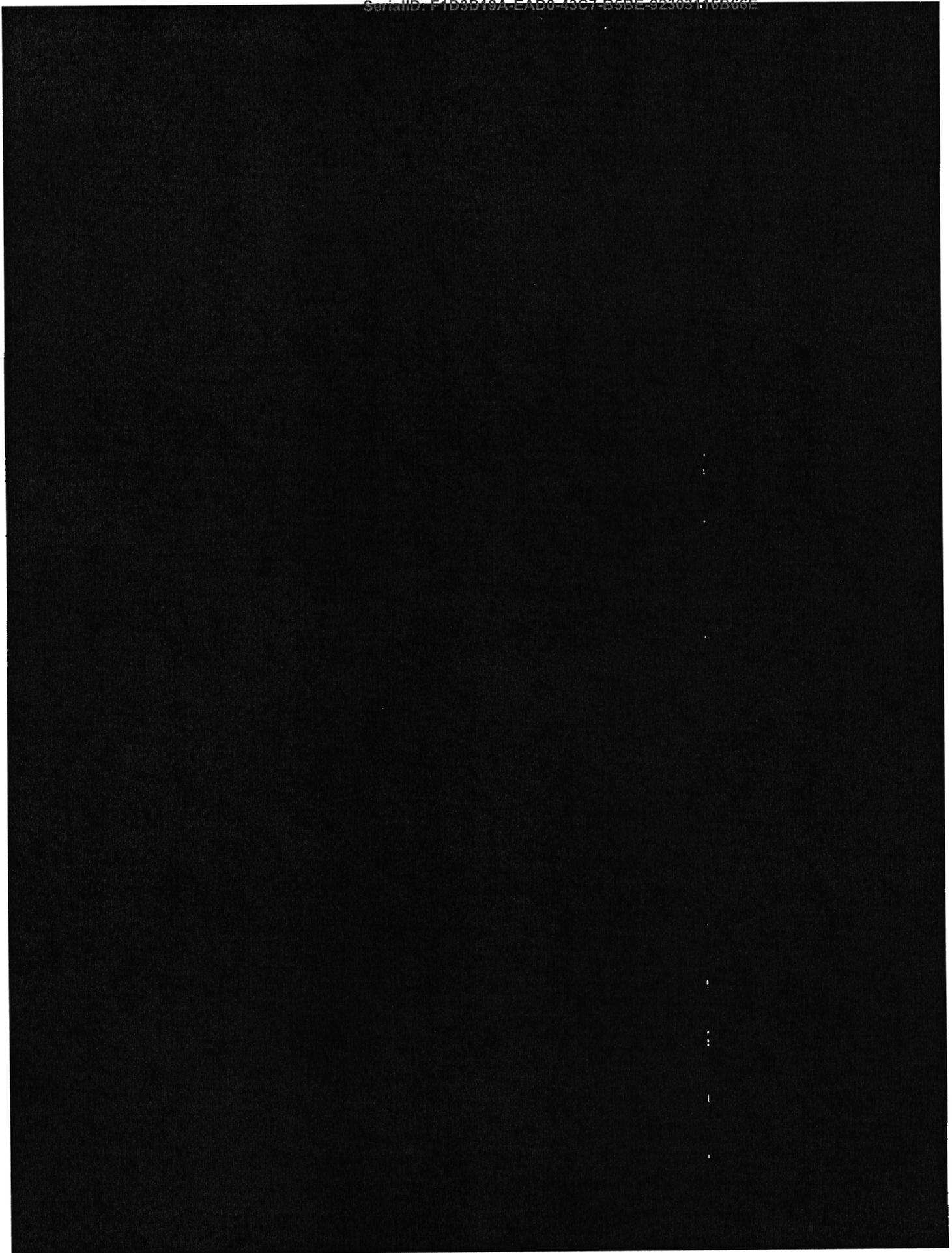
Self Defense

≠

Defendant's
Testimony
In 2009

Defendant

- 10 years to rehearse
- 5+ years to try again
- 2009 testimony v. Now
- No one sees punch
- Clark standing over him when shots fired???
- Time to unjam gun
- No blood inside car
- Tamrah: "Don't shoot him"
- Fred: "Dog what did you just do?"
- Defendant has no injuries
- Defendant flees
- Defendant gets rid of evidence



State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 03 day of May, 2019



Kevin Stock, Pierce County Clerk

By /S/Linda Fowler, Deputy.

Dated: May 03, 2019 09:55 AM



Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

<https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm>,

enter **SerialID: F1D3D19A-EAD0-43C7-B5BE-92303116B66E**.

This document contains 31 pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

PIERCE COUNTY PROSECUTING ATTORNEY

May 03, 2019 - 2:56 PM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 52216-1
Appellate Court Case Title: In re the Personal Restraint Petition of Dmarcus Dewitt George
Superior Court Case Number: 05-1-00143-9

The following documents have been uploaded:

- 522161_Personal_Restraint_Petition_20190503145640D2203225_9764.pdf
This File Contains:
Personal Restraint Petition - Response to PRP/PSP
The Original File Name was George PRP Response.pdf

A copy of the uploaded files will be sent to:

- KARSdroit@gmail.com
- Valerie.kathrynrussellselk@gmail.com

Comments:

Sender Name: Heather Johnson - Email: hjohns2@co.pierce.wa.us

Filing on Behalf of: Mark Von Wahlde - Email: mvonwah@co.pierce.wa.us (Alternate Email: PCpatcecf@piercecountywa.gov)

Address:
930 Tacoma Ave S, Rm 946
Tacoma, WA, 98402
Phone: (253) 798-7875

Note: The Filing Id is 20190503145640D2203225