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Division II
State of Washington
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NO. 53531-9-II

COURT OF APPEALS, DIVISION II
STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

CALVIN NORMAN ROUSE,

Appellant.

Appeal from the Superior Court of Pierce County
The Honorable Jack Nevin

No. 02-1-02929-1

BRIEF OF RESPONDENT

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I. INTRODUCTION

The trial court properly denied Calvin Norman Rouse's writ of mandamus seeking to compel the superior court clerk to change the caption of his judgment and sentence to reflect what he refers to as a "clerical mistake" in his legal name. First, Rouse failed to comply with the civil procedures necessary for a proper writ of mandamus. Second, the court did not have the authority to compel the court clerk to perform an act that the clerk did not have the duty to perform. Third, the judgment and sentence does not contain either a clerical mistake or any other oversight or omission. Rather, it reflects Rouse's birth name of "Calvin Norman Rouse," which Rouse repeatedly acknowledged was his true and correct name throughout the proceedings. Rouse's inexplicable desire to change the 2003 judgment and sentence more than fifteen years later, despite knowing of this purported name change at the time of the plea and sentencing, does not indicate a clerical mistake. If anything, it suggests Rouse's intent to mislead the court as to his legal name when he entered a guilty plea and informed the court that his true name is "Calvin Norman Rouse." Finally, the "interests of justice" do not require a further hearing because this Court has already ruled that the issue raised in Rouse's motion is not a CrR 7.8 motion. This Court should affirm the trial court's order denying the writ of mandamus.

II. RESTATEMENT OF THE ISSUES

A. Did the trial court properly deny the writ of mandamus where Rouse failed to comply with civil procedural rules for issuing a writ of mandamus and where the court clerk did not have a duty to change the caption of the judgment and sentence?

B. Do the "interests of justice" require a further hearing where the trial court properly denied the writ of mandamus and where this Court has already ruled that the issue raised in the motion is not a CrR 7.8 motion?

III. STATEMENT OF THE CASE

A. Information, Guilty Plea, and Sentencing

On June 25, 2002, the State charged Calvin Norman Rouse with murder in the first degree with a firearm enhancement. CP 79-82. At his first appearance, Rouse signed several court documents with the name Calvin Rouse. *See* CP 83-85. The pre-trial report indicates that his true name is "Calvin Norman Rouse." CP 86-87.

Throughout the proceedings, Rouse continued to inform the court that his name is Calvin Rouse. For example, on November 25, 2002, Rouse appeared in court for a hearing on a joint motion to continue the trial and informed the court that his name is "Calvin Rouse:"

> COURT: Your name is Calvin Rouse; is that correct?
>
> DEFENDANT: Correct.

11/25/02 RP 9-11. Rouse signed a speedy trial waiver using the name Calvin Rouse. CP 103. Court documents as well as transcripts indicate that Rouse

repeatedly acknowledged his name is Calvin Rouse. *See e.g.* 03/31/03 RP 16; 05/01/03 RP 23; 09/26/03 RP 46; CP 104-05.

On August 25, 2003, the State filed an amended information charging Calvin Norman Rouse with one count of murder in the second degree with a deadly weapon enhancement based on plea negotiations. 08/25/03 RP 25; CP 1-2. Rouse entered a guilty plea to the reduced charge. 08/25/03 RP 40-41; CP 91-98. The first page of the Statement of Defendant on Plea of Guilty indicates: "My true name is Calvin Norman Rouse." CP 91. Rouse signed the guilty plea with the name "Calvin Rouse." CP 97. Rouse's attorney advised the court that he read the guilty plea document to Rouse "verbatim." 08/25/03 RP 27-28; *see also* CP 98.

Prior to accepting the plea, the trial court confirmed Rouse's true and correct name:

> COURT: At this time, I'll ask you, your name is Calvin Norman Rouse; is that correct?
>
> DEFENDANT: Correct.

08/25/03 RP 33. The trial court reviewed the Statement of Defendant on Plea of Guilty with Rouse, specifically noting that the first page has a handwritten statement indicating his name. 08/25/03 RP 33. The handwritten name filled out on the document indicates that his "true name is Calvin Norman Rouse." CP 91. Rouse indicated that he understood the

information in the plea. 08/25/03 RP 33-34. After a detailed colloquy with Rouse, the court accepted his guilty plea as knowingly, intelligently, and voluntarily made and found him guilty as charged. 08/25/03 RP 33-41; CP 98.

