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Court of Appeals
Division II
State of Washington
June 19th 2020

THE COURT OF APPEALS DIVISION II
OF THE STATE OF WASHINGTON

No. 54203-0

GARY MYERS, Appellant)
)
v.) APPELLANT REPLY TO RESPONSE
)
LALANI SHELTON, Petitioner)
)

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1 **SUMMARY OF REPLY TO RESPONSE—INCIDENT Oct 29th**

2 Neither the Commissioner’s Court nor the Superior Court
3 addressed the issue of whether Appellant exercised reasonable
4 force to remove Respondent from his vehicle. Neither court made a
5 written finding of fact about the removal from the vehicle. The trial
6 court failed to establish facts upon which relief could be granted.
7 RAP 2.5(2)(3) allows Myers to raise his claim of error on appeal.

8 It is undisputed that Appellant made numerous verbal
9 requests of Respondent to remove herself from his property. Only
10 after the numerous verbal requests did Myers use the minimal force
11 necessary to lawfully remove the Shelton from his vehicle without
12 verbal or physical opposition, and without harm.

13 Shelton’s act, remaining in the car, on October 29th was
14 malicious unjustified interference with Myers right to regain use of his
15 car to return to work to maintain proper standing with his employer.

16

17 The Commissioner: “An assault can, quite frankly, be poking another
18 person with your finger... Whether or not she was pulled from the car
19 indicates violence. It is violent. It is an assault. And so, again, the
20 Court will make a finding of domestic violence based on the act that
21 occurred on October 29th RP42. “...And what is not clear to the

1 Court is how Ms. Shelton was physically removed from the vehicle,
2 other than that she was physically removed from the vehicle by Mr.
3 Myers, and that is an assault.” RP42.

4 The Commissioner did not affirm any other aspect of
5 Shelton’s testimony. Except, the commissioner paraphrased parts of
6 the record of both parties, without finding or comment or preference,
7 and the court made an error and misrepresented testimony about the
8 event on stairs.

9 Trial Court: “There doesn't need to be violent touching. There's no
10 requirement in the statute for that.” RP 17.

11 **Myers does not contest the commissioners only two**
12 **findings, “physical removal” and “intimate relationship”. Myers**
13 **contests the conclusion of law that physical removal was an**
14 **unlawful assault. Myers contests the Commissioner’s**
15 **conclusion that physical removal was violent--merely by legal**
16 **definition--and not based on fact.**

17 **Myers is requesting that this Court reverse the decisions**
18 **of the Courts below. The uncontradicted facts indicate that**
19 **Myers used lawful and the minimal amount of contact**
20 **necessary to remove Shelton from his property. Alternately,**
21 **Myers requests that this Court remand to the trial court for a**

1 **determination of the reasonableness of his actions in removing**
2 **Respondent from his property.**

3

4 **RESTATEMENT OF RELEVANT FACTS**

5 Based upon the record, the following facts are uncontradicted.

- 6 1. Shelton called Myers at his work to ask for a ride home.
- 7 2. Myers responded by picking up Shelton at the tire shop in his
8 vehicle.
- 9 3. Upon arriving at their home, Shelton remained in Myers car
10 and prevented Myers from using his car to return to work.
- 11 4. Myers asked Shelton to leave the car so he could return to
12 work. Shelton remained in the car.
- 13 5. Myers, again, asked Shelton to leave his car.
- 14 6. Shelton again remained in the car.
- 15 7. Myers again asked Shelton to leave the car.
- 16 8. Shelton again refused to voluntarily remove herself.
- 17 9. Shelton remained in the car after multiple verbal requests.
- 18 10. Myers paced back and forth outside the car.
- 19 11. Myers believed his only recourse was to physically remove
20 Shelton.

1 12. Myers touched Shelton to regain use of his vehicle and to
2 preserve good standing with his employer.

