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IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON
DIVISION TWO

IN RE PERSONAL RESTRAINT PETITION OF:

ALLEN EUGENE GREGORY,

PERSONAL RESTRAINT PETITION

Judgment in Pierce County Superior Court
No. 98-1-04967-9
The Hon. Rosanne Buckner (Ret.), Presiding

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TABLE OF CONTENTS

| | <u>Page</u> |
|--|--------------------|
| I. <u>STATUS OF PETITIONER</u> | 1 |
| II. <u>JURISDICTION</u> | 2 |
| III. <u>STATEMENT OF GROUNDS FOR RELIEF</u> | 3 |
| A. <u>General Facts</u> | 3 |
| B. <u>Grounds for Relief</u> | 5 |
| Claim 1: <i>The Search Warrant and Orders Seizing Mr. Gregory's Blood Were Invalid</i> | 5 |
| i. The State Used Robin Sehmel's Allegations of Rape to Obtain Evidence in the Homicide Case | 5 |
| ii. Robin Sehmel's Lies and True History Are Revealed in 2010. | 12 |
| iii. Unlawfulness of Restraint Based on Invalid Search Warrant and Blood Draw Orders | 21 |
| Claim 2: <i>The Use of a Stun Belt to Restrain Mr. Gregory at Trial Was Unconstitutional and Prejudicial</i> | 25 |
| i. Facts Related to Stun Belt Use at Trial | 25 |

| | | |
|----------|--|----|
| ii. | Unlawful Restraint Caused by Stun Belt Use. | 27 |
| Claim 3: | <i>Mr. Gregory’s Conviction Rests on a Verdict From a Jury Infected by Racial Bias</i> | 28 |
| i. | Facts Related to Jury Bias. | 28 |
| ii. | Unlawfulness of Restraint Related Jury Bias | 30 |
| Claim 4: | <i>Prosecutorial Misconduct in Closing Argument Denied Mr. Gregory Due Process of Law and a Fair Jury Trial.</i> . . . | 31 |
| i. | The Prosecutors Repeatedly Made the “Declare the Truth” Argument | 31 |
| ii. | The “Declare the Truth” Argument Violated Mr. Gregory’s Constitutional Rights | 33 |
| Claim 5: | <i>There is No Authority to Impose Interest for a Debt that Has Been Vacated</i> | 35 |
| i. | Facts Related to LFO Interest | 35 |
| ii. | The Interest Assessment is Unlawful Restraint | 35 |
| Claim 6: | <i>Cumulative Error Requires Vacating the Conviction</i> | 36 |
| IV. | <u>REQUEST FOR RELIEF</u> | 36 |

V. STATEMENT OF FINANCES 37

VI. OATH..... 38

STATEMENT OF FINANCES SIGNED BY MR. GREGORY

TABLE OF AUTHORITIES

Page

Washington Cases

State v. Garcia-Salgado, 170 Wn.2d 176, 240 P.3d 153 (2010) 22,23

State v. Gregory, 158 Wn.2d 759, 147 P.3d 1201 (2006)
 (“*Gregory I*”). *passim*

State v. Gregory, 192 Wn.2d 1, 427 P.3d 621 (2018)
 (“*Gregory II*”). *passim*

State v. Monday, 171 Wn.2d 667, 257 P.3d 551 (2011). 31

State v. W.R., 181 Wn.2d 757, 336 P.3d 1134 (2014) 2

Federal and Other State Cases

Brady v. Maryland, 373 U.S. 83, 83 S. Ct. 1194,
 10 L.Ed.2d 215 (1963) 24

Evitts v. Lucey, 469 U.S. 387, 105 S. Ct. 830, 83 L. Ed. 2d 821 (1985). . 34

Franks v. Delaware, 438 U.S. 154, 98 S. Ct. 2674,
 57 L.Ed.2d 667 (1978) 11,19,20,23

Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052,
 80 L. Ed. 2d 674 (1984) 24

Wainwright v. Witt, 469 U.S. 412, 105 S. Ct. 844,
 83 L. Ed. 2d 841 (1985) 30

Witherspoon v. Illinois, 391 U.S. 510, 88 S. Ct. 1770,
 20 L. Ed. 2d 776 (1968) 30

Statutes, Constitutional Provisions, Rules and Other Authority

CrR 2.3 21,23

CrR 3.5 25

CrR 4.7 7,21,22,23

International Covenant on Civil and Political Rights,
999 U.N.T.S. 173 (ratified at 138 Cong. Rec. S4781
(daily ed. Apr. 2, 1992))..... 28

Laws of 2018, ch. 269..... 35

RAP 16.3..... 2

RAP 16.4..... 1,23,36

RAP 16.5..... 2

RAP 16.7..... 1

RAP 16.12..... 36

RCW 10.73.090 2

U.S. Const. amend. IV 21,22,23

U.S. Const. amend. VI 23,24,27,28,30,31,34,36

U.S. Const. amend. XIV 21,23,24,27,28,30,31,34,36

Wash. Const. art. I, § 3 24,27,28,34,36

Wash. Const. art. I, § 7 21,23

Wash. Const. art. I, § 21 27,30,31,34,36

| | |
|---------------------------------|-------------------------|
| Wash. Const. art. I, § 22 | 23,24,27,28,30,31,34,36 |
| Wash. Const. art. IV, § 30..... | 2 |

I. STATUS OF PETITIONER

Petitioner Allen Eugene Gregory applies for relief from restraint as defined in RAP 16.4(b).¹ Mr. Gregory challenges a conviction and sentence for aggravated murder in the first degree in Pierce County Superior Court No. 98-1-04967-9. Now retired Judge Rosanne Buckner was the judge assigned in the superior court. A copy of the judgment and sentence entered on June 13, 2012, is filed with the Court as Exhibit 2 at 5-15,² while an order changing the sentence from death to life without the possibility of parole was entered on June 28, 2019. Exhibit 1 at 1-4. A prior judgment of conviction for aggravated murder and imposing death had been entered on May 25, 2001. Ex. 3 at 16-25.

Mr. Gregory appealed the conviction and original sentence to the Washington Supreme Court, which affirmed the conviction for aggravated murder, but reversed the death sentence. *State v. Gregory*, 158 Wn.2d 759,

¹ All pertinent statutes and rules are reproduced in the Statutory Appendix to the Opening Brief of Petitioner.

² The exhibits are being filed separately, with sequential pagination. Mr. Gregory will also file a separate motion to have the clerk's papers and transcripts from the two direct appeals in this case (Sup. Ct. Nos. 71155-1 & 88086-7) transferred to this file under RAP 16.7(a)(3). "CP I" will refer to the clerk's papers from the first appeal and "CP II" will refer to the clerk's papers from the second appeal. There is one volume of transcripts from 2010 that may only relate to Pierce County No. 98-1-03691-7, the alleged rape case (4/16/10). It is not clear if it is "of record" in Sup. Ct. No. 88086-7, so it will be filed under separate cover. The transcript of a hearing on 1/12/00 from No. 98-1-03691-7 will also be filed under separate cover.