On September 26, 2003, the court sentenced Rouse to 340 months of incarceration. CP 5-8. Rouse signed the judgment and sentence with the name Calvin Rouse. CP 11. His fingerprints were taken in court, which he signed with the name Calvin Rouse. CP 14.

Rouse filed a direct appeal, and the Court affirmed his conviction in an unpublished opinion filed in 2004. *State v. Rouse*, 124 Wn. App. 1015, 2004 WL 2650995 (Wash. Ct. App. Nov. 16, 2004).

B. Personal Restraint Petitions and Post-Conviction Motions

Over the next fourteen years, Rouse filed numerous post-conviction motions and personal restraint petitions. The Court rejected all of his claims.[1]

One of Rouse's post-conviction actions involved Rouse's motion for default against the prosecutor's office and his motion to dismiss for lack of

[1] *See* No. 33386-4-II, Order Dismissing Petition filed November 28, 2005; No. 35010-6-II, Order Dismissing Petition filed August 11, 2006; No. 40263-7-II, Order Dismissing Petition filed March 23, 2010; No. 86745-3, Ruling Dismissing Personal Restraint Petition filed June 7, 2012; No. 44440-2-II, Order Dismissing Petition filed April 23, 2013; No. 49447-7-II, Unpublished Opinion affirming trial court's denial of motion to dismiss conviction for lack of subject matter jurisdiction filed March 14, 2017; No. 50745-5-II, Ruling Denying Motion for Discretionary Review filed March 9, 2018.

subject matter jurisdiction. CP 112-57. The court held a hearing on the matter where Rouse claimed to be a "third party intervenor" who was present by "special appearance." 10/16/15 RP 4-5. The court also addressed a letter filed by Rouse where he appeared to offer $100,000 to "discharge the debt" and be released from prison. 10/16/15 RP 10-12; CP 106-11. The court noted it did not understand Rouse's motion, which was "very hard to understand" and references county bankruptcy and satisfying the "commercial value" of the judgment. 10/16/15 RP 10-11. Rouse then claimed he was not the defendant in the charged case but was merely appearing on behalf of the debtor/defendant, which was not him. 10/16/15 RP 11-12. The following exchange occurred between the court and Rouse:

> COURT: ...I don't understand your motion, Mr. Rouse. You say "I'll pay the court $100,000 in cash to satisfy the judgment in exchange for release."
>
> ROUSE: Right.
>
> COURT: Well, I really don't know how to respond to that.
>
> ROUSE: That is because the debt that was charged, I was not charged.
>
> COURT: You weren't charged; the debtor was charged.
>
> ROUSE: The charge of infamous is not me. I'm not that 14th Amendment person.
>
> COURT: Who are you?
>
> ROUSE: Who am I?

> COURT: Well, you're arguing this under the --
>
> ROUSE: I'm on behalf of the debtor, slash, defendant.
>
> COURT: You're arguing on behalf of the debtor, slash, defendant, but you're not him?
>
> ROUSE: No, sir.
>
> COURT: Well, what's your standing, then, to argue this at all?
>
> ROUSE: Pardon?
>
> COURT: What standing do you have to argue on behalf of the debtor, slash, defendant?
>
> ROUSE: That's not me.

10/16/15 RP 11-12. The trial court denied all of Rouse's motions. 10/15/16 RP 8-13; CP 158-59. This Court upheld the trial court's ruling appealed by Rouse. *State v. Rouse*, 198 Wn. App. 1014, 2017 WL 993107 (Wash. Ct. App. March 14, 2017). The mandate was issued on August 14, 2017. *See* No. 49447-7.

Approximately one year later, Rouse filed a motion wanting to change his legal name in the 2003 judgment and sentence that was filed fifteen years earlier. On September 21, 2018, Rouse filed a "Motion For Order To Correct Judgment and Sentence" pursuant to "CrR 7.8(a)." CP 15-20. He requested the motion be decided without oral argument. CP 15. In his motion, Rouse claimed that he had legally changed his name to "Abdur

Rashid Khalif" in New Jersey on October 17, 1997. CP 16. This was five years prior to the State charging him with murder in Pierce County Superior Court. *See* CP 79-82. This was also five years prior to Rouse repeatedly informing the Pierce County Superior Court that his true name is Calvin Rouse. *See* CP 11, 14, 83-87, 91, 97, 103-05; 11/25/02 RP 9-11; 03/31/03 RP 16; 05/01/03 RP 23; 08/25/03 RP 33; 09/26/03 RP 46. Rouse included documents that appear to be from a New Jersey court granting a name change effective November 17, 1997. CP 19-20.[2]

In his 2018 motion brought pursuant to CrR 7.8(a), Rouse requested that the trial court "correct the oversight" in the court's 2003 judgment and sentence to reflect the legal name of "Abdur Rashid Khalif." CP 16-17. He argued that CrR 7.8(a) authorizes the court to correct "clerical mistakes" in a judgment and errors therein arising from oversight or omission. CP 17 (citing CrR 7.8(a)).

