

NO. 35287-1-III

COURT OF APPEALS

STATE OF WASHINGTON

DIVISION III

STATE OF WASHINGTON,

Plaintiff/Respondent,

V.

RICARDO G. GONZALEZ-GARCIA,

Defendant/Appellant.

BRIEF OF APPELLANT

Dennis W. Morgan WSBA #5286
Attorney for Appellant
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ASSIGNMENTS OF ERROR

1. Ricardo G. Gonzalez-Garcia did not receive effective assistance of counsel as mandated by the Sixth Amendment to the United States Constitution and Const. art. I, § 22. (CP 10; CP 15; CP 20; CP 23; CP 26; CP 31; Appendices “A;” “B;” “C;” “D;” “E;” “F”)

2. The trial court, upon receiving multiple letters from Mr. Gonzalez-Garcia, failed to act *sua sponte* to address his mental status.

ISSUES RELATING TO ASSIGNMENTS OF ERROR

1. Should defense counsel have required a competency evaluation of Mr. Gonzalez-Garcia based upon the multiple letters which he wrote to the trial court?

2. Should the trial court have, *sua sponte*, directed a competency evaluation of Mr. Gonzalez-Garcia based upon his multiple letters?

STATEMENT OF THE CASE

Trooper Iverson of the Washington State Patrol was on duty on January 29, 2017. He was traveling EB on I-90 near MP 154 when he observed

a car traveling WB at a high rate of speed. (Sosa RP 33, ll. 2-3 RP 37, ll. 11-22; RP 40, ll. 2-3)

Trooper Iverson was driving a fully marked patrol car and wearing his uniform. (Sosa RP 36, ll. 3-5; RP 36, l. 16 to RP 37, l. 6)

Trooper Iverson crossed the median and began pursuit of a maroon colored Pontiac. The car was passing other cars at a high rate of speed. His emergency lights were activated and he eventually regained contact with the car at MP 151. He paced it at one hundred (100) to one hundred and eight (108) MPH. (Sosa RP 40, ll. 24-25; RP 41, ll. 15-24; RP 42, ll. 2-25; RP 43, ll. 7-10)

The car exited I-90 at MP 149. It failed to stop at the SR-281 stop sign. It headed north on SR-281. (Sosa RP 44, ll. 3-4; ll. 12-20; RP 45, ll. 22-25)

Trooper Iverson pulled his patrol car alongside the Pontiac. As he tried to wave the driver to the side of the road, the driver waved at him and accelerated. The driver did not stop in response to commands on the trooper's public-address system. (Sosa RP 46, ll. 4-20 RP 47, ll. 5-20)

The driver made a left turn onto Road 6 NW. He signaled the stop. The car finally stopped near a garage at a cattle feedlot approximately one-half to three-quarters of a mile further on Road 6 NW. (Sosa RP 47, ll. 23-25; RP 48, ll. 5-12)

While Trooper Iverson was in pursuit of the Pontiac he was joined by Officer Talbot of the Warden Police Department. Officer Talbot observed the Pontiac swerve in and out of traffic after passing him at approximately ninety-five (95) miles per hour. He also activated his lights and siren on SR-281. (Sosa RP 78, ll. 22-23; RP 79, ll. 17-25; RP 82, ll. 2-3)

Mr. Gonzalez-Garcia neither speaks nor understands English. He did not respond to Trooper Iverson's commands following the stop. Officer Talbot does speak Spanish. Mr. Gonzalez-Garcia appeared to understand him when the commands were interpreted. (Sosa RP 50, l. 20 to RP 51, l. 1; RP 83, ll. 5-8)

An Information was filed on January 30, 2017 charging Mr. Gonzalez-Garcia with attempting to elude a pursuing police vehicle. (CP 1)

At Mr. Gonzalez-Garcia's arraignment on February 14, 2017 the Court was advised that he did not want an attorney; that he had not completed the indigency screening form; he refused to sign the scheduling order; and otherwise did not participate in the proceedings. (Steinmetz RP 4, l. 4 to RP 5, l. 16; RP 6, ll. 8-10)

Numerous scheduling orders were entered prior to trial commencing on May 10, 2017. (CP 9; CP 19; CP 22; CP 30)

Mr. Gonzalez-Garcia wrote multiple letters to the trial court. They were filed on March 6, 2017, March 30, 2017, March 31, 2017, April 13,

2017, April 14, 2017 and April 27, 2017. The letters were translated and the translations filed with the letters. It does not appear that the trial court responded to any of those letters.

The letters are concerning. They should have alerted both the trial court and defense counsel to a competency issue. No action was taken by either defense counsel or the trial court in connection with the content of those letters.

A jury found Mr. Gonzalez-Garcia guilty on May 11, 2017. (CP 97)

Judgment and Sentence was entered on May 15, 2017. Mr. Gonzalez-Garcia filed his Notice of Appeal that same date. (CP 98; CP 115)

SUMMARY OF ARGUMENT

Defense counsel was ineffective in not requesting a competency evaluation of Mr. Gonzalez-Garcia.

The trial court committed error when it did not, *sua sponte*, after receiving Mr. Gonzalez-Garcia's letters, order a competency evaluation.

Mr. Gonzalez-Garcia was incompetent at the time of trial.