147 P.3d 1201 (2006) (“*Gregory I*”), *overruled in part in State v. W.R.*, 181 Wn.2d 757, 336 P.3d 1134 (2014). Upon remand for a new special sentencing proceeding, Mr. Gregory was again sentenced to death in 2012. He again appealed from, and on October 11, 2018, the Washington Supreme Court reversed the sentence of death, ordering that he be sentenced to life without possibility of parole. *State v. Gregory*, 192 Wn.2d 1, 427 P.3d 621 (2018) (“*Gregory II*”). The mandate issued on November 7, 2018. Ex. 5 at 29-31.

Ms. Gregory is currently incarcerated at the Washington State Penitentiary in Walla Walla (DOC No. 795777), where he is serving a life without parole sentence. He has no other cases for which he is serving a prison sentence.

This PRP is being filed before the one year time limit set out in RCW 10.73.090. Mr. Gregory has not filed any other petitions for post-conviction relief related to the judgment at issue in this case, and thus there are no issues related to successor petitions.

II. JURISDICTION

This Court has jurisdiction under article IV, section 30 of the Washington Constitution, RAP 16.3(c) and RAP 16.5(a).

III. STATEMENT OF GROUNDS FOR RELIEF

A. General Facts

In July of 1996, Mr. Gregory, then 24 years old with limited criminal history, was residing with his grandmother in her home in Tacoma. G.H., a woman in her forties, lived a few houses away. G.H. was a bartender at a local restaurant. After she failed to appear for work one day, her co-workers found G.H.'s body in her home. She had been raped and stabbed to death. Her tip money and some jewelry were missing. *See Gregory I*, 158 Wn.2d at 811-12.

Although the police had some preliminary contacts with Mr. Gregory, they lacked probable cause to arrest him, or even to obtain a biological sample to conduct DNA analysis. Two years later, on August 21, 1998, Robin Sehmel alleged that Mr. Gregory had given her a ride and then raped her, although Gregory claimed that the sex was consensual based on prostitution activities. The State charged Mr. Gregory in Pierce County Superior Court with three counts of rape in the first degree in No. 98-1-03691-7. Police and prosecutors used Ms. Sehmel's allegations of rape as a way to obtain a DNA sample from Mr. Gregory and used the DNA results then to charge him with the aggravated murder of G.H. The State also gave

notice that it was seeking the death penalty. *Gregory I*, 158 Wn.2d at 778-80, 812-13.

In 2000, Mr. Gregory was tried and convicted of raping Ms. Sehmel. Then, in 2001, Mr. Gregory was tried and convicted of aggravated murder, and the jury then returned a death verdict. Mr. Gregory's appeals of both the rape and murder cases were consolidated and heard by the Supreme Court (No. 71155-1). In 2006, the Supreme Court reversed the rape convictions based upon evidence that Ms. Sehmel had lied in defense interviews about her drug use (after a remand hearing addressing defense access to CPS records). *Gregory I*, 158 Wn.2d at 791-800. The Supreme Court affirmed the conviction for aggravated murder, but reversed the death sentence on two grounds: (1) the fact that the reversed rape convictions were used by the State to seek the death sentence, and (2) prosecutorial misconduct in the closing argument during the special sentencing proceeding. *Gregory I*, 158 Wn.2d at 849, 864-67.

The cases returned to Pierce County Superior Court, but, on April 27, 2010, Ms. Sehmel admitted in a defense interview she really was working as a prostitute on the day that Mr. Gregory picked her up, and that two of the three alleged sex acts were in fact consensual. As a result, the superior court

dismissed the rape charges with prejudice. Ex. 15 at 122-24; CP II 272, 276, 289, 518-20, 521-22; RP (8/26/10) 202-27; RP (9/15/10) 228-53.

In the murder case, the second special sentencing proceeding took place in the spring of 2012, and the jury returned a death verdict. On direct appeal (No. 88086-7), the Supreme Court reversed, finding that the death penalty in Washington was applied in a racially biased manner. *Gregory II, supra*. Mr. Gregory's death sentence was then reduced to a life without parole sentence. Ex. 1 at 1-4.

B. Grounds for Relief

Claim 1: *The Search Warrant and Orders Seizing Mr. Gregory's Blood Were Invalid*

i. *The State Used Robin Sehmel's Allegations of Rape to Obtain Evidence in the Homicide Case*

In the two years after G.H. was killed, the Tacoma Police Department ("TPD") treated Mr. Gregory as a "person of interest" in the homicide investigation. RP (4/25/12) 2499. The investigating detectives wanted to obtain a biological sample from him for DNA comparison purposes, but a deputy prosecutor (Lilah Amos) told them that there was not probable cause to support a warrant for a blood draw. RP (12/15/00) 621-24.

In August 1998, Robin Sehmel claimed that Mr. Gregory gave her a ride in his car, took her to a school parking lot, and, in the front seat of his car, repeatedly raped her at knife point, ejaculating several times. *Gregory I*, 158 Wn.2d at 778-80, 824. Ms. Sehmel had a very lengthy criminal history, including prostitution charges, crimes of dishonesty and multiple “aka’s.” Ex. 6 at 32-47; CP II 452-53. She was also a long-term professional police informant and agent.³

At the 2000 rape trial in No. 98-1-03691-7, Ms. Sehmel repeated her claims, but Mr. Gregory testified that Ms. Sehmel was a prostitute and that the sex was consensual. *Gregory I*, 158 Wn.2d at 780. In 2006, as noted, the Supreme Court reversed the rape convictions, based on CPS records that showed that Ms. Sehmel lied to defense counsel in 2000 about her drug use. Also, as noted, upon remand, in 2010 at a defense interview, Ms. Sehmel gave an account of her interactions with Mr. Gregory on August 21, 1998, that showed that she lied at the rape trial – she stated that that she had actually agreed to commit two acts of sex with Mr. Gregory in exchange for a fee (although she said the third act was forced). Ex. 15 at 122-24; CP II

³ See CP II 492-505 (partial list of cases both before and after rape allegations); Ex. 15 at 100-14 (Sehmel discussing, in 2010, the many police agencies that she worked for).

272, 276, 289, 518-20, 521-22; RP (8/26/10) 202-27; RP (9/15/10) 228-53.

The rape charges were ultimately dismissed with prejudice. CP II 521-22.

Nonetheless, Ms. Sehmel's lies had a direct impact on the State's murder charge against Mr. Gregory. On August 25, 1998, based upon Ms. Sehmel's falsehoods rape, Tacoma Police Department ("TPD") Detective Chris Pollard obtained a warrant to search Mr. Gregory's car, and the police seized a knife that the State used in the murder trial against Mr. Gregory. CP II 486-88 (Ex. 7 at 48-51); Ex. 13 at 84; RP (3/13/01) 6376-77. Although Det. Pollard submitted the warrant to a judge for signature, he failed to sign the supporting application under penalty of perjury, and the application's signature line is blank. Ex. 7 at 50.