3 13. Shelton did not resist physical removal from the car--there
4 was no verbal or physical objections in the vehicle nor in the
5 movement out of the vehicle through the moment her feet
6 were on the ground.

7 14. Shelton was not successful in demonstrating evidence of any
8 harm that she connected to Myers. (Many days later, Shelton
9 discovered a small light-colored bruise after it was pointed out
10 by her daughter—the court did not make any related finding.)

11

12 **LEGAL ARGUMENT IN REPLY TO RESPONSE**

13

14 **APPELLANT HAS LEGAL RIGHT TO PROTECT PROPERTY**

15 It is generally accepted that a person owning, or lawfully in
16 possession of, property may use such force as is reasonably
17 necessary under the circumstances in order to protect that property,
18 and for the exertion of such force he is not liable either criminally or
19 civilly. 16 David K. DeWolf & Keller W. Allen, Washington Trial
20 Practice: Tort Law and Practice Section 13.45 (2nd ed. 2000), See

1 also, Peasley v. Puget Sound Tug Barge Co., 13 Wn. 2nd 485, 125 P.
2 2nd 681 (Wash., 1942).

3 The Peasley Court addressed the issue of reasonableness in
4 defense of property. It noted that whether the, "...force used in
5 defense of property is greater than is justified by the existing
6 circumstances is ordinarily a question of fact to determine...". Id, at
7 ____.

8 The Courts below did not address the reasonableness of Myers
9 action. No findings of fact were set forth in any Court order, or the
10 transcript, to address Appellant's action. In effect, the Courts below
11 refused to consider Appellant's defense – that Myers used the
12 minimal lawful contact as necessary to remove Respondent from his
13 property such that he could return to work.

14

15 RCW 9A.16.020 IS NOT ALL INCLUSIVE

16 Title 9A RCW is the criminal code. It does not provide direct law in
17 relation to this case. However, it does reflect the general right to
18 defend and protect one's own property.

19 In particular, RCW 9A.16.020 (5) indicates that removing a
20 person, after that person refuses verbal requests to remove
21 themselves, can be justified and lawful. Whether the action is justified

1 when, "... the force used is not more than is necessary to expel the
2 offender..."

3

4 **ANALYSIS**

5 In the present case, based upon the findings and uncontradicted
6 facts, Appellant used the minimal force necessary to permit him to
7 lawfully remove Shelton and return to work. Shelton was not
8 harmed. No reasonable trier of fact could have concluded that
9 Myers acted unreasonably. The tier of facts will conclude Shelton
10 acted unreasonably when she remained in the vehicle.

11 If this Court cannot find, as a matter of law, that Appellant's action
12 was reasonable, then it is requested that this matter be remanded to
13 determine whether Appellant acted reasonably under the
14 circumstances. The Courts below refused to consider Appellant's
15 defense. The Courts below failed to make any findings regarding
16 reasonableness.

17 The courts below were not deterred from concluding domestic
18 violence without any factual characterization about the act.

19 Myers requests that this court direct the lower court on questions of
20 law—Specifically, if Myers is found to have used reasonable force,

1 such force is lawful therefore this act does not meet the test of
2 domestic violence.

3 The record of the event on October 29th is void of any
4 accusation or evidence of threats, coercion, or demeaning
5 expressions toward Shelton. The only thing directed at Shelton was
6 the repeated request to exit the car. If counsel's theory that Myers is
7 controlling, coercive, and demeaning is true, then it is reasonable to
8 expect these behaviors would be on full display on October 29th.
9 These behaviors did not happen on October 29th because Myers is,
10 in fact, not controlling, not coercive, and not demeaning.

11 The record shows the increase in the number of conflicts in
12 October is associated with Shelton's increasingly obsessive needs,
13 and possessiveness of the home. The record demonstrates Myers to
14 be defensive, reactive, and justifiably loud and upset—always
15 restrained--never violent or incapacitated.