ARGUMENT

Prior to 1973, Washington courts relied exclusively on their inherent judicial powers to make determinations regarding competency. [Citations omitted.] In 1973, the legislature created a new chapter, RCW 10.77, relating to procedures, treatment, and care of the criminally insane and those incompetent to stand trial. [Citations omitted.] The effect of that legislation was to standardize the procedures to be used in making determinations of competency.

State v. Wicklund, 96 Wn.2d 798, 801, 638 P.2d 1241 (1982).

Mr. Gonzalez-Garcia contends that based upon his multiple letters to the Court that a serious question was raised concerning his competency to stand trial. The letters are indicative of a mind that neither comprehended judicial procedures nor the seriousness of the charge against him.

The letters reflect that Mr. Gonzalez-Garcia believed that some type of communication device had been implanted in his body. He was also searching for his brother who he believed was in federal custody in West Virginia. Additionally he was concerned with another individual who may or may not have been involved in child pornography.

Mr. Gonzalez-Garcia also raised issues regarding his car and his cellphone. None of these issues related to the charge pending before the court.

It is fundamental that no incompetent person may be tried, convicted, or sentenced for the commission of an offense so long as the incapacity continues. RCW 10.77.050. Indeed, the conviction of an accused while he is legally incompetent violates his constitutional right to a fair trial under the Fourteenth Amendment's due process clause. *Drope v. Missouri*, 420 U.S. 162, 172, 43 L. Ed.2d 103, 95 S. Ct. 896 (1975); *Pate v. Robinson*, 383 U.S. 375, 378-86, 15 L. Ed.2d 815, 86 S. Ct. 836 (1966); *State v. Tate*, 74 Wn.2d 261, 263-64, 444 P.2d 150 (1968), *appeal after remand*, 1 Wn. App. 1, 458 P.2d 904 (1969); *State v. O'Neal*, 23 Wn. App. 899, 901, 600 P.2d 570 (1979).

State v. Wicklund, *supra* 800.

The State may assert that Mr. Gonzalez-Garcia cannot raise this issue on appeal. However, it is a constitutional issue entitled to review under RAP 2.5(a)(3).

Moreover, "incompetency cannot be waived." *Personal Restraint of Fleming*, 142 Wn.2d 853, 864, 16 P.3d 610 (2001).

Furthermore, "a defendant's counsel does not have the power to waive the defendant's right under RCW 10.77.050." *Personal Restraint of Fleming*, *supra* 866.

Defense "counsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary." "The reasonableness of coun-

sel's actions may be determined or substantially influenced by the defendant's own statements or actions."

Personal Restraint of Gomez, 180 Wn.2d 337, 355, 325 P.3d 142 (2014) (quoting *Strickland v. Washington*, 466 U.S. 668, 691, 104 S. Ct. 2052, 80 L. Ed.2d 674 (1984)).

The record is devoid of any investigation being conducted by defense counsel into Mr. Gonzalez-Garcia's competency. The letters which were filed with the Grant County Clerk should have fully alerted defense counsel that there was a serious question concerning Mr. Gonzalez-Garcia's ability to understand the proceedings involved.

In addition, Mr. Gonzalez-Garcia's failure to participate in the arraignment proceedings, the indication that he did not want representation by counsel, along with his refusal to sign any scheduling orders, should have further alerted both defense counsel and the trial court to the competency issue.

To demonstrate ineffective assistance of counsel, a defendant must make two showings: (1) defense counsel's representation was deficient, *i.e.*, it fell below an objective standard of reasonableness based on consideration of all the circumstances; and (2) defense counsel's deficient representation prejudiced the defendant, *i.e.*, there is a reasonable probability that, except for counsel's unprofessional errors, the result of the proceeding would have been different.

State v. McFarland, 127 Wn.2d 322, 334-35, 899 P.2d 1251 (1995).

Mr. Gonzalez-Garcia submits that no criminal defense attorney in the State of Washington would have ignored the red flags raised by his multiple letters to the trial court concerning his competency.

Defense counsel has a duty to protect his client's rights in each and every circumstance that comes to his attention. If his client shows signs that he is not aware of the impact of trial proceedings, and is off on numerous tangents that have nothing to do with those proceedings, an issue of competency arises.

Defense counsel's deficient representation of Mr. Gonzalez-Garcia in this regard prejudiced him. He was convicted following trial when he was incompetent to stand trial.

Mr. Gonzalez-Garcia contends that the fact situation in *Personal Restraint of Fleming, supra*, has sufficient similarities to his case such that his conviction should be reversed. As the *Fleming* Court noted at 867:

... [T]here is no indication in the verbatim report of proceedings to show there was some irrational behavior or conduct by Fleming so as to have alerted the trial court that a competency hearing was necessary. Therefore, the court did not err in failing to grant a competency hearing prior to accepting the plea.

Even though this was a jury trial, not a guilty plea hearing, the trial court had been placed on notice that Mr. Gonzalez-Garcia was not attuned to the gravity of the proceedings. The multiple letters, of necessity, should have alerted the trial court to the competency issue. The trial court failed to act.

... [I]f the court has reason to doubt the defendant's competency to stand trial, the court must hire an expert evaluation of the defendant's mental condition. RCW 10.77.-060(1)(a). The court may do this on its own motion. *Id.*

State v. Harris, 122 Wn. App. 498, 505, 94 P.3d 379 (2004).