On September 8, 1998, Mr. Gregory's first attorney in the rape case, Richard Whitehead, signed off on an order filed in No. 98-1-03691-7 (signed by Hon. Thomas Larkin) that compelled Mr. Gregory to give a blood sample. CP II 410-11 (Ex. 8 at 52-54). Mr. Whitehead's firm, the Department of Assigned Counsel, also represented Ms. Sehmel CP II 5884-87. The motion in support of the order was based on CrR 4.7(b)(2)(vi). The body of the motion did not contain any factual recitations as a basis for the motion, simply referring in conclusory terms to the declaration of probable cause in

the rape case Ex. 8 at 53-54. The declaration of probable cause in the rape case, authored by DPA W. Stephen Gregorich, failed to mention any biological samples that needed to be tested. Ex. 14 at 95-96.

Mr. Whitehead signed the blood draw order under text that stated “Approved as to Form.” Ex. 8 at 54. Mr. Gregory later alleged that Mr. Whitehead did not discuss with him what was taking place, that he only met Mr. Whitehead for the first time in court on September 8, 1998, that they did not discuss the facts of the case, that Mr. Whitehead did not mention the discovery to him, that he did not know he could challenge the blood draw and that he did not know about the order until the detectives came to take him to the hospital. CP II 6000-01.

Some of the initial DNA work was done by the subsequently disgraced Washington State Patrol forensic scientist John Brown, who by the time of the murder trial had resigned when he was about to be fired for his dishonesty and falsification of records in another case. RP (3/5/01) 5652-79; RP (3/6/01) 5730-5853. In late 1999, TPD Det. David DeVault, who was leading the investigation into the G.H. murder, became concerned about Mr.

Brown's work and discussed with DPA Lilah Amos the need for another blood draw. CP II 6089.⁴

Around the same time that the police and prosecutors were concerned about Mr. Brown's credibility, in December 1999, Mr. Gregory's new attorney in the rape case (Les Tolzin) filed a motion to suppress the DNA results flowing from the September 8, 1998, blood draw and to suppress any evidence discovered pursuant to the August 25, 1998, search warrant. The motion was based on Mr. Whitehead's ineffectiveness for agreeing to the blood draw, the lack of probable cause, and the lack of a signature on the August warrant application. CP II 412-35.

Because of the issues raised by Mr. Gregory in his suppression motion, and because of concerns about the scandals surrounding forensic scientist John Brown, RP (12/15/00) 634-37, the State applied for a new court order, asking the judge in the alleged rape case (No. 98-1-03691-7), the Hon. Marywave Van Deren, under CrR 4.7 to draw Mr. Gregory's blood a second time. CP II 436-42 (Ex. 9 at 56-62). Purportedly, in this new application, the State decided only to reveal the information that it claimed it possessed in

⁴ Det. DeVault recounted the concerns about Mr. Brown's work in a taped defense interview which the trial court considered in lieu of live testimony. RP (3/26/01) 6872-73.

August/September 1998. RP (12/15/00) 638-40. The State simply repeated Ms. Sehmel's allegations of rape, and, as will be discussed below, the State did not disclose information in its possession about Robin Sehmel and her background. On January 12, 2000, in a hearing only in the rape case, Mr. Tolzin objected to the new blood draw request based on the timing of the motion. RP (1/12/00) 89-108. Judge Van Deren rejected the objections, and entered an "Order to Take Samples from Defendant" in the rape case. CP II 443-44 (Ex. 9 at 63-64).

As had been done with the September 1998 sample, this new sample was turned over to various laboratories which then conducted a series of new DNA comparison tests, not just with the semen obtained from Ms. Sehmel, but also with the semen samples located during the G.H. murder investigation. These DNA tests became the centerpiece of the State's murder case against Mr. Gregory. *See Gregory I*, 158 Wn.2d at 812. At trial, Mr. Gregory waged a multi-fronted attack on the legitimacy of the DNA results both in terms of the poor track record of the disgraced scientist, John Brown, and other problems at the various labs that analyzed the DNA. *See, e.g.*, RP (3/19/01) 6771-85 (closing argument of defense counsel).

Prior to the murder trial, Mr. Gregory's lawyers who were handling the murder case (Michael Schwartz and Philip Thornton), but who did not represent him in the rape case, filed motions to suppress the fruits of the two blood draws and the DNA samples as they related to the murder case. CP II 5933-72, 5973-81, 5990-99, 6002-46, 6064-94. Although counsel raised a series of grounds for the suppression motions, they did not raise issues about Robin Sehmel's background under *Franks v. Delaware*, 438 U.S. 154, 98 S. Ct. 2674, 57 L.Ed.2d 667 (1978). While Mr. Gregory's lawyer in the rape case (Les Tolzin) knew that Ms. Sehmel was an informant for multiple police agencies, not only did the State try to shut down any inquiries into this subject in the rape case, CP II 444-49, 450-51, 470, but the State did not disclose Sehmel's close relationship with law enforcement or other issues about her background to Mr. Gregory's lawyers in the murder case. Ex. 19 at 151-52.

After an evidentiary hearing in the murder case in 2000 on the suppression issues that Mr. Schwartz and Mr. Thornton did raise, Judge Buckner denied the motions. CP II 473-85, 6157-67. On direct appeal (represented by David Zuckerman and Suzanne Elliott), Mr. Gregory raised

some challenges to the warrants, but the Supreme Court rejected them. *Gregory I*, 158 Wn.2d at 824-29.

ii. Robin Sehmel's Lies and True History Are Revealed in 2010

The Supreme Court reversed the rape convictions because discovery of Ms. Sehmel's dependency files revealed that she lied to defense counsel about her drug use. *Gregory I*, 158 Wn.2d at 793-800.⁵ As noted, upon remand, in 2010 Ms. Sehmel then admitted far more serious lies – she gave a new story that essentially showed that she perjured herself at trial, that she actually (as Mr. Gregory maintained) was acting as a prostitute on August 21, 1998, and had (as Mr. Gregory claimed) two acts of consensual sex with him (although she still maintained that there was a third act that was forced). Ex. 15 at 122-24; CP II 272, 276, 289, 518-20. As a result, the State moved for

⁵ According to the Supreme Court:

In this case, R.S. told defense counsel in an interview on August 8, 2000 that her last drug use was in April 1999. However, the dependency file reveals that R.S. had a serious relapse in June 2000 and had to go into drug treatment. In addition, while R.S. told defense counsel that she did not believe the dependency court had ordered her to get drug treatment, the court, in fact, had done so.

Gregory I, 158 Wn.2d at 798.

dismissal of the rape case, and Judge Buckner dismissed it with prejudice on August 26, 2010. CP II 521-22.

