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2 Defendant is currently incarcerated at the STAFFORD CREEK CORRECTIONS CENTER located  
3 at 191 Constantine Way, Aberdeen, WA 98520.  
4

5 **ISSUES PRESENTED:**  
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7  
8 1. VIOLATION OF RCW 9.73.030(2)(a)(b)(c)(d)(e) WIRETAPPING AND COMMUNICATION  
9 LAWS

10  
11 2. VIOLATION OF RCW 9.73.050  
12

13  
14 3. VIOLATION OF CONSTITUTIONAL AMENDMENTS, V, VI, XIV.  
15

16  
17 **STATEMENT OF FACTS:**  
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19  
20 On May 25, 2016 , Warrant Application Number: 20160232 filed by Detective Nicole Menge was  
21 granted and approved for the use of intercept of communication recordings between the alleged  
22 victim and the defendant, at no time did the defendant [C]onsent to this action to be recorded during a  
23 private conversation between defendant and his lawful biological daughter.  
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26  
27 **ARGUMENT I**  
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1  
2 It has been a firmly entrenched principle that State and Federal Courts strictly adhere to the rules set  
3 before them in effort to avoid violations of the rights of its citizens. On May 25, 2016, the Superior  
4 Court of KITSAP County Hon. Judge Kevin D. Hull, authorized the use of wiretapping and  
5 communication recordings pursuant to RCW 9.73.090(2).  
6

7  
8 **ADMISSIBILITY OF INTERCEPTED COMMUNICATION AS EVIDENCE.**

9  
10 Pursuant to RCW 9.73.030(1)(a)(b):

11 Except as otherwise provided in this chapter, it shall be [U]nlawful for any individual, partnership,  
12 corporation, association, or the State of Washington, its agencies, and political subdivisions to  
13 intercept, or record any:  
14

15  
16 (a) Private communication transmitted by telephone.

17 (b) Private conversation, by any device electronic or otherwise designed  
18 to record or transmit such conversation regardless how the device  
19 is powered or actuated without first obtaining the [C]onsent of [A]ll  
20 the persons engaged in the conversation.  
21

22  
23 Here, the defendant did not consent to the recording of any conversation between his daughter and  
24 himself.  
25

26  
27 Pursuant to RCW 9.73.030(2):  
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1  
2 Which does allow for wire communications or conversations where (a) of an emergency nature, such  
3 as reporting a fire, medical emergency, crime, or disaster has occurred.  
4

5  
6 Thus while it is authorized Pursuant to RCW 9.73.090(2), with a courts permission to intercept  
7 communications and record a conversation that may be illegal in its nature, RCW 9.73.050 is clear  
8 regarding what information obtained thru an intercepted communication violates the provision set  
9 forth in 9.73.030.  
10

11  
12 Because the State was authorized to use and intercept a communication between the defendant and  
13 the alleged victim per 9.73.090(2) the State was required to perform a specific duty, and that was to  
14 determine after reviewing the recorded communication as to whether the defendant [A]dmitted to a  
15 Crime on his own volition and not coerced.  
16

17  
18 If it is determined that the defendant did not admit to a crime, the intercepted communication  
19 [S]HALL be deemed INADMISSABLE as purported by the established Laws of the State of  
20 Washington Pursuant to RCW 9.73.050..  
21

22 the term [S]HALL is an Obligatory term and cannot be misconstrued to mean any other action, thus  
23 the term [S]HALL MUST be adhered to by the State of Washington, and its agencies i.e. Superior  
24 Courts, Appellate Courts and Supreme Court.  
25

26 Additionally, wiretapping evidence introduced in the instant case was obtained by non consensual  
27 telephone wiretap, where the defendant did state to the second party that he had concerns with  
28

1 recorded calls, and the second party assured the defendant that he was not being recorded when in  
2 fact he was being recorded while third parties (law enforcement).were present in the room with the  
3 second party during this communication and because it was obtained in violation of 605 of the  
4 Federal Communications Act, 48 Stat. 103, 47 U.S.C. 605 RCW 9.73.050, and by being used at trial  
5 it was a blatant violation of the 4th amendment of the State and Federal Constitutional provisions  
6 regarding "search and seizure" (see Katz v. U.S. 389 U.S. 347).  
7

8  
9 Here, the U.S. Supreme Court concluded that every electronic eavesdropping upon private  
10 conversations is a search or seizure, and it can only apply with constitutional standards only when  
11 authorized by a neutral magistrate upon showing of probable cause and under precise limitations and  
12 appropriate safeguards.  
13

14  
15 No such probable cause or admissions of a crime occurred during the recording of the Federal  
16 intercepted communication between the defendant and his daughter, as no magistrate authorized the  
17 wiretapping communication.  
18

19  
20 **CONCLUSION:**  
21

22 The defendant [enter name], did not at any time admit to committing a crime during the recording  
23 intercepted communication authorized by the Hon. Judge Kevin D. Hull, in the instant matter, nor  
24 was prior consent to record the intercepted communication obtained from the defendant.  
25  
26  
27  
28

1 (See attached exhibit (A) K16-004374 Wire recording between M.T. and W.T. ).

2  
3 The trial court erred by allowing said recordings to be admitted as evidence and presented to the jury,  
4 where no clear admission was forthcoming, as the use of vague, ambiguous, and non-conclusive or  
5 convoluted statements are inadmissible and as such violate the defendant right to due process as  
6 provided by the State and Federal Constitutions 5th and 14th amendments.  
7

8 **RELIEF REQUESTED:**

9  
10 Defendant humbly requests this honorable court order an evidentiary hearing to properly determine  
11 on the merits contained herein that an issue of "Insufficiency of Evidence" exists and creates an error  
12 of a constitutional magnitude warranting dismissal of the use of wire tapping communications with  
13 prejudice and remand the defendant for a new trial in the above captioned matter.  
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17 Dated: May 22, 2019.

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19 X \_\_\_\_\_  
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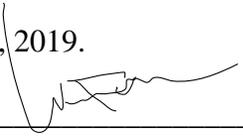
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1 Defendant declares under the penalty of perjury that the foregoing is true and correct pursuant to the  
2 laws of the State of Washington and 28 U.S.C.A. § 1746..  
3

4 Dated: May 22, 2019.  
5   
6 X \_\_\_\_\_

7 WILLIAM H. THOMPSON  
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**WILLIAM THOMPSON DOC 735089**

**May 22, 2019 - 8:16 PM**

**Filing Personal Restraint Petition**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** Case Initiation  
**Trial Court Case Title:** State of Washington Vs Thompson, William Howard  
**Trial Court Case Number:** 16-1-00704-8  
**Trial Court County:** Kitsap Superior Court  
**Signing Judge:** Bassett  
**Judgment Date:** 05/16/2018

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