CONCLUSION

The record reflects that Mr. Gonzalez-Garcia was incompetent to stand trial.

Defense counsel's inaction in not requesting a competency evaluation amounts to ineffective assistance of counsel.

Mr. Gonzalez-Garcia's conviction is prejudicial to him based on immigration status.

The trial court, having received Mr. Gonzalez-Garcia's letters, should have acted *sua sponte* to order a competency evaluation.

Since Mr. Gonzalez-Garcia was incompetent to stand trial, defense counsel could not waive that right, and the trial court failed to act, his conviction should be reversed and a competency evaluation ordered.

DATED this 20th day of September, 2017.

Respectfully submitted,

s/ Dennis W. Morgan

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APPENDIX “A”

FILED

CHERYL HILL

MAR 06 2017

KIMBERLY A. ALLEN
GRANT COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF GRANT

State of Washington
Plaintiff/Petitioner,

No. 17-1-00079-8

vs.

Ricardo Gonzalez
Defendant/Respondent

Letters from
Defendant

RE: 17-1-00079-8

SERVICE REQUEST FORM
SOLICITUD PARA SERVICIOS

NAME: Ricardo Gonzalez DATE: 03/27/2017 DORM: 08
NOMBRE FECHA DORMITORIO

ONE REQUEST PER FORM:
UNA PETICION POR FORMA

- SERGEANT
Sergento
- District Court Prob: PO Name: _____
- DISTRICT COURT ONLY
CORTE
- Dept. of Corrections:
OFFICIAL DE PROBACION PO Name: _____
- School
ESCUELA
- OTHER
OTRA

EXPLAIN:
EXPLIQUE

Antes que nada disculpe su Señoría mis molestias.
 Para ya en asunto y si se pudiera en mi siguiente
 Carta su Señoría me podría ayudar con esto que
 en español le explico.
 Yo trabajaba en "Quincy una calle "X" En la oficina de Señor
 "Mike" y el encargado "Jose Luis Alvarez"
 Decía y me ayudaba. Con estas preguntas si usted puede
 se la agradecería y no se valga a Rev de mi Como hombre
 se lo digo y con Respeto. Yo Ricardo Gonzalez agorre a
 me pusieron una mañana de Comunicación y algo mas
 "La vida nose así" Pero algo parecido a eso Blatou.

REPLY:

he visto esto en la mayoría de las personas
 tan real Como que vivemos. Me la puse el gobierno
 lo me lo fijaron Jose Luis Alvarez y Mike
 ¿Me lo pusieron dormido o no se Como?
 ¿Sera normal esta una?
 Empese a notar ya ase Como 2 meses y medio a 3
 meses. No aca dicho porque me daiva
 "irregular" pero ya estoy "segurísima" que
 si es así. Espera su respuesta lo me
 caga saber de esto en mi sig. Carta. gracias
 y en "serio" espera su ayuda.
 Ricardo Gonzalez.

RE: 17-1-00079-8

SERVICE REQUEST FORM
SOLICITUD PARA SERVICIOS

NAME: Ricardo Gonzalez
NOMBRE

DATE: 03/02/2027
FECHA

DORM: 08
DORMITORIO

ONE REQUEST PER FORM:
UNA PETICION POR FORMA

SERGEANT
Sergento

District Court Prob:

PO Name: _____

Dept. of Corrections:
OFFICIAL DE PROBACION

PO Name: _____

School
ESCUELA

OTHER
OTRA

DISTRICT COURT ONLY
CORTE

EXPLAIN:
EXPLIQUE

Mi Ordetas Para Su Señoria. Pero talvez no me
explique en la petición que les ise "en la fecha 02/17/2027"
yo "Ricardo Gonzalez" respetuados y preocupado. Les
pedir y preguntar si podrian ustedes como "Gobierno"
ocurre sobre de mi hermano "Dario Gonzalez" estando
el en la prision - De las Virginia Hazelton Brucstone
por que llavo varios meses como estara. Esta vez no ha
algun le pesa. vive a miere. Preocupacion familiar y
humanas que somos ¿Verdad? la Corte me Responde?
⇒ esto. Sorry We dont have any info on your brother. ¿
¿Pero si podrian informarme? ¿Si se Responde Verdad?

REPLY:

¡mi disculpas espero me entiendan!
(gracias)
— Ricardo Gonzalez —

RE: 17-1-00079-8

SERVICE REQUEST FORM
SOLICITUD PARA SERVICIOS

NAME:
NOMBRE

Ricardo Gonzalez

DATE:
FECHA

2/22/2012

DORM: 08
DORMITORIO

ONE REQUEST PER FORM:
UNA PETICION POR FORMA

SERGEANT
Sergento

District Court Prob:

PO Name: _____

Dept. of Corrections:
OFFICIAL DE PROBACION

PO Name: _____

School
ESCUELA

OTHER
OTRA

DISTRICT COURT ONLY
CORTE

EXPLAIN:
EXPLIQUE

Con Respeto y no se que deberhas tengo
o tiene cualquier persona aqui en esta Corte
Pero desde dias pasados le dije a ese
"albergado del estado" que yo no queria que
el llevara mi casa y esta misma a present-
arme ante ya "2 dos" Cortes que he
tenido que esto mamas
quier que opino esta Corte tomar mi caso
que no lo he mirado tan delibizo sin querer
ya lo mirara isto su Señoría para
esta ya queda explicar pero no Resistirme

REPLY:

gracias y disculpe mi atrevimiento
Ricardo Gonzalez

3/1/2017

Before anything I'm sorry your honor for being a bother. But I can't take it anymore and if you could please help me in my next court on what I'm going to explain.