On October 10, 2018, the trial court transferred Rouse's motion to the Court of Appeals to be considered as a personal restraint petition because it appeared to be time-barred. CP 22-23. On November 2, 2018, the Court of Appeals rejected the transfer because Rouse's motion to amend the caption in his judgment and sentence "is not a CrR 7.8 motion." CP 25. The

[2] It is unclear whether these New Jersey documents are properly authenticated. There appears to be a discrepancy in the documents, and the State does not have an original, certified copy.

Court returned the matter to the trial court for further action because the transfer was improper as it was not a CrR 7.8 motion. CP 25. The mandate was issued on December 18, 2018. CP 24.

C. Writ of Mandamus

On March 1, 2019, Rouse filed a "writ of mandamus" under the same criminal cause number as his Pierce County Superior Court criminal case. CP 26-30. Despite filing this writ of mandamus under his criminal case, Rouse named the Pierce County Superior Court Clerk, Kevin Stock, as the Respondent in the matter. CP 26. Rouse wanted the court to direct Mr. Stock to correct a "clerical mistake" in his 2003 judgment and sentence. CP 26-28. Rouse referred to his motion as involving the Clerk's "failure to perform ministerial duties" and requested the court decide the matter without oral argument. CP 38, 99-100. On March 25, 2019, the trial court issued a letter to Rouse informing him that it received his writ of mandamus and would "proceed accordingly" once it received a response from the State. CP 39.

On March 27, 2019, the State filed a response to Rouse's writ of mandamus. CP 40-65. First, the State argued that the court should deny the writ on procedural grounds because it is improper to file a writ of mandamus, which is a civil action, under an existing criminal cause number. CP 41; *see* Chapter 7.16 RCW. Rouse did not properly file the writ or

comply with any of the procedural requirements in terms of service. CP 41. Second, the State argued that it is the court's role, not the superior court clerk, to correct clerical errors in a judgment. CP 41 (citing CrR 7.8(a), RCW 2.32.050). Finally, the State argued that the writ of mandamus should be denied because the judgment and sentence does not involve any clerical mistake or oversight. CP 42. Rouse repeatedly informed the court that his true and correct name is Calvin Rouse and judgment was entered accordingly. CP 42. Thus, there is no clerical mistake, and CrR 7.8(a) does not apply. CR 42.

On April 17, 2019, the trial court denied the writ of mandamus. CP 67.[3] On May 7, 2019, Rouse filed a notice of appeal of the trial court's order denying his writ of mandamus. CP 72.

IV. ARGUMENT

A. The trial court properly denied Rouse's writ of mandamus, and "the interests of justice" do not require a further hearing.

The trial court properly denied Rouse's writ of mandamus. First, Rouse failed to comply with the civil procedures necessary for a proper writ of mandamus. Second, the trial court did not have the authority to compel the superior court clerk to perform an act that the clerk did not have a duty

[3] Prior to entering the order, the trial court sent a letter to Rouse indicating it was in the process of preparing an order, which would be forwarded once filed. CP 66. Although Rouse subsequently sent a letter to the court indicating he wanted to either file a reply or have a telephonic hearing, the court had already filed the order when it received this letter and indicated no further hearings would be held. CP 68-71.

to perform. Third, the entire premise of Rouse's writ of mandamus is flawed because the judgment and sentence does not contain either a clerical mistake or any other oversight or omission. Rather, it reflects Rouse's birth name of Calvin Norman Rouse, which he repeatedly acknowledged is his true and correct name throughout the proceedings. Rouse's inexplicable desire to change his judgment and sentence more than fifteen years later, despite knowing of this purported name change at the time of his plea and sentencing, is not indicative of a clerical mistake or oversight. If anything, it suggests Rouse's intent to mislead the court as to his legal name when he entered a guilty plea and informed the court that his true name is "Calvin Norman Rouse." The "interests of justice" do not require a further hearing in this case.