16

17 **CONCLUSION**

18 Appellant respectfully requests that this Court reverse the Courts
19 below. Alternatively, Appellant requests that this Court remand with
20 instructions that the reasonableness of his actions be considered as
21 a defense.

1

2 As a predictable consequence of the Commissioner's ruling,
3 and the no-contact order, Shelton was empowered to stop
4 construction and prevent timely closure of Myers mortgage-
5 construction loan. Since Myers was the sole name on the loan,
6 Myers was forced to subsidize Shelton's cost of sole occupancy by
7 \$1450/mo. The Court Order defeated the prescribed contract
8 remedies and Myers protections in his real estate agreement with
9 Shelton. The Order empowered Shelton with financial leverage to
10 dominate mediation and arbitration and litigation. This resulted in life-
11 changing harm to Myers. **Myers was forced to transfer his**
12 **ownership interest to Shelton under severe duress in Mediation**
13 **on May 27th 2019. (Unrecoverable quality/financial loss of**
14 **\$250,000 or \$1500/month for thirty years.)**

15 Attorney Fees: Counsel cited RCW 26.50.060 to claim attorney fee's
16 Both parties were pro se in the lower courts. No attorney fees were
17 incurred by either party in lower court. RCW 26.50.060 allows only
18 relief for the administrative court costs and service fees, as
19 established by the county or municipality incurring the expense and
20 to reimburse the petitioner for costs incurred in bringing the action,

1 including reasonable attorneys' fees..." **This statute does not**
2 **provide relief for attorney fees on Appeal.**

3 RAP 18.9 has provided authority to the appellate courts to
4 sanction frivolous appeals since 1976. In *Streater v. White*, 26 Wn.
5 App. 430, 435, 613 P.2d 187, rev. denied, 94 Wn.2d 1014 (1980),
6 the Court of Appeals held that a court should consider that: (1) A civil
7 appellant has a right to appeal under RAP 2.2; (2) all doubts should
8 be resolved in favor of the appellant; (3) the record should be
9 considered as a whole; (4) an appeal that is affirmed simply because
10 the arguments are rejected is not frivolous; (5) an appeal is frivolous
11 if there are no debatable issues upon which reasonable minds might
12 differ, and it is so totally devoid of merit that there was no possibility
13 of reversal. This appeal has proper standing before this court, the
14 record has been perfected, and this appeal has many debatable
15 issues of fact and law—it is not frivolous.

16

17 **SUMMARY OF REPLY TO RESPONSE—Scope beyond Oct 29th**
18 Myers Reply to the Response (above) addresses the commissioner's
19 narrow ruling, and the few elements of trial court's decision that
20 directly related to the Commissioner's tier of facts and conclusions of
21 law about the event on October 29th 2019. (It is more accurate to

1 say that the trial court did not address the foundation for the
2 Commissioners ruling—Physical removal and Intimate relationship.

3 The trial court took liberty in its de novo review and made
4 statements from the bench and verbal findings, that are explicitly
5 unrelated to the Commissioner’s narrow tier of facts about October
6 29th. The trial court found “no basis for modification”. How can the
7 court conclude “no basis when it failed to consider any of the “basis”
8 submitted by Myers? The court did not consider Myers defense and
9 did not make any findings to conclude “No Basis”. The court
10 proceeded to construct an entirely new tier of fact and law
11 unrelated—and without standing--to the Commissioner’s tier of fact
12 and Conclusions of law.

13 For example, the trial court ruled on credibility of the parties--
14 the trial courts finding about credibility is an orphan on an island and
15 untethered to the Commissioners order. The commissioner was
16 silent on credibility--the Commissioner’s ruling did not depend on
17 credibility of the parties—both parties were in agreement on the
18 Commissioner’s one fact about “physical removal”.