I worked in Quincy WA road 6 for the dairy farm of Mr. Mike and the supervisor Jose Luis Olivares. I want and it would help me if you could answer these questions, I would appreciate it. With respect I ask that you not laugh at me. Did I Ricardo Gonzalez get or did the put in mi a way of communicating and something more "I really don't know" but it's something similar to "Bluetooth." I have seen this in the majority of people and it's as real as we are alive. Did the government put this in me or did Jose Luis and Mike? How did they put it in, while I was sleeping? Is this or is it not normal? I began to notice 2 to 3 months ago. I hadn't said anything because I was embarrassed. But I'm now very sure that this is real. I will wait for your response or for you to let me know during my next court. Thank you and I seriously await your response.

Ricardo Gonzalez

3/2/17

Much respect for you your honor. I don't think I explained myself in my previous request done on the date 2/17/2017. I Ricardo Gonzalez with respect and concern asked if you as the "government" could let me know about my brother Dario Gonzalez being in prison of WS Virginia Hazelton Bruceton. Because I have many months how is he, is he well or did something happen to him, does he live or is he dead, concerned family and we are all human right? The court responded this, "sorry we don't have any info on your brother" but can you inform me? You can right?

I'm sorry, I hope you understand me!

Thanks

Ricardo Gonzalez

2/27/17

With respect and I don't know what rights I have or any person here in this court. But days ago I told that lawyer of the state that I don't want him to have my case but he is stubborn to present me before 2 courts that I've had. I do this just to see what the court's opinion is on my case. Because I have not seen such delight without wanting. You can see your honor. On this I can explain but don't resist me. Thanks and sorry for bothering you.

Ricardo Gonzalez

APPENDIX “B”

ULISES INFANTE

FILED

MAR 30 2017

KIMBERLY A. ALLEN
GRANT COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON IN AND FOR THE COUNTY OF GRANT

State of Washington
Petitioner/Plaintiff

VS

Ricardo Gonzalez
Respondent/Defendant.

Case #

17-1-00079-8

Letters From Defendant

#343841

SERVICE REQUEST FORM
SOLICITUD PARA SERVICIOS

NAME: Ricardo Gonzalez DATE: 03/25/2017 DORM: D 8
NOMBRE FECHA DORMITORIO

ONE REQUEST PER FORM:
UNA PETICION POR FORMA

SERGEANT
Sergento

District Court Prob:

PO Name: _____

DISTRICT COURT ONLY
CORTE

Dept. of Corrections:
OFICIAL DE PROBACION

PO Name: _____

School
ESCUELA

OTHER
OTRA

EXPLAIN: Rescrito a "Jose Luis Olivares"
EXPLIQUE Que Sr. Presento a la
Corte por algunas peticiones
a demanda que en la
Corte de Justicia dice
Tengo mis motivos y con
ellos, algo de un tipo
La Corte me la consiente se trata
de la libertad de la familia
infantil sin el consentimiento
y otras cosas. Seramente.

REPLY: "Gracias" Ricardo Gonzalez

RECEIVED
MAR 30 2017
KIMBERLY A. ALLEN
GRANT COUNTY CLERK

SERVICE REQUEST FORM
SOLICITUD PARA SERVICIOS

NAME
NOMBRE

Ricardo Gonzalez

DATE
FECHA

03/24/2017

DORM:
DORMITORIO

D 8

ONE REQUEST PER FORM:
UNA PETICION POR FORMA

SERGEANT
Sergento

District Court Prob:

PO Name: _____

DISTRICT COURT ONLY
CORTE

Dept. of Corrections:
OFFICIAL DE PROBACION

PO Name: _____

School
ESCUELA

OTHER
OTRA

EXPLAIN:
EXPLIQUE

Señoría Me he dicho cuenta aquí en el Bloque
"D Block 8" de esta cárcel por el oficial CIVIL
Dando no se aire trabajo comunes los tales Compañeros
Pienso en la vida exactamente no se oír como es
no es el problema porque en la mayoría de la vida
de la he visto, al porque en mi día dicho cuando y
cuando me piden esto? Por esta comunicación
y otras acciones en el rancho de Mr. MIKE
note que se me acusa de delitos como si ya
fueran un violador de menores y cosas parecidas
es delirado y exijo ser respueste en mi jurisdicción

REPLY:

Así se es mas pronto meter esta con si
trabajo y demás meter esta trabajo mi hijo en
mientras por eso me voy

Ricardo Gonzalez

RECEIVED

MAR 30 2017

KIMBERLY J ALLEN
GRANT COUNTY CLERK

Miss, I have realized here in block D Cell 8 of this jail by the officer whose name I don't know have in common or such communication truly exactly I don't know but that's not the problem. Because I have seen it in the majority of people. Why haven't they told me when or how they put this on me? Because of this communication and other actions in Mr. Mikes Farm I noted that I'm being accused of crimes as if I had raped a minor and things like that! This is important and I urge you to respond during court. Or if sooner that's better I am with your government and desire to clear this up. I have a daughter in Mexico, that's why it's urgent.

