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December 4, 2004

James D. Ohlson
Kitsap County Superior Court Cause No. 04-1-00628-5
Court of Appeals No. 32112-2-II

To the Court:

I am unsure as to the "exact" nature of how I am supposed to write this paper, so please excuse me if I do it improperly.

Basicaly I have only a few things I believe were "wrong" in my case

To start with, I feel I was not represented properly at all. The reasons I say that are, number one, Mr. Knappert refused to do wha I requested of him. What I requested was for him to argue to the courts about submitting instructions to the jury that if they found reason to find me not guilty of the Assault 2°'s, that I was guilty of a lesser charge, such as "Reckless Endangerment."
My attorney, Mr. Knappert, told me "No", because the judge was not goin to go for it and the prosecutor certainly was not going to go for it. So, he refused my request of my defense.
To me, the judge is clearly leaving room for Mr. Knappert to submit a "Jury" instruction of his own. Page 14-Line 24 is where the Court first mentions this, and if I understand the transcripts correctly, the judge left room for Mr. Knappert to "propose" his own instructions. I notice the Court made mention of this on various occassions, Page 23-Line 21, page 100 line 14, amongst others, reflect this clearly, or so I believe.
As I also read it, page 170 lines 23-25 clearly show the judge left room

for Mr. Knappert to "choose" to submit his own instructions, and he chose not to. I feel improperly represented, on the basis of these points and such. I did ask Mr. Knappert to submit instructions to the jury, he blatently refused.

To back up my statements, I cite a few times that the judge was cut off in mid-sentence. Page 20-Line 20, Page 23-Line 25, page 26-Line 17, etc These are just to show how Mr. Knappert clearly does not listen. My statement is this, "If he wont listen to a Judge, what is to stop him from listening to me?" Nothing. This is my observation, and thoughts.

My second point is that at sentencing, the judge talks of how he tried to find a way to go below the guidelines, because he felt I did not intend to hurt those people. (Page 34-lines 3-22 of the "Sentencing" transcripts.) So, even though my lawer didnt defend me how I asked, I guess the judge, after seeing the trial, saw something else.

So, I am basicaly, to be honest, asking for an appeal so I can have a chance at a "lesser" charge, for, as my testimony reflects, I dont deny I committed a crime. I am saying the crime I committed was not Assault 2°. So, I hope this will be read, along with the transcripts, and maybe someone will see this or other things I missed.

"Thank You."

Sincerely,

James D Nelson

* I apoligize that this is not typed, I have no access to a typewriter.