

15-1-00616-6  
ORT78 91  
Order Transferring CrR 78 Motion to Appellate  
3524163



FILED  
Court of Appeals  
Division II  
State of Washington  
9/18/2018 3:26 PM

FILED  
SUPERIOR COURT

'18 JUL 23 P4:28

COWLITZ CO. CLERK  
STACI L. MYKLEBUST  
BY VB

**SUPERIOR COURT OF WASHINGTON FOR COWLITZ COUNTY**

STATE OF WASHINGTON,	)	
	)	
Plaintiff,	)	No. 15-1-00616-6
	)	
vs.	)	ORDER TRANSFERRING TO THE
	)	COURT OF APPEALS
Aaron Trotter,	)	
	)	
Defendant.	)	

THIS MATTER having come on before the above-entitled court on Defendant's Motion.

The Court finds that the Defendant has not made a substantial showing that he is entitled to relief or that resolution of the motion will require a factual hearing.

IT IS HEREBY ORDERED: The Defendant's CrR 7.8 Motion for Relief is transferred to the Court of Appeals as a Personal Restraint Petition.

Dated this 23 day of July, 2018

SUPERIOR COURT JUDGE

Presented by:

Tom Ladouceur  
Deputy Prosecuting Attorney  
WSBA # 19963

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FILED  
SUPERIOR COURT

'18 JUL 11 P4:10

IN THE SUPERIOR COURT OF WASHINGTON STATE  
FOR COWLITZ COUNTY

COWLITZ CO. CLERK  
STATE OF WASHINGTON  
MR

STATE OF WASHINGTON	)	
Respondent/Plaintiff	)	NO 15-1-00616-6
	)	
v.	)	MOTION TO VACATE JUDGMENT AND SENTENCE
	)	
Aaron Wallace Trotter	)	PURSUANT TO CrR 7.8(b)(3)(4)(5)
Movant/Defendant	)	AND R.A.P. 7.2(e).
	)	

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**A. PARTY**

COMES NOW THE DEFENDANT, Aaron Wallace Trotter appearing pro se and moves this court for the relief in Part B.

**B. RELIEF**

Defendant/movant Trotter asks this court to vacate his unlawful restraint under his Judgment and Sentence because:

Defendant Trotters Constitutional right under the Washington state Constitution Article 1 section 9 has been clearly violated wherein defendant has been twice put in jeopardy for the same offense..

Defendant supports this motion with the authority in Part C, Relevant Facts and argument in Part D, Conclusion in Part E, and the attached affidavit as appendix A.

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SCANNED

### **C. AUTHORITY**

The Superior Court has authority per CrR 7.8(b)(3)(4)(5);RAP 7.2(e), to hear and determine post conviction matters and to **[V]acate** a judgment or Sentence that is not in compliance with State law or for any other reasons justifying relief from the operation of the judgment or order.

### **D. RELEVANT FACTS.**

On May 31, 2015, Defendant was Charged with the offense of Second degree assault.

On August 14, 2015, Defendant was found **"NOT GUILTY"** by a jury of his peers for the charge of Second degree assault under Casue number 15-1-00616-6.

The State chose to violate the defendants Constitutional right to be free from double jeopardy by trying the defendant twice for the **"SAME OFFENSE"** in which he was Originally found **"Not Guilty"** of committing. This violation Occurred on March 31,2016, where the defendant was found guilty of the crime of 2nd degree assault RCW 9A.36.021, under cause number **15-1-00616-6**; the same exact cause number in which defendant was **"ACQUITTED"** on August 14, 2015. **Please See Attachment (A)&(b).**

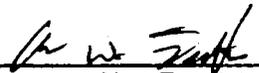
The United States Constitution and the Washington State Constitution has made it clear that **"NO PERSON SHALL BE PUT TWICE IN JEOPARDY FOR THE SAME OFFENSE.** Additionally, the use of a different alternative to create an additional count to committ a crime charged under the same Stautory authority has been prohibited by the Washington State Supreme Court and deemed a violation of the "double Jeopardy" standard (See State V. Whittington (2009) and State v. Womac, Washington State Constion Art. 1 Sec. 9.

**F. Conclusion:**

For the reasons argued and presented and based on the record before this honorable court.

Defendant Trotter, respectfully asks the court to grant his motion and to order his immediate release from custody.

Dated: June 19, 2018

X   
Aaron W. Trotter

**APPENDIX A**

1. Declaration of defendant

2. Attachments (a & b).

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**DECLARATION**

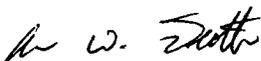
I Aaron Wallace Trotter, humbly declare under the penalty of perjury that the Superior Court of Washington at COWLITZ COUNTY, did knowingly charge me with the criminal offense of 2nd degree assault on May 31, 2015 under cause number **15-1-00616-6** and that on **August 14, 2015**, I was found **"NOT GUILTY"** by a jury of my peers on cause number **15-1-00616-6**, for the criminal offense of 2nd degree assault.