I need "Jose Luiz Olivares" to be present in court due to some charges or lawsuits that I will say in court. I have my motives and with proof. Something serious I expect the court to grant this. It has to do with publicizing child pornography! Without my consent and there are other people. Seriously, "thank you" Ricardo Gonzalez.

APPENDIX “C”

FILED

CHERYL HILL

MAR 31 2017

KIMBERLY A. ALLEN
GRANT COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF GRANT

State of Washington
Plaintiff/Petitioner,)

No. 17-1-00079-8

vs.)

Ricardo Gonzalez
Defendant/Respondent)

Memo from
Defendant

Superior Court Case

17-1-00079-8

SERVICE REQUEST FORM SOLICITUD PARA SERVICIOS

NAME: Ricardo Gonzalez
NOMBRE

DATE: 05/19/2017
FECHA

DORM: 128
DORMITORIO

ONE REQUEST PER FORM:
UNA PETICION POR FORMA

SERGEANT
Sergento

District Court Prob:

PO Name: _____

DISTRICT COURT ONLY
CORTE

Dept. of Corrections:
OFFICIAL DE PROBACION

PO Name: _____

School
ESCUELA

OTHER
OTRA

EXPLAIN:
EXPLIQUE

Con respeto a la Corte,
yo Ricardo Gonzalez, le escribo
la siguiente petición de que el
oficial Wewson la Corte se haga la verdad
no se muera el inglés pero viendo la seriedad
de la petición y este oficial que me arresto
seria y con salud como me traen conectado
algo como el Bluetooth me inyectado como?
quiero sea presentado este oficial ante
ante el tribunal sin mentiras ni engaños, quiero
la Corte de Justicia me lo considere gracias Ricardo Gonzalez

TRANSLATION

With much respect for the court, I Ricardo Gonzalez need this humble request to have officer Wewson or whatever his name is, truth is I don't know much English but seeing him I would recognize him, my request is to have the officer who arrested me who knew and still knows how they have me connected with something like Bluetooth, did they inject me or how? I would like the officer to be present with me before the court. Without lies or scams I hope the court of justice will grant me this. Thank you! Ricardo Gonzalez.

APPENDIX “D”

ULISES INFANTE

FILED

APR 13 2017

KIMBERLY A. ALLEN
GRANT COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON IN AND FOR THE COUNTY OF GRANT

State of Washington
Petitioner/Plaintiff

vs

Gonzalez Garcia, Ricardo G.
Respondent/Defendant.

Case #

17-1-00079-8

Letter From Defendant

APR - 7 2017

SERVICE REQUEST FORM
SOLICITUD PARA SERVICIOS

Deputy Clerk

NAME: Ricardo Gonzalez
NOMBRE

DATE: 04/04/2017
FECHA

DORM: D-8
DORMITORIO

343841

ONE REQUEST PER FORM;
UNA PETICION POR FORMA

SERGEANT
Sergento

District Court Prob:

PG Name: _____

Dept. of Corrections:
OFFICIAL DE PROBACION

PO Name: _____

DISTRICT COURT ONLY
CORTE

School
ESCUELA

OTHER
OTRA

EXPLAIN:
EXPLIQUE

Con respeto y no me obongo ante la ley!
Un oficial se me acusa que lo intente chiv estar
seguro que no. En camina aqui los deo las cosas que
ide en pasado y el gobierno ya los tiene que sacar.
Primero se buelan de mi en dando trabajo y Mr. Carran.
Segundo, Mr. Se porque de sergan 2 oficiales de un hotel y
para caluro I Paul. Se queda con mi card he identificaron.
Tercero y dicho sin contestar he nacionalado injustamente una
vez aqui me buelan en la calda de Pustan. Me intentan
asesinar el oficial "Yinnes Brent" y para caluro me dicen
que son de buelton el San Unidad que hice?

REPLY:

Disculpa mi comportamiento para asi es y muchas
vez que opinona
Y mi para no se dare cuenta
de donde lo deja. (Lo no este en lugar Edro)
1^o no intente escapar
2^o no me acusa el oficial por algun delito, ni
asesinar de algo en cuenta de la ley.
una vez mas gracias.

DOR 17-1-00079-8

8-4-85

With respect and I do not stand against the law. An officer supposedly accuses me of trying to flee I am sure not. On the contrary here I will tell you all of the things that have happened and the government now has to know them.

First, they joke about me where I used to work and they fire me.

Second, I don't know why two officers took me out of a hotel, they kept my identification.

Third, As said I was arrested and incarcerated unfairly , once her I'm placed in a cell for punishment, they try to assassinate me Officer "Coomes Brent" and they tell me I'm going to be deported. Seriously, what did I do?

Forgive my boldness but that how it is, just to see what you think.

And my car should not be moved from where I left it.

1st it's at a federal place

2nd I didn't try to escape

3rd I was not arrested by the officer for a crime or for possession of something against the law.

Once again thank you.

APPENDIX “E”

FILED

APR 14 2017

KIMBERLY A. ALLEN
GRANT COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON IN AND FOR THE COUNTY OF GRANT

State of Washington
Petitioner/Plaintiff

vs

Gonzalez Garcia, Ricardo
Respondent/Defendant.