19 Request to Remand: Myers requests a remand with instructions to
20 the trial court to align trial court findings and statements to the
21 Commissioners order, or align them with a new trial court

1 modification order. Otherwise I request that this court find that each
2 those trial courts verbal findings be ruled as not having standing in
3 this case because the trial courts findings are not tethered in support
4 of any order. Furthermore, the trial court ruled “no basis for
5 modification” yet failed to make any findings on the material “basis”
6 of Myers appeal. The appeals court must assume that all of Myers
7 arguments and facts—those that were not defeated by the lower
8 courts—are assumed to be valid and true and procedurally sound.
9 Likewise, Shelton’s allegations that are void of findings have not
10 been proven and do not support Shelton’s credibility.

11

12 Opposing counsel claimed there is “ample evidence.” However, a
13 rigorous review of the record will show that allegations are supported
14 only by other allegations—often minor and without relevance on their
15 face--ample evidence has not been demonstrated.

16 Trial Court: The written Order stated “No basis to revise”. (Notice of
17 Appeal P7). “I want to be clear that the court is finding that there
18 was more than a sufficient basis in the record in front of the
19 commissioner to enter the protection order.” RP 17 L18

20 Analysis: The Commissioner disregarded all facts before the court,
21 except for one fact—Myers text about physical removal. The trial

1 court made an error when it mischaracterized the phrase “more than
2 sufficient basis”—to be a finding. This phrase has no meaning in
3 fact—it is the courts conclusion—it is not a fact and it is not a finding
4 of fact. The courts statement, “...there was more than sufficient
5 basis...”— has no basis at all without facts—it is a prejudicial
6 conclusion by the court that is void of consideration of fact or finding
7 of actual fact—this error presumes the guilt of Myers—it does not
8 presume Myers innocence’s—and it relieves Shelton of her burden
9 of proof.

10 Allegations supported by allegations--void of all factual
11 context--are not fact. If Shelton claims Myers threw a wine glass—
12 even if believed on its face--Shelton has not proved harm or
13 relevance to her case. Again—where is the beef? How is it tenable
14 that Shelton prevail on this record?

15 Request to Remand: Myers has forfeited title to his house and has
16 suffered severe financial harm related to the trial court’s ruling—The
17 lower courts rigor should be commensurate with the predictable
18 consequences of its ruling. Myers asks this court to remand to the
19 trial court to provide findings and tier of fact to support “sufficient
20 basis” and “series of events”. Specifically, Myers requests that the

1 lower court consider each allegation and provide findings of fact and
2 hold Shelton to her burden of proof.

3

4 Trial Court on Credibility: “Frankly, on the basis of the record, the
5 [lower] court did weigh the credibility of both of the witnesses in her
6 Oral Ruling of the Court ruling.

7 Analysis: The trial court’s statement is not accurate--nowhere in the
8 transcript, or the written order, did the Commissioner rule on
9 credibility or even imply a decision on credibility. The Commissioner
10 did not need credibility—both parties agreed on “physical removal”
11 and the commissioner was willingly blind to the nature of the act and
12 decoupled from all testimony and all need to rule on credibility. The
13 Commissioner did paraphrase testimony of both parties but did not
14 make any rulings or findings or preferences. Shelton never
15 attempted to impeach Myers testimony. On the other hand, Myers
16 has repeatedly and successfully impeached Shelton’s credibility
17 throughout the record—for example CP 70.

18 Request to Remand: Myers asks this court to remand to reconsider
19 the finding of credibility and instruct the court to consider the
20 credibility of both parties and to provide the tier of fact that support
21 the decision on credibility. Specifically, Myers requests instructions

1 for the court to consider Myers defense and arguments, for example
2 the issue on the stairs CP 70. And Myers requests instructions for
3 the lower court to consider every allegation on its factual merits and
4 issue a finding on each. Myers simply requests a fair trial.

5

6 Trial Court: "I agree with Mr. Myers that the commissioner did use
7 the term "pushed down the stairs." However, she indicated with
8 some specificity that the stair incident was not the incident that she
9 was basing her ruling on."