1. Rouse is not permitted to unilaterally change the caption of his criminal case.

As a preliminary matter, Rouse lacks authority to unilaterally change the caption of his case as he did in his opening brief on appeal. "The title of a case in the appellate court is the same as in the trial court[.]" RAP 3.4. The only difference is the party seeking review by appeal is called an "appellant," the party seeking discretionary review is called a "petitioner," and an adverse party is called a "respondent." RAP 3.4. "Upon motion of a party or on the court's own motion, and after notice to the parties, the

Supreme Court or the Court of Appeals may change the title of a case by order in said case." RAP 3.4.

The title in this case is reflected in the original information, and the caption reads: "State of Washington, Plaintiff, vs. Calvin Norman Rouse, Defendant." CP 79. An appellant does not have the authority to change the title of a case as Rouse did when he filed the appellant's opening brief. *See* Br. of Appellant (cover page). Unless and until the caption of Rouse's case is changed by the Court, it must remain the same.

2. The trial court properly denied the writ of mandamus.

The narrow issue on appeal is whether the trial court erred in denying Rouse's writ of mandamus. Rouse appealed the trial court's order denying his writ of mandamus and review is limited to this issue. *See* CP 72. Rouse's attempt to recast his appeal to address an issue that he did not appeal is improper and should be rejected by this Court. *See* Br. of Appellant at 1. Rouse did not ask the trial court to take "further action" on his motion for an order to correct the judgment and sentence. Instead, Rouse filed a writ of mandamus, which the trial court subsequently ruled on and denied. This is the basis of his notice of appeal. And review should be limited to the actual issue that Rouse appealed.

A writ of mandamus is issued by the superior court to compel a governing body to perform a particular act that the law requires. RCW

7.16.160. Mandamus is an appropriate action to compel a state official to comply with a law when the claim is clear and a duty to act exists. *Land Title of Walla Walla, Inc. v. Martin*, 117 Wn. App. 286, 289, 70 P.3d 978 (2003). "Where there is a specific, existing duty which a state officer has violated and continues to violate, mandamus is an appropriate remedy to compel performance." *Walker v. Munro*, 124 Wn.2d 402, 408, 879 P.2d 920 (1994).

Mandamus may not be used to compel the performance of acts or duties that involve discretion on the part of a public official. *Id.* at 410. "Mandamus will not lie to compel a discretionary act; the State must have a clear duty to act or refrain from acting before a writ will issue." *State ex rel. Burlington Northern Inc. v. Washington State Utilities and Transp. Commission*, 93 Wn.2d 398, 410, 609 P.2d 1375 (1980). Appellate courts review the denial of a writ of mandamus de novo as a question of law. *Land Title of Walla Walla, Inc. v. Martin*, 117 Wn. App. at 288-89.

Here, Rouse filed a writ of mandamus to compel the Pierce County Superior Court Clerk, Kevin Stock, "to correct his Judgment and Sentence to reflect his legal name or set his motion on court calendar for a factual hearing showing why relief should not be granted, under CrR 7.8(c)." CP 26-27. Rouse claimed that Mr. Stock, as the court clerk, had a "ministerial duty to correct clerical mistakes" in the judgment and "errors therein from

oversight or omissions" pursuant to CrR 7.8(a). CP 27-28. Rouse claimed that the court clerk had a duty to correct the caption of his 2003 judgment and sentence to reflect his 1997 legal name change from a New Jersey court. *See* CP 27-28. This name change occurred approximately five years before the State charged Rouse with murder under the only name the State of Washington knew him as: Calvin Norman Rouse. *See* CP 79-82, 83-87. More importantly, this name change apparently occurred approximately five years before Rouse repeatedly represented to the Pierce County Superior Court that his true and correct name was Calvin Norman Rouse. *See* CP 91; *see also* CP 11, 14, 83-87, 97, 103-05; 11/25/02 RP 9-11; 03/31/03 RP 16; 05/01/03 RP 23; 08/25/03 RP 33; 09/26/03 RP 46.

The trial court properly denied Rouse's writ of mandamus. First, Rouse improperly filed this writ as part of his criminal murder case under the existing criminal cause number. *See* CP 26-29. A writ of mandamus is a civil action that requires specific civil procedural steps that Rouse failed to follow. *See* Chapter 7.16 RCW. Not only did Rouse improperly file the writ of mandamus as part of the criminal case, but he also failed to comply with the service requirements necessary for a civil action involving a writ. *See* RCW 7.16.270. Further, Rouse did not meet his burden of showing that he lacked an adequate remedy in the ordinary course of law. *See* RCW 7.16.170.