Still, due to the centrality of Ms. Sehmel's allegations to the State obtaining evidence against Mr. Gregory in the homicide case, Judge Buckner ordered the TPD to disclose to the defense all information about Ms. Sehmel being an informant. CP II 294-96. Although the State resisted disclosure, CP II 288-92, ultimately, the TPD released over a thousand pages of previously suppressed documents about Ms. Sehmel's work for the TPD between 1992 and 2010. Ex. 11.⁶ The documents that were released were incomplete, with the TPD attorney recognizing that many reports were missing. Ex. 11 at 900007-15. Oddly, some of the key "missing" reports involved Ms. Sehmel's activities in August 1998, around the time of the rape allegations. One such report that was not released in 2010 was obtained via a PRA request in 2014/2015 Ex. 12.⁷

⁶ Counsel for TPD and the State wanted a protective order for these documents. Judge Buckner gave them until October 15, 2010, to come up with such an order. CP II 1456-58; RP (9/15/10) 246-53. It does not appear that a protective order was ever entered. Still, to be cautious, counsel will file the materials along with a motion to seal.

The citations to these documents use the Bates numbers placed on the documents by TPD.

⁷ Because the public record of this case does not identify Ms. Sehmel as the informant, in the interest of caution, the report in Ex. 12 will be filed along with a
(continued...)

According to these newly released, but limited, records, Ms. Sehmel worked for TPD on 24 cases in 1995, 20 cases in 1996, 10 cases in 1997, and 16 cases in 1998. Ex. 11 at 900011-12. A partial list of Ms. Sehmel's cases with TPD before and after the rape allegations was filed in the murder court file in 2011. CP II 492-505.⁸

While most of the cases Sehmel worked on appear to have been drug related, Sehmel admitted in 2010 that she would often trade sex for drugs, Ex. 15 at 126, which clearly would get her access to the type of information her employers at the TPD would want to know.⁹ Thus, Ms. Sehmel's prostitution activities on August 21, 1998, would be likely have been entwined with her work for the TPD -- making contacts on the street which could then be turned into drug busts for TPD.¹⁰

⁷(...continued)
motion to seal, and will be referred to as the "John Doe" case.

⁸ A significant portion of the April 2010 defense interview with Sehmel consisted her descriptions of the many law enforcement agencies she worked for in Western Washington. Ex. 15 at 100-14. Sehmel's work as an informant was also well-known to one of the murder case prosecutors, who knew of her work as far back as 1994-95. *See* RP (4/16/10) 59.

⁹ Indeed, in 2010, Sehmel stated that she was recruited to TPD because of her prostitution work. Ex. 15 at 126-27. *See also* Ex. 15 at 105 (Sehmel describes how Snohomish County police sergeant insulted her for being a prostitute).

¹⁰ TPD knew that areas of high prostitution activity were also areas of high drug activity, and thus would launch "buy bust" investigations with Ms. Sehmel in
(continued...)

During the month of August 1998, Ms. Sehmel worked on at least two cases for TPD, which accounted for payments of at least \$640 to Ms. Sehmel by TPD between August 7, 1998, and August 24, 1998. Ex. 11 at 900870-875, 901013-14. Ms. Sehmel's work for TPD on one other case netted her another \$80 on August 28 and 29, 1998. Ex. 11 at 901007-08. Thus, Ms. Sehmel earned \$720 from TPD in three weeks of August 1998, around the time of her allegations of rape against Mr. Gregory.¹¹

One of the cases, 98-201-0520, involved working as a "TPD agent" (the description given to her by the prosecutor) in a drug investigation against Larry Raiford and Steven Robinson. Ex. 10 at 68. Ms. Sehmel purchased cocaine from Mr. Raiford on behalf of TPD on July 20 and August 4, 1998. Ex. 10 at 65-74. She later admitted in the 2010 defense interview that her work against Mr. Raiford was actually as a "payback" for a private dispute she had with him over a car. Ex. 15 at 118 ("When he did come back I told him, you know, you are messing with the wrong person. One day I will get

¹⁰(...continued)
such areas. See Ex. 11 at 900158, 900288.

¹¹ Ms. Sehmel stated in her 2010 interview that "I was paid very well for a lot of the work I did." Ex. 15 at 106. She said she only worked as an informant one time in exchange for dismissal of charges. Ex. 15 at 113. In other words, Sehmel did not "work off" charges -- she was employed as a police agent to obtain information and then to purchase narcotics from suspected drug dealers on behalf of the police.

you.”). This Court noted Ms. Sehmel’s involvement in this case, by her full name, in an unpublished opinion issued the day after the first death verdict was entered against Mr. Gregory. *State v. Raiford*, 2001 Wash. App. LEXIS 602 (No. 24645-7-II, 4/13/01) (unpub.), Ex. 10 at 71.¹²

On the same day that she was paying back Mr. Raiford (on August 4, 1998), Ms. Sehmel gave information to TPD about another VUCSA case involving “John Doe.” Ex. 12 at 5.¹³ She then went on to work with the Tacoma police to purchase cocaine from Doe on August 7, 13, and 19, 1998 in the Hilltop area of Tacoma, not far from where she would pick Mr. Gregory up for prostitution activities on August 21, 1998. Ms. Sehmel’s work against Mr. Doe led to the issuance of a search warrant and a raid on Doe’s home and charges against Mr. Doe. The Pierce County Prosecutors described Ms. Sehmel in charging papers as a “police agent.” Ex. 12 at 2-36.

Immediately prior to working with the Tacoma police on the Raiford and Doe cases, on August 4, 1998 (just 17 days before she claimed Mr.

¹² This decision is not cited as legal authority, but solely for the facts contained within the decision. Because the involvement of Ms. Sehmel in this case was publicly identified, documents connected to this case are not being filed along with a motion to seal.

¹³ The police reports (obtained through a PRA request) identify the informant in the *Doe* case as CI # 138. Ex. 12 at 9-13, 21-25. However, the documents turned over by the TPD in 2010 identify CI # 138 as Robin Sehmel, and show her being paid for her work on this case in August 1998. Ex. 11 at 900870-875.

Gregory raped her), Ms. Sehmel was detained by other Tacoma police officers when witnesses described a high and mentally ill woman trying to sell her 11-month old baby to strangers at a bus stop, and threatening to throw the baby into a dumpster. When the police were summoned, she told them her occupation was “an operative for the police” (CP II 5918), and the police discovered Ms. Sehmel’s emotionally unstable behavior in the past which had exposed her other children to risk. The officer referred to an open CPS investigation, and took the baby into protective custody. CP II 5916-20 (TPD Inc. No. 98-216-0548).¹⁴ Nonetheless, right after this incident, Sehmel went on her way to work with the TPD, even telling at least one officer (Bart Hayes) about what had just happened to her: “And it was a total shock to all of us when my son was grabbed out of my hands, or out of his stroller and taken into CPS’s custody because of a report.” Ex. 15 at 117.