Case # 17-1-00079-8

Letter From Defendant with Translation
DTD 4/8/17 am 4/14/17

SERVICE REQUEST FORM
SOLICITUD PARA SERVICIOS

NAME: Diego Gonzalez
NOMBRE: 343841

DATE: 04/08/2017
FECHA:

DORM: D-8
DORMITORIO

ONE REQUEST PER FORM:
UNA PETICION POR FORMA

SERGEANT
Sergento

District Court Prob:

PO Name: _____

DISTRICT COURT ONLY
CORTE

Dept. of Corrections:
OFFICIAL DE PROBACION

PO Name: _____

School
ESCUELA

OTHER
OTRA

EXPLAIN: Una Despeda Negocio Saber Que Paso con mi perro?
EXPLIQUE La tarde de Jose Luis Alvarez en \$2.800
y se la da en la punta de su casa.
El titula el ya sabe donde esta y alla por el se lo
firmo ya que ya se la da.
Ha se lo necesita antes de saber como
comenzado y aqui se lo firmo.
¡gracias por ayudarnos!

REPLY: _____

FILED
Grant County District Court

APR 12 2017

SERVICE REQUEST FORM
SOLICITUD PARA SERVICIOS

39841

NAME: Mercedes Gonzalez

DATE: 04/09/2017

DORM: D-8
DORMITORIO

ONE REQUEST PER FORM:
UNA PETICION POR FORMA

SERGEANT
Sergento

District Court Prob:

PO Name: _____

DISTRICT COURT ONLY
CORTE

Dept. of Corrections:
OFFICIAL DE PROBACION

PO Name: _____

School
ESCUELA

OTHER
OTRA

EXPLAIN:
EXPLIQUE

Con Respeto yo he querido saber de
mi hermana.

Daria Gonzalez Garcia. En la prision
De Hazelton Mills. W.V. USA.

Para no he podido Dias quem y se
brancuente vien. ¿Les Casa Lisa Verdad?
¿Hay se huda? Disculpen y gracias
Sura que no tengo delito pasesa me alio a
decidas esto sin ofender.

Mercedes Gonzalez

REPLY:

04/08/2017

With respect I need to know what happened to my car? I sold it to Jose Luis Olivares for \$2,800 and I left at the door of his house. He knows where the title is. Go for it and I will sign it when I get out. Or if he needs it sooner let him know how to send it to me and I'll sign it here.

Thanks for helping us!

04/08/2017

With respect I have wanted to know about my brother. Dario Gonzalez Garcia. At the Hazelton Prison in WV USA. But I have not been able to. God willing he is alright. Does this make you laugh? Why do you joke? Sorry, and thank you. You know I don't have any crimes that's why I dare to say this without offense.

Ricardo Gonzalez

APPENDIX “F”

ULISES INFANTE

FILED

APR 27 2017

KIMBERLY A. ALLEN
GRANT COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON IN AND FOR THE COUNTY OF GRANT

State of Washington
Petitioner/Plaintiff

vs

Gonzalez Garcia, Ricardo
Respondent/Defendant.

Case #

17-1-00079-8

Letters from Defendant
With Translations.

3/8/2017

Before anything all my respect to "the court." In any matter I'll explain as a person and human being that I am. A few days ago due to 1 or two little mistakes I made, speaking clearly and sincerely, an officer didn't let me eat! And because of things that God allows or whatever that action was overlooked. Now on this date 3/7/2017 at 23:18 the officer "Coomes Brent cp !" punished me and gave me a paper that said I had various charges, which truly isn't right the only thing that I "Ricardo Gonzalez" am responsible for is cutting a piece of my blanket to cover my feet from the cold and make myself underwear because I didn't have any. As a man that I am in no moment did I disrespect "that officer" he handcuffed me, he grabbed me by the collar of my shirt. And he "rozo" of the smoothest that could be without wanting or however the court would see it my beard in his glove and in turn this officer while I was handcuffed threatened to hit me I told him that he could but we knew that he couldn't and he shouldn't. He *continued and tried to assassinate me!* Grabbing me and hitting me against the floor to the point that my head was hit against the floor. The truth is that I made a copy of this paper in case they didn't let the other one I sent on 3/8/2017 get to you. I don't have nor will I have any personal problems against the officer "Coomes Brent cp!! But with respect I desire and you your honor or the government give and analyze this about what the law states. Many apologies if I don't express myself well since I'm from a farm. The officer has a bad head I say it and confirm it by what he did. Thanks Ricardo Gonzalez

04/14/2017

Excuse my boldness but with sincerity I don't if as a joke or in reality people from the government or simply other people tell me many things in my ear that I don't think are right. I ignore them. What I can't ignore is that they tell me that my brother Dario Gonzalez Garcia a prisoner at the prison of "Hazelton Mills WV" was killed by an officer. Wholeheartedly I hope you understand me your honor. And I'll gladly wait for your response. Thank you very much. Ricardo Gonzalez.

4/14/2017

Beforehand I apologize for my bothering you. But another issue that I would like you to analyze and know your honor and the court is that in my phones I made calls and made one call to "911" and I was not helped. Truly I don't know what was happening with my cellphone it's one that was left in my car when I was arrested. And in the other two that I bought after I noticed strange things and not good for me, my family, and for the government. Can something be done about what I've explained and I ask it be analyzed? Hopefully it can. Thanks Ricardo Gonzalez.