I humbly declare that after I was found not guilty of the criminal offense of 2nd degree assault by a jury of my peers, the Prosecuting Office of Cowlitz County,,Charged me again under the same cause number of **15-1-00616-6** for the criminal offense of 2nd degree assault and I was found guilty on said charge on March 31, 2016

As I understand My Constitutional right to be free from double jeopardy has been violated, as I was **[A]cquitted for the Charge of 2nd degree assault under cause number 15-1-00616-6.**

I declare that the above declaration is true and correct under the penalty of perjury, 28 USCA §1746.

June 19, 2018



Aaron W.Trotter



FILED  
SUPERIOR COURT

2016 MAR 31 PM 2 44

COWLITZ COUNTY  
STACIL MYHLERUST CLERK

SUPERIOR COURT OF WASHINGTON FOR COWLITZ COUNTY

STATE OF WASHINGTON,

Plaintiff,

v.

Aaron Wallace Trotter,

Defendant.

BY

No. 15-1-00616-6

VERDICT

We, the jury, find the defendant, Aaron Wallace Trotter,

guilty

(write in "not guilty" or "guilty")

of the crime of assault in the second degree.

DATED this 31 <sup>March</sup> ~~January~~, 2016.

Roxanne Hayes  
PRESIDING JUROR

(54)

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FILED  
SUPERIOR COURT

2018 MAR 9 AM 9 10

COWLITZ COUNTY  
STACI L. MYKLEBUST, CLERK

BY WB

IN THE SUPERIOR COURT OF WASHINGTON FOR COWLITZ COUNTY

STATE OF WASHINGTON  
Plaintiff,

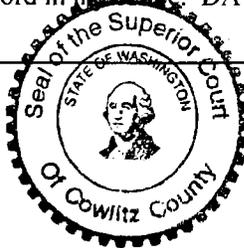
Cause # 15-1-00616-6

-vs-

AARON WALLACE TROTTER  
Defendant.

WARRANT OF COMMITMENT

I, STACI L. MYKLEBUST, COUNTY CLERK AND EX-OFFICIO CLERK OF THE STATE OF WASHINGTON, COUNTY OF COWLITZ, do hereby certify the foregoing to be a true copy of the Judgment and Sentence now on record in my office. DATED THIS 3RD day of MAY, 2016.



STACI L. MYKLEBUST, COUNTY CLERK

BY Lacie DeWitt  
Deputy Clerk

STATE OF WASHINGTON TO:

The Cowlitz County Corrections Department and to the proper officers of the STATE Department of Corrections. ~~The above named defendant has been convicted in this court of the crime(s) of:~~

**CT II: 2<sup>ND</sup> DEG ASSAULT (DV W/ FIREARM ENHANCEMENT)**

and the Court has ordered that the defendant be punished by serving not more than:

**CT II: 39 MOS IN PRISON, INCLUDING 36 MOS FIREARM ENHANCEMENT. \*\*\*DNA TESTING\*\*\***

COWLITZ COUNTY CORRECTIONS DEPARTMENT IS COMMANDED to take and deliver the above named defendant to the proper officers of the STATE Department of Corrections and THE PROPER OFFICERS OF THE STATE DEPARTMENT OF CORRECTIONS ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence.

DATED THIS 9TH day of MARCH, 2018.



By the direction of the  
HONORABLE:  
MICHAEL H. EVANS  
STACI L. MYKLEBUST, COUNTY CLERK

BY Lacie DeWitt  
Deputy Clerk

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SCANNED

**COWLITZ SUPERIOR COURT**

**September 18, 2018 - 3:26 PM**

**Filing PRP Transfer Order**

**Transmittal Information**

**Filed with Court:** Court of Appeals Division II  
**Appellate Court Case Number:** Case Initiation  
**Trial Court Case Title:** State Vs Aaron Wallace Trotter  
**Trial Court Case Number:** 15-1-00616-6  
**Trial Court County:** Cowlitz Superior Court  
**Signing Judge:** Michael Evans  
**Judgment Date:** 07/23/2018

**The following documents have been uploaded:**

- PTO\_PRP\_Transfer\_Order\_Plus\_20180918152528D2736911\_9227.pdf  
This File Contains:  
Other - Deft's Motion  
PRP Transfer Order  
*The Original File Name was 15-1-00616-6 ORTR78.pdf*

**A copy of the uploaded files will be sent to:**

- Appeals@co.cowlitz.wa.us

**Comments:**

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Sender Name: Sheryl Moul - Email: mouls@co.cowlitz.wa.us

**Note: The Filing Id is 20180918152528D2736911**