

FILED  
COURT OF APPEALS DIVISION #1  
STATE OF WASHINGTON  
2007 MAR 27 MAIL: 10

9507  
PETITIONER MAY FILE PETITION  
WITHOUT PAYMENT OF FILING FEE

[Signature]  
COURT ADMINISTRATOR/CLERK

STATE OF WASHINGTON  
COURT OF APPEALS  
DIVISION I

81045-1  
60520-8

IN RE: State of Washington  
v.  
Anthony Bradley

NO. 02-1-04718-8  
02-1-07413-4

PERSONAL RESTRAINT  
PETITION  
RAP 16, et seq.

A. STATUS OF PETITIONER.

I, Anthony L. Bradley, apply for relief from confinement. I am ~~am not~~ now in custody upon conviction of a crime. (If not serving a sentence upon conviction of a crime) I am now in custody because of the following type of court order: \_\_\_\_\_

Guilty Plea

1. The court in which I was sentenced in is King County Superior Court

2. I was convicted of the crime(s) of Vucsa, Possession of Cocaine  
Vucsa, Possession with Intent to Manufacture and  
Deliver

3. I was sentenced after trial, plea of guilty, on the 16<sup>th</sup> day of October, 2002.

The trial court judges name was Kenneth Comstock

4. My lawyer at trial was Julia Gaisford  
Address is \_\_\_\_\_

5. I did, did not, appeal the decision of the trial court. I appealed to the (name of court) \_\_\_\_\_

My Appeal lawyer was NA  
Address \_\_\_\_\_

The decision of the Appellate Court was, was not, published. The decision was published in NA

6. Since my conviction, I have asked, have not asked the court for some relief from my sentence other than I have already written above. (If the answer is that I have asked) the court I asked was NA

Relief was denied on NA

7. The name of the lawyer in the proceeding in question 6 was NA  
Address \_\_\_\_\_

8. If the answers to the above questions do not really tell about the proceedings and the courts, judges and the attorneys involved, tell about it here See attached Statement of facts & grounds for relief.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B GROUNDS FOR RELIEF

If you claim more than one reason for relief from confinement, attach sheets for each reason separately, in the same way as the first one. The attached sheets should be numbered "First Ground", "Second Ground", etc.

I claim that I have Three reason(s) for this court to grant me relief from the conviction and sentence described in Part A.

1. I should be given a new trial or released from confinement because [Here state the legal reasons why you think there was some error made in your case which gives you the right to a new trial or release from confinement.]: \_\_\_\_\_

~~★~~ Refer to Attached ~~★~~  
grounds for Relief,  
And Exhibits

2. The following facts are important when considering my case [After each statement of fact, put a name of the persons who knows the fact and will support your statement of the fact. If the fact is already in the record in your case, indicate that also.]

~~★~~ Refer to Attached grounds  
for Relief and Exhibits

3. The following reported court decisions [include citations if possible] in cases similar to mine show the error I believe happened in my case [If none are known, state "None Known"]:

~~★~~ Refer to Attached grounds ~~★~~  
for Relief

4. The following statutes and constitutional provisions should be considered by the court. [If none are known, state "None Known"]: See attached first grand for relief, and second grand for relief.

5. This petition is the best way I know to get the relief I want. And no other way will work as well because: I am attacking Constitutional infringements, and ~~was~~ am requesting to withdraw a guilty plea based on miscalculated offender score and under RAP 16.4 I have the right to challenge under the petition.

### C. 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 \$ 0.00 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 \$ 0.00 a month. My employer is NA and  
(Name and address)

My total income I got was \$ NA 0.00.

5. During the past 12 months, I

did did not

Get any rent payments. If so the total amount I got was \$ 0.00

Get any interest. If so, the total amount I got was \$ 0.00

Get any dividends. If so, the total amount I got was \$ 0.00

Get any other money. If so, the total amount I got was \$ 10.00

7.

Have any cash except as said in answer 2. If so, the total Amount of cash I have is \$ 0.00.

Have any savings accounts or checking accounts. If so, the amount In all accounts is \$ 0.00.

Own stocks, bonds, or notes. If so, their total value is \$ 0.00.

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 furnishing and clothing, which you and your family need.

Item	Value
N/A	N/A

9.

I am, am not married. If I am married, my wife or husbands name and address is:

Norameda Bradley 812 Delridge way S.W. #3 Sea. Wa. 98106

10.