On August 24, 1998, Ms. Sehmel went to the Tacoma Police Department and was interviewed by TPD Det. Pollard about her allegations of a rape on August 21, 1998. As result of that interview, Pollard gave

¹⁴ As noted, Ms. Sehmel’s subsequent CPS involvement was central to the reversal of the rape conviction. *Gregory I*, 158 Wn.2d at 793-99. This information was known to Mr. Tolzin, the lawyer in the rape case, as he mistakenly filed a motion connected to the rape case with the murder cause number on it, which contained the report about the baby-selling incident. CP II 5888-5930.

information to Det. DeVault, who was working on the 1996 homicide case. They both investigated Mr. Gregory further and Pollard obtained the search warrant for Gregory's car, ultimately searching it and seizing evidence some of which was used at the murder trial (i.e. the knife). Ex. 13 at 77-93. Significantly, an inspection of Mr. Gregory's body after his arrest on August 24, 1998, failed to turn up the scratches that Ms. Sehmel claimed would likely be present. Ex. 13 at 92-93.

The very same day that Det. Pollard interviewed Ms. Sehmel --August 24, 1998 -- other TPD detectives paid Ms. Sehmel \$200 for her work on the *Doe* case. Although the documents released in 2010 did not include the police reports about this case, they did include a series of informant payment receipts, including the receipt that documented the payment on August 24, 1998, to Ms. Sehmel. Ex. 11 at 900875.

None of this information -- Ms. Sehmel's history as professional police agent, her extensive work for TPD in August of 1998, her personal motivations for her work ("payback"), the lack of scratches on Mr. Gregory's body, or the payments made to her including one on the very day she gave a statement to Det. Pollard -- was included in Det. Pollard's warrant application in August 1998, Ex. 7 at 49-51, nor was this information included in Ms.

Amos' application to Judge Van Deren in December 1999, Ex. 9 at 56-62,¹⁵ nor were any of these facts included in the declaration of probable cause in the rape case, Ex. 14 at 95-96, which purportedly was the basis for the September 8, 1998, blood draw order. None of these documents contained any evidence about Ms. Sehmel's mental deterioration in August 1998, including the fact she tried to sell her baby at a bus stop and that the baby was taken from her right before she worked for the TPD. For that matter, neither application contained Sehmel's later description that she was working as a prostitute when she met Mr. Gregory and had consensual sex with him.

The State did not disclose information about Ms. Sehmel's mental health or her employment as a police informant/agent to Mr. Schwartz or Mr. Thornton, Mr. Gregory's lawyers in the murder case, and they did not find out about this information themselves. *See* Ex. 19 at 151-52. Thus, as noted, Mr. Schwartz and Mr. Thornton did not raise any challenges in the murder case to the warrant/blood order based on *Franks v. Delaware, supra*, as it related to the background of Sehmel.

¹⁵ Nor did Ms. Amos orally inform Judge Van Deren of these things when the latter considered the December 1999 application in court on January 12, 2000. RP (1/12/00) 88-108.

Once the TPD disclosed the records about Sehmel's history in 2010, Mr. Gregory (through new counsel) filed a motion to suppress evidence in the murder case, to dismiss the death penalty, to obtain a *Franks* hearing, and for a new trial. CP II 393-509.

Judge Buckner denied Mr. Gregory's motions, ruling that the Supreme Court had already upheld the validity of the blood draw orders, that the only new fact was that the rape case had been dismissed, that the State did not withhold any evidence that would have affected the issuance of an order for DNA, and that the trial court did not have authority to rule the blood draws were invalid if the Supreme Court had already upheld them. CP II 617-19.

When Mr. Gregory attempted to raise issues related to these orders and warrants in the second appeal, the Supreme Court rejected his challenges based upon the "law of the case" doctrine and rules about raising issues in a second appeal that had not been raised in the first appeal (or at the first trial). *Gregory II*, 192 Wn.2d at 28-35. As for the *Franks* issue, the Court ruled:

However, the trial court found that this information was either known or made available to Gregory's attorney prior to the first trial. Gregory does not challenge this finding on appeal. Thus, Gregory failed to timely raise the issue in the trial court either prior to or during his first appeal.

Gregory II, 192 Wn.2d at 30.¹⁶

iii. Unlawfulness of Restraint Based on Invalid Search Warrant and Blood Draw Orders

The warrant and orders utilized to search Mr. Gregory's car and to seize his blood (Ex. 7 at 48-51, Ex. 8 at 52-54, Ex. 9 at 55-64) were constitutionally invalid under the Fourth Amendment to the United States Constitution (as incorporated into the Fourteenth Amendment's Due Process Clause) and article I, section 7, of the Washington Constitution, as well as violating CrR 2.3(c) and CrR 4.7(b)(2)(vi).¹⁷

First, the August warrant to search Mr. Gregory's car was not supported by a sworn affidavit. When Det. Pollard asked a magistrate for a warrant to search Mr. Gregory's car, he filled out a declaration in support of that warrant, but never signed it under penalty of perjury. The signature portion of the "affidavit" is blank, although he did sign the bottom of the

¹⁶ Actually, Judge Buckner noted that Mr. Gregory's attorneys in the murder case likely did not know that Robin Sehmel was an informant. RP (9/15/10) 245. Mr. Gregory's lawyer in the rape case, Mr. Tolzin, did know of her informant activities, as was clear from the contemporaneous documents, CP II 444-49, 450-51, 470, but Mr. Schwartz and Mr. Thornton were not the lawyers in the rape case, and now there is evidence that they did not know the pertinent information. Ex. 19 at 151-52.

¹⁷ The superior court had previously, in 2000/01 entered various findings and conclusion regarding the validity of the blood draws and the search of the car. CP II 473-85, 6115-19. All of those findings and conclusions are thrown into doubt now that Ms. Sehmel's lies and true history have been revealed, and are not binding in this proceeding.

application next to the words “Presented by.” Ex. 7 at 50. Thus, the warrant failed the Fourth Amendment’s requirement that a warrant only issue upon “Oath or affirmation.” *See also State v. Garcia-Salgado*, 170 Wn.2d 176, 186, 240 P.3d 153 (2010) (orders to obtain biological samples entered under CrR 4.7(b)(2)(vi) “must be supported by probable cause based on oath or affirmation.”).

Second, the warrant (Ex. 7 at 48-51) and the first and second blood draw orders (Ex. 8 at 53-54; Ex. 9 at 63-64) were invalid because they were based on the lies of Robin Sehmel, who was working for the TPD as a police agent in August 1998. Moreover, Det. Pollard and DPA Lilah Amos failed to inform the issuing magistrates in their applications that Ms. Sehmel was not only a police agent who was working directly with TPD at the very time of her false allegations against Mr. Gregory, but also that there were significant issues about her credibility.¹⁸ As noted, Ms. Sehmel not only had a lengthy criminal history, including crimes of dishonesty and prostitution, but she also suffered severe mental health issues as revealed by her attempts to sell her baby at a bus stop just 17 days before she claimed Mr. Gregory

¹⁸ And to the extent the Declaration of Probable Cause in the rape case was used as a basis for the September 8, 1998, blood draw order, this declaration suffered the same defects.

raped her. The applications also failed to include the fact that, contrary to Sehmel's claims, an inspection of Gregory's body revealed no scratch marks.