04/14/2017

Before anything forgive me I know I have offended the court and the attorney that I was assigned by the court of the state. On the other hand I don't feel guilty of what I'm being accused of. But you have the order. My respect for the government just like to other people. But I felt offended by some of the

questions that my attorney asked. Such as telling me I will be deported to my country. Is my attorney in the just? Or can the court of the state assign me a new one? Sorry and thank you. Ricardo Gonzalez.

04/17/2017

Your honor with respect but I don't feel good knowing well that the government my respect, and the same the race of the street including Jose Luis Olivares have laughed at me and I believe even publicized the truth something shameful. But I feel it's not of the law, they publicized me or are accusing me of having seen on my cell phone videos for adults and I don't deny having done things like every man, normal things. Over that they took my phone or they got into my phone. I say this because how can this happen or who has done it? To go into my phone, my internet, and publicize me, in my personal and private things like any normal person. Can you help me with this? For me it is grave and shameful and the same for the government. I have a daughter, and I don't want to have misunderstandings. I ask and urge something be done. Thank and many apologies. I have never ran from an officer he knows!

FILED

County District Court

APR 18 2017

SERVICE REQUEST FORM
SOLICITUD PARA SERVICIOS

Deputy Clerk

NAME: Ricardo Gonzalez
NOMBRE

DATE: 3/20/2017
FECHA

DORM: 08
DORMITORIO

ONE REQUEST PER FORM:
UNA PETICION POR FORMA

SERGEANT
Sergento

District Court Prob:

PO Name:

DISTRICT COURT ONLY
CORTE

Dept. of Corrections:
OFFICIAL DE PROBACION

PO Name:

School:
ESCUELA

OTHER
OTRA

RECEIVED

APR 24 2017

KIMBERLY A. ALLEN
GRANT COUNTY CLERK

EXPLAIN:
EXPLIQUE

Antes que nada todo respecto a "la Corte". De tal manera explicandole y como recluso y ser humano que soy. Asi dice Rosados y I ha das cosas mas viendo como y Sersera. Un oficial no me da de la mano! Y x cosas que Dios mandado ha lo que sea. Si pasa x Alto. Dicho asi: Ahora en esta fecha 3/2/2017 at 7:18" El oficial Jimenez Brent col! me hostiga y me puso en un papel que me traia. Varios cargos que en realidad no son la unica que me son responsable un "Ricardo Gonzalez" es de contacto un abogado a mi familia para cubrirme los papeles que el hizo y ahora como abogado para no trabajar. Como humano que soy ya en ningun momento le falte el respeto a dicho oficial" Me roba un correo del correo de mi

REPLY:

roba y ya nunca se roza de la mano siervo que queda claro sin querer a como usted y la Corte vean mi mano en su frente de la mano. En cambio. Este oficial ahora ya roba me amenaza al programa ya le dice que se puede. Para saber que me puede ni deves. Siguen y me intenta hostigar! contra adarme y dandome contra el suelo y a punto de de mi cabeza. Decidan seriamente que en el suelo. La vida que buena fue este punto bien como x B. en la reunion luego el otro que comienza 3/18/2017. No tengan ni tanto ningun problema personal en contra del oficial Jimenez Brent col! Para con respecto se decida y mismo si continuan ha el programa de analizar esta y asi la que la ley manda. Mil disculpas si no me expreso bien por soy de raza mala cabeza ese oficial lo digo y lo afirmo. Por lo que me ira.

¡Gracias!

Ricardo Gonzalez.

FILED

Grant County District Court

APR 17 2017

SERVICE REQUEST FORM
SOLICITUD PARA SERVICIOS

NAME: Ricardo Gonzalez
NOMBRE

DATE: 04/14/2017
FECHA

DORM: D-8
DORMITORIO
343841

ONE REQUEST PER FORM:
UNA PETICION POR FORMA

SERGEANT
Sergento

District Court Prob:

PO Name: _____

Dept. of Corrections:
OFICIAL DE PROBACION

PO Name: _____

DISTRICT COURT ONLY
CORTE

School
ESCUELA

OTHER
OTRA

EXPLAIN: Disculpa mi atrevimiento. Por favor sinceridad
EXPLIQUE No se si en verdad o en realidad Jante
del gobierno ha simplemente otras personas.
me dicen en mi oficina bastantes cosas que no
se me asen bien. Yo las ignora.
Lo que no puedo ignorar es que me dicen que
mi hermano David Gonzalez Garcia Prisionero
en la Prision de "Marathon Mills IV." lo asesino
un oficial de Prision y yo me entiendo
si, por favor y por gusto espero alguna respuesta
de usted. Muchas gracias. Ricardo G. L.