10 Analysis: The Commissioner's error was not stricken from the
11 record. Nowhere did the Commissioner indicate with "some
12 specificity" that she excluded the stair incident. The Commissioner
13 merely narrowed findings to "physical removal".

14 With respect, in the opinion of this pro se litigant, the trial court
15 appears to have a prejudicial double standard. The court observes
16 that the Commissioner's narrow ruling was not based on the stair
17 incident—so the trial court did not consider stair incident and failed to
18 consider Myers fact based and reasoned impeachment of Shelton's
19 credibility CP 70 and failed to issue a finding. A consistent trial would
20 treat all other content in the record with the same standard—Set

1 aside all the record unless the commissioner based her ruling on it.

2 This was not the case.

3 The trail court issued an unsupported and untenable finding
4 about a “pattern of coercion” and an unsupported finding of Shelton’s
5 “credibility”. The trail court abused its discretion—it used a double
6 standard in its prejudicial selection of what it reviewed and did not
7 apply reasonable rigor to support its findings—rigor commensurate
8 with the life changing harm to Myers. It failed to consider Myer
9 defense about the stairs.

10 Request for a new trial: The Commissioners error infected the trial
11 court and required considerable resources for Myers to refute. Myers
12 asks for a new trial and requests that this court issue instructions on
13 legal standards including instructions on the standard for the burden
14 of proof and instructions for the court to establish transparent explicit
15 tier of facts in support of findings and statements from the bench--
16 and instructions to require the lower courts to consider reasonable
17 force.

18 Myers requests relief in view of SP 70: RCW 26.50.060(4)” In
19 providing relief under this chapter, the court may realign the
20 designation of the parties as "petitioner" and "respondent" where the
21 court finds that the original petitioner is the abuser and the original

1 respondent is the victim of domestic violence and may issue an ex
2 parte temporary order for protection in accordance with
3 RCW [26.50.070](#) on behalf of the victim until the victim is able to
4 prepare a petition for an order for protection in accordance with
5 RCW [26.50.030](#).

6 Myers has alleged, throughout the record that Shelton has
7 been motivated to acquire Myers ownership interest in his home.
8 Shelton has used the domestic violence court, and the protection
9 order process—familiar to her over the last ten years--to control and
10 abuse Myers. The court has been an unwitting instrument of
11 Shelton’s abuse of Myers. Shelton has used the court for absolute
12 control of Myers to achieve leverage to acquire Myers interest in the
13 home.

14 Myers request that this case is remanded with prejudice: Myers asks
15 this court to provide instructions on remand for the lower court to
16 hear new testimony about Myers allegation, for the record, and prior
17 to Myers filing RCW 26.50.030. **Neighbor’s comments:** Myers told
18 a mutual friend the story of Shelton’s petition near the time the
19 petition was filed. Keith Ratcliff admires Shelton. They had weekly
20 contact for three years. After the news of the protection order, Keith’s
21 first thoughts were, “**She knows what she’s doing—she knows**

1 **you would never hurt her—why are you still defending her?” CP**

2 **27.**

3

4 Ample Evidence Against Shelton as Controlling: Shelton was
5 controlling by remaining in the car; Shelton was controlling when she
6 assaulted Myers on the Stairs and then accused Myers of assaulting
7 her; Shelton was controlling when she woke Myers in bed to insist he
8 move a pan from sink to dishwasher; Shelton was controlling when
9 she re-entered the bedroom and re-started the argument for a
10 hidden video; Shelton was controlling when she disregarded Myers
11 verbal and physical boundaries, Shelton was controlling when she
12 un-installed Myers coat rack and then anchored it unsafely to sheet
13 rock without discussion; Shelton was controlling in leaving Myers out
14 of change order discussions with the contractor. Shelton was
15 controlling in her role in the \$6000 unethical practical joke with the
16 contractor against Myers. **Shelton has been advised by Fred
17 Meyer to not enter Fred Meyer property. CP 49.**

18 Myers does not have a history of controlling behavior: Shelton’s did
19 not provide time or place or any other details to her stream of many
20 allegations. It was Myers testimony that placed a time period for the
21 radio, the driver, and the phone allegations—these occurred in the

1 first three years—without conflict. The record supports Myers
2 testimony that the first three years were “effortless”. Shelton became
3 more OCD, more possessive of the house—to the exclusion of
4 Myers. These increased with the stress of construction, and the
5 move.