Second, even ignoring the significant procedural flaws with Rouse's writ of mandamus, the trial court did not have the authority to grant the requested relief. The court could not compel the superior court clerk to perform an act that the clerk had no duty to perform under the law. *See* RCW 7.16.160; *Land Title of Walla Walla, Inc. v. Martin*, 117 Wn. App. at 289. The court clerk did not have a duty to amend the caption of the 2003 judgment and sentence in Rouse's criminal case. Moreover, it is the court, not the court clerk, who is tasked with correcting "clerical mistakes" in a judgment and sentence. CrR 7.8(a); *see also* RCW 2.32.050; *see also State v. Snapp*, 119 Wn. App. 614, 626, 82 P.3d 252 (2004) ("A trial court may correct a clerical error in the judgment and sentence document."). Because the court clerk did not have a duty to act, the trial court properly denied the writ of mandamus. This Court should affirm the trial court's order denying the writ of mandamus.

Finally, the judgment and sentence does not contain a "clerical mistake" or any other oversight or omission. To determine if an error is clerical or judicial, courts looks to "whether the judgment, as amended, embodies the trial court's intention, as expressed in the record at trial." *Snapp*, 119 Wn. App. at 627. If it does, then the amended judgment should either correct the language to reflect the court's intention or add the

language the court inadvertently omitted. *Id.* "If it does not, then the error is judicial and the court cannot amend the judgment and sentence." *Id.*

Here, there is no clerical error; thus, there is no basis to amend the judgment and sentence. The judgment and sentence contains the legal name that Rouse was charged and convicted under after informing the court that "Calvin Norman Rouse" is indeed his true and correct name. *See* CP 1-2, 3, 5, 11, 14, 79-82, 91, 97. If there was any error or impropriety here, it was by Rouse deliberately concealing an out-of-state legal name change from the Pierce County Superior Court.

3. The "interests of justice" do not require a hearing where the trial court properly denied the writ of mandamus and where this Court has already ruled that the issue raised in Rouse's motion is not a CrR 7.8 motion.

The "interests of justice" do not require a further hearing on this matter. Other than an inapplicable statute referenced in a footnote, the only legal authority Rouse cites in the entirety of his brief as a basis for relief is RAP 12.2. *See* Br. of Appellant at 5-6. Pursuant to RAP 12.2, an appellate court "may reverse, affirm, or modify the decision being reviewed and take any other action as the merits of the case and the interest of justice may require." RAP 12.2. Rouse has not shown that the "interests of justice" would be served by remanding the case to the trial court for a hearing. The trial court properly denied the writ of mandamus, and this Court has already

ruled that the issue raised in Rouse's motion is not a CrR 7.8 motion. There is no basis for a further hearing on Rouse's CrR 7.8 motion.

In a footnote, Rouse argues for the first time on appeal that RCW 10.40.050 specifically addresses the use of a defendant's "true name." *See* Br. of Appellant at 5, n. 6. First, arguments raised only in a footnote need not be considered. *State v. N.E.*, 70 Wn. App. 602, 606 n. 3, 854 P.2d 672 (1993); *State v. Johnson*, 69 Wn. App. 189, 194 n. 4, 847 P.2d 960 (1993) (placing an argument in a footnote is, at best, ambiguous or equivocal as to whether the issue is truly intended to be part of the appeal).

Second, Rouse's argument is misplaced as RCW 10.40.050 is a statutory provision that deals only with *arraignments*. *See* Chapter 10.40 RCW. The statute provides guidance for a trial court if a person alleges a different "true name" at arraignment:

> If he or she alleges that another name is his or her true name it must be entered in the minutes of the court, and the subsequent proceedings on the indictment or information *may* be had against him or her by that name, referring also to the name by which he or she is indicted or informed against.

RCW 10.40.050 (emphasis added).