Under *Franks v. Delaware, supra*, the blood draw orders and search warrant were invalid as were based on false statements deliberately or recklessly included, or there were omissions of material facts. The blood draws and the search of the car therefore violated the Fourth and Fourteenth Amendments, article I, section 7, CrR 2.3(c) and CrR 4.7(b)(2)(vi).

Moreover, the September 1998 blood draw order (Ex. 9 at 52-54) was invalid not only because it was not supported by an affidavit of probable cause, as required by *Garcia-Salgado*, but that order was also entered after a conflicted attorney (whose firm represented Ms. Sehmel) signed off on an order without consultation with his client, in violation of the right to effective assistance of counsel under Sixth and Fourteenth Amendments and article I, section 22. As argued in the first appeal (in an issue never resolved by the Supreme Court), the September 1998 blood draw order was invalid.

All of these violations of the Fourth, Sixth and Fourteenth Amendments, article I, sections 7 and 22, CrR 2.3(c) and CrR 4.7(b)(2)(vi) are "free-standing" grounds for relief, either as independent constitutional violations or newly discovered evidence, RAP 16.4(c)(2) & (3), but to the

extent the issues should have been raised in 2001 (as suggested by the Supreme Court), Mr. Gregory's trial counsel (Mr. Schwartz and Mr. Thornton) were ineffective for not raising them, thereby denying Mr. Gregory the right to counsel under the Sixth Amendment (as incorporated by the Fourteenth Amendment's Due Process Clause) and article I, section 22. *Strickland v. Washington*, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984).

Furthermore, to the extent that the State did not disclose Ms. Sehmel's full history to Mr. Gregory's lawyers in the murder case, including her informant history (such as being paid by the Tacoma Police Department on August 24, 1998) and her mental condition, the State violated its obligations under *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L.Ed.2d 215 (1963), violating Mr. Gregory's right to due process of law under the Fourteenth Amendment and article I, section 3. Indeed, because Robin Sehmel was a police agent in August 1998, her failure to disclose the truth in 1998-2000 also violated due process and *Brady* in its own right.

Because it is apparent that the TPD in fact did not disclose all of the pertinent documents about Ms. Sehmel in response to Judge Buckner's order,

particularly those from August 1998,¹⁹ the Court should order a reference hearing with more discovery to determine what other information about Ms. Sehmel has been withheld and to find out who else knew that she lied.

Because of the role that DNA and the knife found in Mr. Gregory's car played at trial, being the main evidence against him, suppression of this evidence should lead to the vacation of Mr. Gregory's conviction. If there are any disputes about the facts, the Court should order a reference hearing.

**Claim 2: *The Use of a Stun Belt to Restrain
Mr. Gregory at Trial Was
Unconstitutional and Prejudicial***

**i. Facts Related to Stun Belt Use at
Trial**

When Mr. Gregory was brought to court for a CrR 3.5 hearing on November 18, 1999, Mr. Gregory's lawyers (then Lloyd Alton and Linda Sullivan) noted that Gregory was restrained with a "stun belt," and that they were surprised by this. RP (11/18/99) 127-28. The prosecutor (Lilah Amos) stated that the stun belt was due to a new policy at the jail. RP (11/18/98) 129. A correctional sergeant with the Pierce County Jail (Sandra Gerrish)

¹⁹ Again, TPD claimed that many of the reports from 1998 were missing, Ex. 11 at 900007-15. Yet, one of the main reports from this era was produced in response to a PRA request, Ex. 12, which leads one to suspect that TPD in fact had more reports than what they claimed to have.

then testified that the stun belt was used as a matter of policy for someone charged with aggravated murder. Even though Mr. Gregory had two minor infractions in the jail – he disobeyed officers when he did not sweep floor when told to (he said it was not dirty) and then, on another occasion, he walked to the bathroom in his underwear during a lockdown – Gerrish did not look at those infractions before she made the decision to use a stunbelt. RP (11/18/99) 154-61. Judge Buckner ruled that the stun belt could be used because of jail policy. RP (11/18/99) 161-62.

Prior to trial, Mr. Gregory filed a motion against the use of the stunbelt, with his attorneys noting his limited prior criminal history, which included a VUCSA possession conviction and a juvenile disposition for theft. CP I 1135-98. The State justified its request for Mr. Gregory to be restrained noting that he was occasionally “insubordinate” at the jail,²⁰ that he had tried to escape²¹ and that he was young, strong, “in good shape,” and physically large (6’3”, 200 lbs). CP I 1209-40. On February 8, 2001, the superior court entered an order that Mr. Gregory had to wear a stun-belt throughout the trial,

²⁰ Gregory disobeyed a corrections officers by not sweeping a floor when told to do so, walking to bathroom in underwear during lockdown and not sitting down quickly enough. He also once possessed a lighter. CP I 1224-27, 1239-40.

²¹ In July 2000, Mr. Gregory tried to pry open a window in his cell at the jail, conduct that resulted in a conviction in 2001 for attempted escape in the second degree and malicious mischief in the third degree. CP I 1228-38; Ex. 16 at 131-36.

adopting the State's arguments about size and youth, also noting his recent conviction for rape. CP II 6115-19.

Mr. Gregory thus wore a "shock box" device that was strapped to his back throughout the trial. During the trial, defense counsel noted that the fact that Mr. Gregory was wearing some restraint under his clothing which could be easily seen by the jurors, including a large bulge. The prosecutor denied that jurors could see what Mr. Gregory's lawyers claimed they could see. RP (1/9/01) 1011; RP (2/6/01) 3626, 3681; RP (2/14/01) 4052. Yet, one of Mr. Gregory's attorneys still believes "it was obvious to spectators and jurors that Mr. Gregory was wearing some sort of object under his clothing that was not natural," Ex. 18 at 152, and recalls that the fear of being shocked caused Gregory to be stiff and uncomfortable during the trial, causing him to appear emotionless to the jury. Ex. 19 at 152-53.

ii. Unlawful Restraint Caused by Stun Belt Use

Restraining Mr. Gregory during a trial in front of a jury with an electronic stun belt violated due process of law and the right to a fair jury trial protected by the Sixth and Fourteenth Amendments and article I, sections 3, 21 and 22, by prejudicially interfering with the presumption of innocence and causing him to have an unnatural demeanor. Even if the jurors did not see the

belt (although noticing Gregory's stiff demeanor), its use violated the common law, Article 10 of the International Covenant of Civil and Political Rights, due process and the right to be present and consult with counsel (U.S. Const. amends. VI & XIV; Const. art. I, §§ 3 & 22). While the trial judge did make an individualized determination before ordering the stun belt, the findings were flawed by the reliance on factors such as the rape conviction which now is known was based on perjured testimony and Mr. Gregory's size and relative youth, which in many respects could easily reflect implicit racial bias. If there are any disputed facts, the Court should refer this matter for a reference hearing. Ultimately, because of the prejudice caused by the restraint of a stun belt, the court should vacate the conviction.

