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Washington Court of Appeals, Division Three
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COURT OF APPEALS
DIVISION III
OF THE STATE OF WASHINGTON

798419

AMEL DALLUGE,
PETITIONER,

V.

STATE OF WASHINGTON,
RESPONDENT.

REPLY BRIEF

"25432-1-III"

AMEL DALLUGE
GRANT COUNTY JAIL
POB 37
EPHRATA WA
98823

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6.) CONCLUSION (PAGE 22).

ISSUES

1.) IS A PERSON STILL RESTRAINED IF AFTER SERVING A SENTENCE, A BLOT OR FUTURE DIFFICULTY MAY ARISE TO HIS PREJUDICE BECAUSE OF?

2.) HAS PETITIONER PROVIDED ENOUGH EVIDENCE TO SUPPORT A FOURTEENTH AMENDMENT VIOLATION FOR DISCRIMINATION?

3.) CAN "DOC"
<u>COMMUNITY</u> PROBATION
VIOLATE AN OFFENDER
THAT IS INCARCERATED
FOR BEHAVIOR DURING
CONFINEMENT?

4.) DOES "DOC"
HAVE TO BE SPECIFIC IN
ALLEGATIONS, CITE
JUDGEMENT AND SENTENCE
(WHERE IN), HOW APPLICABLE,
AUTHORITY, JURISDICTION,
POLICY NUMBER?

ARGUMENT

A) IF A BLOT OR A FUTURE DIFFICULTY MAY ARISE, A PERSON IS STILL RESTRAINED.

TWO CASES SPELL IT OUT CLEARLY:

IN RE RICHARDSON, 100 Wn.2d 699, 670, 675 P.2d 209 (1983), "PETITIONER ALLOWED TO

TO FILE "PRP" AFTER SENTENCE FULLY SERVED TO REMOVE A BLOT FROM RECORD".

IN RE POWELL, 92 Wn.2d 882, 887-888, 602 P.2d 711 (1979), "PERSONAL RESTRAINT PETITION ALLOWED AFTER SENTENCE SERVED TO

PREVENT USE IN ANY FUTURE PROCEEDINGS.

NOW THAT IT IS ESTABLISHED MR. DALLUGE IS RESTRAINED, HE IS CONFIDENT IN HIS FILING AND REQUEST OF RELIEF.

ARGUMENT:

B.) ENOUGH EVIDENCE IS LAID FOR A FOUNDATION OF DISCRIMINATION.

IT IS IMPROBABLE AND PHYSICALLY IMPOSSIBLE TO BURDEN MR. DALLUL TO SHOW ALL THE INMATES THAT HAVE COMMITTED NEW CRIMES IN

JAIL AND THAT "DOC"
DID NOT VIOLATE.

AS FAR AS
IT IS KNOWN, MR.
DALLUGE IS THE ONLY
ONE TO BE VIOLATED
TO DATE.

TO BUTTRESS
THIS, EXHIBIT TEN OF
THE STATE'S BRIEF ON
PAGE FIVE AND

SIX HIGHLIGHTS THE UNFETTERED DISCRETION OF "DOC".

"DOC" STATES NEVER VIOLATING AN OFFENDER FOR BEHAVIOR IN JAIL, BUT ONLY PERFORMING A URINE ANALYSIS ON AN INMATE.

"DOC" WANTS THIS COURT TO BELIEVE AT ANY TIME ANY PLACE IT

SHOULD BE ABLE TO
STEP IN.

THE JAIL
IS NOT DEFENSELESS
AND THERE WAS NO
NEED FOR "DOC" COMMUNITY
PROBATION.

THE STATE'S
ARGUMENTS ARE OFF
POINT.

COURT ORDERS

AND

RESTRAINING ORDERS ARE ANOTHER BALL GAME.

I'M ASKING IF CONDITIONS OF RELEASE BACK TO THE COMMUNITY CAN BE IMPOSED, IF I'M NOT IN THE COMMUNITY.

AND, IF I'M THE ONLY ONE "DOC" COMMUNITY PROBATION CHOOSES TO

VIOLATE FOR A NEW
CRIME WHILE CONFINED,
IS IT DISCRIMINATION.

ARGUMENT

C.) "DOC"

COMMUNITY PROBATION DOES NOT HAVE AUTHORITY OR JURISDICTION TO VIOLATE AN OFFENDER NOT IN THE COMMUNITY.

AN OFFENDER'S TIME ON COMMUNITY PROBATION "TOLLS".

AN OFFENDER'S STATUS IS "INACTIVE".