REPLY: _____

17-1-00079-8

RECEIVED
APR 24 2017
KIMBERLY A. ALLEN
GRANT COUNTY CLERK

DOB
8-4-85

FILED
Grant County District Court
APR 17 2017
Deputy Clerk

SERVICE REQUEST FORM
SOLICITUD PARA SERVICIOS

NAME: Ricardo Gonzalez
NOMBRE

DATE: 04/14/2017
FECHA

DORM: D-8
DORMITORIO
34384

ONE REQUEST PER FORM:
UNA PETICION POR FORMA

SERGEANT
Sergento

District Court Prob:

PO Name: _____

Dept. of Corrections:
OFFICIAL DE PROBACION

PO Name: _____

DISTRICT COURT ONLY
CORTE

School
ESCUELA

OTHER
OTRA

EXPLAIN:
EXPLIQUE

De antemano le pido disculpas por mis mate-
rias pero otro asunto que ya debe ser analice
y se tiene su señoría y la parte es que mis
celulares ya están llamados he ido una llamada
al "911" y no se me atiende en verdad no
se que está pasando con mi celular es uno que
queda en mi casa cuando fue robado y en otras
ocas que cuando después ante cosas extrañas he
no hejas tanto para mi familia he para el
aviso. ¿Se puede hacer algo para lo que le
explico y le pido sea analizada? No lo se nada

REPLY:

¡gracias! Ricardo Alén

RECEIVED
APR 24 2017
KIMBERLY A. ALLEN
GRANT COUNTY CLERK

FILED
Grant County District Court
APR 17 2017
Deputy Clerk

SERVICE REQUEST FORM
SOLICITUD PARA SERVICIOS

NAME
NOMBRE

Ricardo Gonzalez

DATE
FECHA

04/14/2017

DORM:
DORMITORIO

D-8
343841

ONE REQUEST PER FORM:
UNA PETICION POR FORMA

SERGEANT
Sergento

District Court Prob:

PO Name: _____

Dept. of Corrections:
OFFICIAL DE PROBACION

PO Name: _____

DISTRICT COURT ONLY
CORTE

School
ESCUELA

OTHER
OTRA

EXPLAIN:
EXPLIQUE

Antes que nada perdón. S. Se que le he
ofendido a la Corte tal como a el abogado
que me asigna la Corte del estado
al otro lado ya me me siento culpable de
lo que se me acusa pero usted tiene la orden
mi respeto por gobierno tal como de la
dunas juez. Pero me siento ofendido en
algunos momentos que me ira mi abogado tal
como que me dice que se de portador para mi pris
esta en la justa mi abogado a la Corte del
estado me podría asignar otra. Disculpe y gracias!

REPLY:

Ricardo Gonzalez

RECEIVED

APR 24 2017
KIMBERLY A. ALLEN
GRANT COUNTY CLERK

APR 18 2017

SERVICE REQUEST FORM
SOLICITUD PARA SERVICIOS

NAME:
NOMBRE

Niranda Gonzalez

DATE:
FECHA

05/24/2017

DORM:
DORMITORIO

D-8

343841

ONE REQUEST PER FORM:
UNA PETICION POR FORMA

SERGEANT
Sergento

District Court Prob:

PO Name:

Dept. of Corrections:
OFFICIAL DE PROBACION

PO Name:

DISTRICT COURT ONLY
CORTE

School
ESCUELA

OTHER
OTRA

EXPLAIN:
EXPLIQUE

Sentencia con respeto pero no me siento

justo. Sintiendome bien que el gobierno
me respete. y al igual 18 raza de
la Calle incluyendo a Jose Luis Alvarez,
Se me resido de mi y creo esta publicando
la verdad algo incógnito para siento no
fuera de la ley, me publicaron o me
acusan de yo que visto en mis celular videos
para normales y no dicen que asiendo cosas
como la de todo sobre cosas normales. Sobre eso
me interinieren mi cel o se matizaban en el.

REPLY:

Lo dicen porque como ando pasas esa ha
quiza lo a esta!
De matarse en mi cel mi internet y
publicarme en mis cosas personales he probado
como cualquier persona normal.
¿Pueden ayudarme en este caso! Para mi
es grave he incógnito al igual que Pal
Gonzalez, tengo una hija y un quierro
normal entendidas. Pido y exijo algo
gracias y muy disculpas.
Ademas le he pasado a un oficial el Smartphone.

RECEIVED

APR 24 2017

KIMBERLY A. ALLEN
GRANT COUNTY CLERK

Deputy Clerk

NO. 35287-1-III

COURT OF APPEALS

DIVISION III

STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	GRANT COUNTY
Plaintiff,)	NO. 17 1 00079 8
Respondent,)	
)	
v.)	CERTIFICATE OF SERVICE
)	
RICARDO G. GONZALEZ-GARCIA,)	
)	
Defendant,)	
Appellant.)	
_____)	

I certify under penalty of perjury under the laws of the State of Washington that on this 20th day of September, 2017 I caused a true and correct copy of the *BRIEF OF APPELLANT* to be served on:

COURT OF APPEALS, DIVISION III
Attn: Renee Townsley, Clerk
500 N Cedar St
Spokane, WA 99201

E-FILE

GRANT COUNTY PROSECUTOR'S OFFICE

Attn: Garth Dano

gdano@grantcountywa.gov

E-FILE

RICARDO G. GONZALEZ-GARCIA #346135

Washington State Penitentiary

1313 North 13th Avenue

Walla Walla, Washington 99362

U.S. MAIL

s/ Dennis W. Morgan

DENNIS W. MORGAN WSBA #5286

Attorney for Defendant/Appellant.

P.O. Box 1019

Republic, WA 99169

Phone: (509) 775-0777

Fax: (509) 775-0776

nodblspk@rcabletv.com

October 20, 2017 - 2:50 PM

Transmittal Information

Filed with Court: Court of Appeals Division III
Appellate Court Case Number: 35287-1
Appellate Court Case Title: State of Washington v. Ricardo G. Gonzalez Garcia
Superior Court Case Number: 17-1-00079-8

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