6 **In November 2011 a corrections officer was murdered at**
7 **the Monroe prison. Executive management recognized Myers**
8 **calm temperament and light hearted nature and pulled Myers off**
9 **other projects to work with the correctional staff on sensitive**
10 **facility safety issues. CP 127 P6** Myers is simply not controlling or
11 coercive—he is collaborative.

12

13 Fails to Assign Error: There are no findings of fact to assign error for
14 which to seek remedy.

15 Radio Station—It was not over the course of the relationship—The
16 record describes a rare and single occurrence on a single occasion
17 years ago of Myer wanting to stay on a channel—this is not
18 relevant—demonstrates distorted and baseless perception by
19 Shelton of control by Myers where none exists.

20 Myers Wanting to Drive— The record describes a rare and single
21 occurrence--Myers wanted to switch driving her truck on a long trip—

1 is not relevant—demonstrates distorted and baseless perception by
2 Shelton of control by Myers where none exists.

3 Better when Shelton was Compliant: Myers categorically denies any
4 form of coddling Shelton’s submission or compliance. What
5 Compliance? What was Myers expectation? When? Where? —
6 demonstrates distorted and baseless perception by Shelton of
7 control by Myers where none exists.

8 “Pulled” or “Forcefully Yanked”: Myers testified that Shelton’s first
9 testimony use the neutral term “pulled”—Shelton’s most frequent
10 word. Shelton changed her description to “yanked” in response to
11 Myers highlighted the neutral word “pulled” in his declaration.

12 Myers did not monopolize Shelton’s time: A rare request, years ago,
13 for Shelton to delay answering a call from her mother has been
14 excessively distorted to the point of false testimony. Likewise, Myers
15 phrase “let’s talk before you reply to Karl if he texts” has been
16 excessively distorted to the point of false testimony. Shelton claims
17 this phrase as the basis that Myers controls Shelton’s access to her
18 friends—this demonstrates distorted and baseless perception by
19 Shelton of control by Myers where none exists. Shelton never
20 understood this basic request by Myers—this is a convincing
21 indication of Shelton’s distorted perception.

1 Myers did not Swear at Shelton: The record shows, after unrelenting
2 verbal attacks by Shelton about a pan in the sink, and after Shelton’s
3 failure to respect Myers verbal and physical boundaries and his
4 request to stop and leave him to sleep, Myers said F*** you—get out.
5 This is reactive and protective of Myers right to his personal space to
6 sleep.

7 Pan in the sink: Counsel severely distorts the context—the audio
8 from the video, as transcribed in Myers declaration, confirms that
9 Myers asserted his boundaries, “don’t even talk to me... .. [your
10 rules and persistence is] unceasing, it never quits, you can never be
11 satisfied.”

12 Myers did not “ram” Shelton with furniture on the stairs. CP 70
13 proves that Shelton moved into Myers path and Myers, was in a
14 precarious position holding the furniture and Myers did not have the
15 agility to “ram” the furniture into Shelton. Shelton’s testimony is an
16 intentional falsehood under oath. Shelton obstructed the path of
17 Myers and assaulted Myers on the stairs. If this court reverses the
18 lower court on the finding of domestic violence, Myers will continue
19 to request a remand for a review and findings of the incident on the
20 stairs.