Claim 3: *Mr. Gregory's Conviction Rests on a Verdict From a Jury Infected by Racial Bias*

i. Facts Related to Jury Bias

In *Gregory II*, the Supreme Court vacated the death sentence in this case, in part, based upon a statistical analysis of capital sentencing in Washington over a 33-year period (1981-2014) that demonstrated an intolerable pattern of racial bias by capital juries:

[F]rom December 1981 through May of 2014, special sentencing proceedings in Washington State involving Black

defendants were between 3.5 and 4.6 times as likely to result in a death sentence as proceedings involving non-Black defendants after the impact of the other variables included in the model has been taken into account.

Gregory II, 192 Wn.2d at 19 (citing conclusions of Dr. Katherine Beckett and Dr. Heather Evans).

Although the State attacked the study, the Supreme Court accepted the validity of the Drs. Beckett's and Evans' conclusions, noting that they mirrored other experiences in Washington:

Given the evidence before this court and our judicial notice of implicit and overt racial bias against black defendants in this state, we are confident that the association between race and the death penalty is not attributed to random chance. We need not go on a fishing expedition to find evidence external to Beckett's study as a means of validating the results. Our case law and history of racial discrimination provide ample support.

Gregory II, 192 Wn.2d at 22. The Court followed this quote with a long string cite to cases and studies in Washington over the past few decades supporting the conclusion of explicit and implicit racial bias in our state's criminal justice system. *Id.* at 22-23.

The jury that decided Mr. Gregory's guilt in the murder trial in 2001 was one of the juries that was part of the pool of cases supporting the conclusions of Drs. Beckett and Evans and thus was one of the juries that was

likely infected by either explicit or implicit racial bias. This 2001 jury was all white, in a case where G.H. was white and Mr. Gregory was Black. *See* RP (2/8/01) 3894.

During jury selection, Mr. Gregory filed a motion to quash the venire based on the fact that of the 125 potential jurors who appeared in response to their summons, only two were Black, one of whom was excused due to hardship, and the other was excused under *Witherspoon v. Illinois*, 391 U.S. 510, 88 S. Ct. 1770, 20 L. Ed. 2d 776 (1968), and *Wainwright v. Witt*, 469 U.S. 412, 105 S. Ct. 844, 83 L. Ed. 2d 841 (1985). RP (1/11/01) 1544-60; RP (2/1/01) 3205-15; RP (2/8/01) 3905; CP II 6097-6108. Yet, in 1999, about 8% of Pierce County’s population was Black. CP II 6108. After testimony from Andra Motyka, the Superior Court administrator who oversaw the process of summoning jurors, Judge Buckner denied the motion to quash the venire. RP (2/8/01) 3866-93; CP II 6154-56.

**ii. Unlawfulness of Restraint Related
Jury Bias**

The Sixth Amendment (incorporated in the Fourteenth Amendment’s Due Process Clause) and article I, sections 21 and 22, “guarantee certain fundamental rights, including the right to a fair and impartial trial. The constitutional promise of an ‘impartial jury trial’ commands jury indifference

to race. If justice is not equal for all, it is not justice.” *State v. Monday*, 171 Wn.2d 667, 680, 257 P.3d 551 (2011).

There may be all sorts of reasons why capital juries in Washington State were plagued by racial bias, but whatever the reasons were, there is already a conclusion by the Washington Supreme Court about that bias, and that conclusion is binding on the State in the context of Mr. Gregory’s case. Given Mr. Gregory’s right to have a jury free from bias decide his guilty, the conviction in this case cannot stand as the jury’s verdict was tainted by racial bias, in violation the Sixth and Fourteenth Amendments and article I, sections 21 and 22.

Claim 4: *Prosecutorial Misconduct in Closing Argument Denied Mr. Gregory Due Process of Law and a Fair Jury Trial*

i. *The Prosecutors Repeatedly Made the “Declare the Truth” Argument*

In opening statement, the deputy prosecutor (Mary Robnett) asked the jurors to “tell the truth” and convict Mr. Gregory:

We ask a lot of juries in this system. We ask a lot of juries. What we ask you for is to listen to the evidence and to render a verdict. And the word “verdict” that we use in American courts comes from Latin, *veredictum*, and it means declare the truth, declare the truth.

You listen to the evidence in this case and declare the truth. It's the defendant, Allen Gregory, who decided to rob [G.H.] who decided to rape her, and he decided to murder her. Declare the truth, ladies and gentlemen. Convict the defendant.

RP (2/14/01) 4076).

The State returned to this theme in closing argument, with the other prosecutor, John Neeb, arguing:

In opening statement, Ms. Robnett told you that the only purpose that you have as jurors in a criminal case is to declare the truth, and it's with that purpose in mind that closing arguments proceed. Closing argument is the time when you take the evidence that you were presented on the witness stand and fit it into the instructions that the court just read to you. The purpose of closing argument is to point you toward a just verdict, declaring the truth, doing justice, two ways of saying the same thing. That's the only thing that the state is interested in in this case.

RP (3/19/01) 6700. Mr. Neeb then told the jurors that there two persons with an interest in the case, Mr. Gregory, who was in court the whole time, and G.H., who was not present because Mr. Gregory had killed her:

There are two persons who have a significant personal interest or stake in this case. One of them is the defendant, Allen Gregory, seated here in court. He has been here in court the entire time. The other person is [G.H.]. [G.H.] can't be present in this courtroom. She won't be present in any courtroom ever again. And it's because of the actions of the defendant that [G.H.] can't be here.

But your verdict is important to many more people than just the defendant and [G.H.], because in our society the criminal justice system works with juries, and a jury of 12 persons is supposed to speak for the entire community. So your verdict is supposed to be a reflection or a voice of the community in deciding whether or not [G.H.] deserves justice and that her killer gets convicted for what he did.

RP (3/19/01) 6701.

Finally, in rebuttal, Ms. Robnett again referred to “telling the truth”:

As I told you in opening statement, verdict comes from the word *veredictum*. Declare the truth in this case. Do the right thing. [G.H.] suffered a horrific, terrifying, painful, early demise at the hands of Allen Gregory. Convict him.

RP (3/19/01) 6806.

There were no objections to these arguments. On appeal, Mr. Gregory raised other challenges to prosecutorial misconduct during closing argument, but did not raise challenges based on these statements. According to one of his appellate lawyers, Suzanne Elliott, there was no tactical reason not to have raised a challenge based on “declare the truth.” Ex. 17 at 139.²²

²² Mr. Gregory’s other appellate lawyer, David Zuckerman, has retired from practicing law, with a serious neurological disorder. Ex. 17 at 138. Mr. Gregory’s current counsel has not sought a declaration from him.

**ii. The “Declare the Truth” Argument
Violated Mr. Gregory’s
Constitutional Rights**

The prosecutors repeatedly argued to the jury that its job was to declare the truth, that the State was only interested in obtaining the truth and doing justice, and that the verdict was supposed to reflect whether or not the victim, G.H. deserved justice. Although there were no objections to these arguments, they were flagrant and ill-intentioned and constituted prosecutorial misconduct that denied Mr. Gregory due process of law and a fair jury trial in violation of the Sixth and Fourteenth Amendments and article I, sections 3, 21 and 22.