Here, Rouse did not identify anything other than Calvin Rouse as his name throughout the proceedings in this case. *See* CP 11, 14, 83-87, 91, 97, 103-05; 11/25/02 RP 9-11; 03/31/03 RP 16; 05/01/03 RP 23; 08/25/03 RP 33; 09/26/03 RP 46. Further, at Rouse's first appearance in court after

his arrest on the murder charge, Rouse signed his name as Calvin Rouse. *See* CP 83-85; *see also* CP 86-87. Moreover, even if Rouse had informed the court that he had legally changed his name in a different state five years prior to the State filing the murder charges, it is discretionary as to whether that name is added to the case. *See* RCW 10.40.050 (if the defendant alleges that another name is his or her true name, "the subsequent proceedings on the indictment or information *may* be had against him or her by that name," referring also to the name on the information) (emphasis added).

In addition, Rouse's writ of mandamus was based on CrR 7.8(a) and his request that the court direct the court clerk to correct his judgment and sentence to reflect his legal name or set his motion for a factual hearing pursuant to CrR 7.8(c). *See* CP 26-28. But as this Court has previously ruled, a motion seeking to amend the caption of a judgment and sentence is not a CrR 7.8 motion. CP 25. Thus, Rouse has already received a ruling on his motion: it is not a proper CrR 7.8 motion.

CrR 7.8 allows for relief from a judgment or order for specific enumerated reasons. "Clerical mistakes" in a judgment and "errors therein arising from oversight or omission" may be corrected by the court. CrR 7.8(a). CrR 7.8(c) outlines the procedures for handling a motion for relief from judgment. The trial court shall transfer the motion to the Court of Appeals unless the trial court determines that the motion is not barred by

RCW 10.73.090 and either (1) the defendant has made a substantial showing that he is entitled to relief or (2) resolution of the motion will require a factual hearing. CrR 7.8(c)(2). If the trial court does not transfer the motion, it must schedule a hearing and direct the adverse party to appear and show cause why the relief asked for should not be granted. CrR 7.8(c)(3). Rouse's motion does not fit under any of the criteria for relief under CrR 7.8. Accordingly, there is no basis for a factual hearing pursuant to CrR 7.8(c).

Further, Rouse waived any cause for complaint by repeatedly informing the trial court that his true name is Calvin Rouse. *See City of Seattle v. Edwards*, 50 Wn.2d 735, 314 P.2d 436 (1957). In *Edwards*, the defendant's true name did not appear on the complaint because it was unknown. *Edwards*, 50 Wn.2d at 736. The defendant initially objected to the sufficiency of the complaint, but subsequently testified at trial that his full name is "A. Allen Edwards." *Id.* at 736-37. As the Court explained, "If he had any cause for complaint, he waived it by taking the stand and giving his true name." *Id.* at 738.

Similarly, Rouse repeatedly informed the trial court that his true name is Calvin Rouse, despite apparently knowing that he legally changed his name in another state years prior. And he inexplicably waited more than fifteen years to request that the court change the legal name on his judgment and sentence, despite knowing about this name change throughout the

proceedings and prior to the plea and sentencing. This does not reflect a "clerical mistake" that should be corrected under CrR 7.8(a). If anything, it reflects a deliberate attempt by Rouse to conceal his identity from the Pierce County Superior Court.

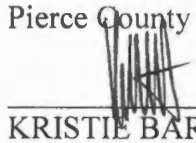
Finally, the charging information, statement of defendant on plea of guilty, and the other superior court pleadings filed in this matter over the years all refer to the defendant as Calvin Norman Rouse. *See e.g.* CP 1-2, 3-14, 22, 67, 79-82, 91-98. Notably, Rouse is requesting to change *only* the judgment and sentence. Should the court grant his request, this would result in a judgment and sentence on a criminal case that is inconsistent with both the charged information and his guilty plea. In light of the frivolous nature of several of Rouse's post-conviction pleadings and arguments in this case over the years, including Rouse's recent claim that he is not the charged defendant but rather a "third party intervenor," it is not difficult to foresee what Rouse's next post-conviction motion or personal restraint petition will be if a court grants his request to amend the judgment and sentence.

V. CONCLUSION

For the foregoing reasons, this Court should affirm the trial court's denial of Rouse's writ of mandamus.

RESPECTFULLY SUBMITTED this 30th day of October, 2019.

MARY E. ROBNETT
Pierce County Prosecuting Attorney



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Certificate of Service:
The undersigned certifies that on this day she delivered by E-file or U.S. mail to the attorney of record for the appellant / petitioner and ~~appellant~~ / petitioner c/o his/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.

10.30.19 Theresa Kar
Date Signature

PIERCE COUNTY PROSECUTING ATTORNEY

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