1 Light Fixture Incident: “Gary's waiting outside for me. He told me to
2 help him get the car carrier off the car. I said I had groceries in my
3 hand, and would it be okay if I went in the house first. He said okay.
4 And once in the house, he then wanted me to look at some lighting
5 that he was installing. I asked if I could go to the bathroom, and he
6 replied, yes, but hurry. Then I asked if I could put the frozen
7 groceries away, and he became outraged and said, no. RP 12 L1.
8 Myers did not become outraged—he impatiently said “no” to
9 Shelton’s question to put the groceries away. It is more likely than
10 not that Myers knew his request for Shelton to choose her
11 preference in the adjustment of the track lighting would take only
12 seconds and Shelton could return to the groceries—demonstrates
13 Shelton’s distorted and baseless perception of control by Myers
14 where none exists.

15 The Car Incident “talking” + when did Myers raise his voice? “Gary
16 became *irritated* with me. He was still *talking* when we arrived home.
17 and continued to *talk*...” CP14 Shelton’s own testimony describes
18 and irritation and describes Myers as “talking” while they “parked
19 along the curb”. *Irritation* is not anger or rage. It is more likely than
20 not that Myers was impatient to return to work and elected to end the
21 fruitless “talk” when Shelton stated” yes this is absurd”. It is more

1 likely than not that this is the moment he reached over to unlock
2 Shelton's door and said, "Then go be friends with Karl". It is
3 Shelton's first testimony was that: "Myers raised his voice: Would
4 you get out of the F*** Car?!"—note that Shelton's testimony is that
5 Myers raised his voice DURING Myers request for her to leave the
6 car—not during a fictitious prior argument about her repair cost on
7 her truck. Shelton's testimony changes in CP 26-. In RP26 Shelton
8 claims Myers "exploded" ... " ... Then ... [he said] "get the F*** out
9 of my car". Shelton's re-sequenced timing of when Myers raised his
10 voice—and then mis-characterized it from "raised his voice" to
11 "exploded". Also, Shelton distorted Myers REQUEST: "Please get
12 out of the F*** car" and misrepresented it as a DEMAND: "get the
13 F*** out of my car." Shelton's two versions of the same event
14 impeaches her own credibility. Myers raised his voice only after
15 Shelton refused to get out of his car.

16 Perfecting the record: The record will show that Myers Notice of
17 Appeal covered all proceedings in this case for both an appeal of
18 right and a discretionary appeal. Myers ordered and paid for three
19 RPs, Nov 8th Ex Parte; December 4th Commissioner; January 3rd
20 Trial Court. Court orders of all proceedings were included in the
21 notice of appeal as required. Myers was sent three separate RP files

1 directly from the court reporter. Myers was not sent the RP that was
2 filed that consolidated three proceedings in one RP. **Myers indexed**
3 **his RP starting with Page 1 for each RP proceeding.**

4
5 Myers request an apology from this court on behalf of the lower court
6 regarding the court's misrepresentation of testimony and the lower
7 court new allegation during the ruling that Myers pushed Shelton
8 down the stairs. Also, Shelton had needlessly contacted Myers son
9 and daughter-in-law and seeded their minds with her distorted
10 perceptions. If this court finds Myers prevails on this record. Myers
11 asks the court for a statement from the court to clarify to restore
12 Myers reputation that he did not commit an act of violence and that
13 this conclusion was not based on a mere technicality.

14 Under the penalty of perjury under the laws of Washington State, I hereby
15 certify this document was sent to Kevin Hochhalter to
16 Kevin@OlympicAppeals.com on June 19th, 2020 via the Division 2 portal.
17 Signed in Thurston county in the city of Olympia.
18

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20
21
22



GARY MYERS, APPELLANT PRO SE DATE

6-19-2020

PRO SE

June 19, 2020 - 1:49 PM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 54203-0
Appellate Court Case Title: Lalani Shelton, Respondent v. Gary Myers, Appellant
Superior Court Case Number: 19-2-30827-1

The following documents have been uploaded:

- 542030_Briefs_20200619134459D2883419_7107.pdf
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