THE STATE ABAIN
WANTS TO ARUE OFF
POINT.

MR. DALLUGE'S
COMMUNITY PROBATION
STOPS WHEN HE IS
ARRESTED AND NO LONGER
IN THE COMMUNITY.

CAN A LOGICAL
PERSON REALLY SAY
THAT ONE IS NOT
GIVEN CREDIT.

BUT MUST BE SUBJECTED TO.

THIS GOES AGAINST CAUSE AND EFFECT.

THERE IS NO CAUSE, BUT THERE IS EFFECT.

"DOC" WAS JUST TRYING IT'S "WE DON'T LIKE

YOU ATTITUDE".

"DOC" WAS DOING WHAT IT SHOULD NOT HAVE AND GOT CAUGHT.

NOW, "DOC" WANTS TO TRY AND JUSTIFY WHAT IT CANNOT.

ASK "DOC" TO PRODUCE DOCUMENTATION OF WHO ELSE

IT HAS TREATED SO,
SINCE IT CAN EASILY.

NO COMMENT

"DOC".

ARGUMENT

D.) "DOC" HAS TO BE SPECIFIC IN COMMUNITY PROBATION VIOLATIONS.

WE WOULD NOT BE HERE IF "DOC" DID THIS.

IT WOULD BE CLEAR WHAT AUTHORITY "DOC" WAS ACTING UNDER AND HOW IT ESTABLISHED JURISDICTION TO.

INSTEAD "DOC"
WANTS TO SAY JUDGMENT
AND SENTENCE IS HOW.

THIS IS BROAD
AND WHERE IS THE
JUDGMENT AND SENTENCE.

THAN, "DOC"
WANTS TO SAY MR.
DALLWOR BROKE OUR
POLICY.

WHAT PART
OF THE

POLICY, DOES IT HAVE A NUMBER/CITATION.

I MEAN, IS THIS POLICY AN ACTUAL DOCUMENT OR IS IT FORMLESS.

HOW CAN A PERSON DEFEND AGAINST AN ADVERSARY NOT SEEN.

IT'S ALREADY AN EMBARASSMENT

TO DUE PROCESS.

NO LAWYER, NO JURY, HEARSAY IS ADMISSIBLE, YOUR JUDGE AND EXECUTIONER IS A PROBATION OFFICER WHO WORKS WITH THE PROBATION OFFICER BRINGING VIOLATIONS AGAINST YOU.

ENOUGH IS ENOUGH!

NOW "DOC" WANTS
TO MAKE ALLEGATIONS
AND CITE NO STATUTORY
AUTHORITY.

PLEASE, NO!

CONCLUSION

EXPUNGE THE ALLEGED "DOC" VIOLATIONS AND AWARD REASONABLE LEGAL FEES.

Amel Dallugge

AMEL DALLUGE,

PETITIONER.

DATED: NOVEMBER 2ND 2006.

GRANT COUNTY JAIL
POB 37
EPHRATA WA
98823

CERTIFICATION OF SERVICE

I, [illegible] DALLUGE,
CERTIFY I PUT IN THE MAIL
ONE REPLY BRIEF TO:

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By_____

THE COURT OF APPEALS
DIVISION III
NO 500 COAR
POB 2159
SPOKANE WA
99210

DATED: NOVEMBER 2ND 2006.

[illegible] Dalluge
[illegible] DALLUGE,
PETITIONER.

"25432-1-III"

Division III
Renee S. Townsley
Clerk/Administrator

(509) 456-3082
TDD #1-800-833-6388
http://www.courts.wa.gov/courts

The Court of Appeals of the State of Washington

Mailing Address:
PO Box 2159
Spokane, WA 99210-2159

Location:
500 North Cedar St.
Spokane, WA 99201

October 31, 2006

Amel W. Dalluge
C/O Grant County Jail
P.O. Box 37
Ephrata, WA 98837

CASE # 254321
Personal Restraint Petition of Amel W. Dalluge
GRANT COUNTY SUPERIOR COURT No. 051007543

79841-9

Dear Mr. Dalluge:

The response to the petition and proof of service of the response on petitioner has been filed.

If petitioner wants to reply to the response, it shall be filed by November 30, 2006. After that date, the matter will be referred to the Chief Judge for consideration without oral argument.

Sincerely,

for R.S.T.

Renee S. Townsley
Clerk/Administrator

RST:slh
c: Donna H. Mullen
Attorney at Law
Attorney General Ofc
PO Box 40116
Olympia, WA 98504-0116