This issue was not raised in the first direct appeal. On the one hand, the “declare the truth” argument in this case is itself an independent basis to vacate the conviction. On the other hand, it was ineffective assistance of counsel on direct appeal not to raise this issue in the first appeal in violation of the right to due process on appeal and the right to appeal. *Evitts v. Lucey*, 469 U.S. 387, 105 S. Ct. 830, 83 L. Ed. 2d 821 (1985); U.S. Const. amend. XIV; Const. art. 1, §§ 3 & 22. Either way, the Court should vacate the conviction, particularly when the argument is combined with the misconduct that was raised in the first appeal.

Claim 5: *There is No Authority to Impose Interest for a Debt that Has Been Vacated*

i. Facts Related to LFO Interest

In 2001, the superior court imposed some LFOs on Mr. Gregory, but never imposed LFOs related to appointed counsel, stating only that costs for counsel would be “TBS.” Ex. 3 at 19-20. In 2012, the superior court then imposed \$10,000 for appointed counsel. Ex. 2 at 10. On remand from *Gregory II*, the superior court entered an order vacating this \$10,000. Ex. 4 at 26-28. Not only had the law changed with regard to discretionary LFOs, Laws of 2018, ch. 269, but in this case, since the \$10,000 was imposed for the cost of counsel after a penalty phase proceeding whose verdict was ultimately reversed on appeal, there was no basis to impose such costs.

Despite the fact that the superior court in June 2019 vacated the \$10,000 in LFOs for counsel, the clerk’s office is still assessing interest for now-vacated \$10,000 LFO award. Ex. 18 at 141, 148-49. In other words, Mr. Gregory is being assessed interest on a debt that has been vacated.

ii. The Interest Assessment is Unlawful Restraint

Despite the fact that the \$10,000 in LFOs has been vacated, the superior court clerk’s office is still assessing interest against Mr. Gregory for

this debt. Ex. 18 at 141, 148-49. There is no authority to assess interest against someone for a non-existent debt. Moreover, the charging of interest for a debt that was vacated violates due process of law, protected by the Fourteenth Amendment and article I, section 3. Accordingly, this Court should vacate the interest that accrued on the now-vacated \$10,000.

**Claim 6: *Cumulative Error Requires Vacating
the Conviction***

The cumulative effect of all of these errors violated Mr. Gregory's right to a fair jury trial and due process of law, protected under the Sixth and Fourteenth Amendments and article I, sections 3, 21 and 22.

IV. REQUEST FOR RELIEF

Mr. Gregory is under restraint as defined by RAP 16.4(a) & (b). The restraint is unlawful because the convictions were entered in violation of the laws and constitutions of Washington and the United States, material facts exist which have not been previously heard which in the interest of justice require vacation of the convictions, there are other grounds for collateral attack and other grounds for challenging the legality of restraint or petitioner. RAP 16.4(c)(2), (3), (5), & (7). This Court should order a reference hearing with discovery under RAP 16.12 and ultimately vacate the conviction for aggravated murder, order that all biological and physical evidence seized as

a result of the August 1998 search warrant, the September 1998 blood draw order and the January 2000 blood draw order be suppressed, and order a new trial if the State does not release Mr. Gregory. The Court should also enter an order vacating any interest imposed as a result of the now-vacated \$10,000 LFO order.

V. STATEMENT OF FINANCES

Mr. Gregory seeks to file this petition at public expense and seeks the appointment of counsel. His Statement of Finances is attached to this PRP.²³

²³ It should be noted that Mr. Gregory did not list any creditors for “bills.” He does has LFO requirements for this and other cases, but did not include those LFOs as “bills” in the conventional sense.

STATEMENT OF FINANCES

If you cannot afford to pay the filing fee or cannot afford to pay an attorney to help you, fill this out. If you have enough money for these things, do not fill out this part of the form.

1. I do do not ask the court to file this without making me pay the filing fee because I am so poor I cannot pay the fee.

2. I have a spendable balance of \$ 200⁰⁰ in my prison or institution account.

3. I do do not ask the court to appoint a lawyer for me because I am so poor I cannot afford to pay a lawyer.

4. I am am not employed. My salary or wages amount to \$ _____ a month. My employer is

(name and address)

5. During the past 12 months I did did not get any money from a business, profession or other form of self-employment. (If I did, it was _____ and the total income I got was \$ _____.)

(kind of self-employment):

6. During the past 12 months, I

did ~~did not~~ get any rent payments. If so, the total amount I got was \$_____.

___ get any interest. If so, the total amount I got was \$_____.

___ get any dividends. If so, the total amount I got was \$_____.

___ get any other money. If so, the amount of money I got was \$_____.

7. ___ have any cash except as said in answer 2. If so, the total amount of cash I have is \$_____.

___ have any savings accounts or checking accounts. If so, the amount in all accounts is \$_____.

___ own stocks, bonds, or notes. If so, their total value is \$_____.

8. List all real estate and other property or things of value which belong to you or in which you have an interest. Tell what each item of property is worth and how much you owe on it. Do not

list household furniture and furnishings and clothing which you or your family need.

| Items | Value |
|-------|-------|
| _____ | |
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| _____ | |
| _____ | |
| _____ | |

9. I am ___ am not married. If I am married, my wife or husband's name and address is

10. All of the persons who need me to support them are listed here.

| Name and Address | Relationship | Age |
|------------------|--------------|-----|
| _____ | | |
| _____ | | |

11. All the bills I owe are listed here.

| Name of creditor | Address | Amount |
|------------------|---------|--------|
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you owe money to

I certify or declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

9-24-19
DATE AND PLACE

Allen Gregory
ALLEN GREGORY

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

| | |
|-------------------------------|------------------------|
| IN RE THE PERSONAL RESTRAINT) | } CAUSE NO. |
| PETITION OF: | |
| ALLEN EUGENE GREGORY, | |
| Petitioner. | |
|) | |
|) | |
|) | CERTIFICATE OF SERVICE |
|) | |
|) | |
|) | |

I, Alex Fast, certify and declare that I served a copy of the attached pleading by filing through the Portal, which will deliver an electronic copy to all parties, including John Neeb - john.neeb@piercecountywa.gov and PCpatcecf@piercecountywa.gov

I certify or declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED THIS 10th day of October 2019 in Seattle, Washington.

s/ Alex Fast
Legal Assistant

LAW OFFICE OF NEIL FOX PLLC

October 10, 2019 - 1:19 PM

Filing Personal Restraint Petition

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: Case Initiation
Trial Court Case Title: State of Washington Vs Gregory, Allen Eugene
Trial Court Case Number: 98-1-04967-9
Trial Court County: Pierce County Superior Court
Signing Judge: Buckner
Judgment Date: 05/25/2001

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