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

Name/Address	Relationship	Age
N/A		N/A

11.

All the bills I owe are listed here.

Creditor Name/Address	Amount
N/A	N/A

08/15/2007  
VENDRESEN

DEPARTMENT OF CORRECTIONS  
LARCH CORRECTIONS CENTER

Page 1 of 1  
OIRPLRAR  
6.03.1.0.1.2

PLRA IN FORMA PAUPERIS STATUS REPORT  
FOR DEFINED PERIOD : 02/01/2007 TO 07/31/2007

DOC : 0000707050      NAME : BRADLEY ANTHONY      ADMIT DATE :12/23/1997  
DOB : 09/16/1974      ADMIT TIME :00:00

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AVERAGE MONTHLY RECEIPTS	20% OF RECEIPTS	AVERAGE SPENDABLE BALANCE	20% OF SPENDABLE
45.97	9.19	5.19	1.04

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Statement of Facts

On May 14, 2002, Bradley was charged with attempted delivery of cocaine in Seattle, Washington, King County cause number 02-04718-8. On August 16, 2002, Bradley was charged with delivery of cocaine in Seattle, Washington, King County cause number 02-07413-4. On October 16, 2002, Bradley was sentenced under both above cause numbers to 101 months and 38 months with DOSA (**D**rug **O**ffender **S**entence **A**lternative) to run concurrent with an offender score of 9 points for cause number 02-1-07413-4 and 8 points for cause number 02-1-04718-8 in King County Superior Court, by Judge Honorable Kenneth Comstock.

The state never gave Bradley any version of his criminal history to support the conclusion of 8 points for cause number 02-1-04718-8, or 9 points for cause number 02-1-07413-4, or the right to challenge such information. The state never offered any criminal history to the courts to justify the above sentences in support of criminal points with no proof of prior convictions showed anywhere during Bradley's court proceedings, or gave Bradley the right to challenge the information. Bradley now moves in form of Personal Restraint to withdraw pleas based on constitutional infringements, and law violations.

*I declare under penalty of perjury within the laws of the State of Washington the above statement is true and correct.*

  
\_\_\_\_\_  
Anthony Bradley # 707050

### First Ground for Relief

Bradley contends that by not presenting documented proof, or record of any version of his criminal history to him, the sentencing court infringed on his constitutional right to “**Due Process**” pursuant to **Article 1. Section 3. of The Washington State Constitution and Section 1. of the United States Constitution Fourteenth Amendment**. Bradley was prejudiced by not affording him the information to challenge the state’s version of information and calculation of his offender score, violating the **Sentencing Reform Act of 1981, Equal Protection Clause, RCW 9.94A.010, The Washington State Constitution Section 1. Article 3. and the United States Constitution Fourteenth Amendment Due Process Clause**, making Bradley’s plea involuntary and unknowing.

**In re Pers. Restraint of Isadore, 151 Wash. 2d 294, 297, 88 P.3d 390 (2004) Boykin v. Alabama, 395 U.S. 283, 242 89 S.ct 1709, 23L Ed.2d 274 (1969).** By not presenting, or including Bradley’s criminal history to him, or the sentencing court, Bradley was deprived of his vested liberty interest right to the fundamental fairness, and substantial justice guaranteed by United State Constitution Fourteenth Amendment, that no person shall be arbitrarily deprived of his liberty. **Vaughn v. State, 3 Tenn. Crim App. 54, 456 S.W. 2d 879, 883.** Bradley has a vested right guaranteed to him under the United States Constitution “**Due Process Clause**” to have any scoring information regarding calculation of offender points mandatory in reaching any standard sentencing range (per. SRA) to be **supported by the evidence presented. (In this case the evidence never presented being criminal history), and the right to challenge that information. United States Constitution “Due Process Clause”.**

The State missed a critical element in the process by establishing a standard sentencing range, entering a plea agreement and judgment based on a scoring calculation that was neither **presented, nor supported by evidence of criminal history presented openly to Bradley or the sentencing court mandatory in establishing correct sentencing ranges that sentencing courts must have proof of to refrain from relying on materially false or unreliable information in sentencing, and stripping Bradley's of his vested right to challenge that information infringes on constitutional rights.** Bradley's criminal history was neither included or documented on any information received by the sentencing court, Bradley, and was never made aware of to the sentencing court or Bradley during any stage of his court proceedings to challenge such criminal history information was reached, not having any criminal history listed on any forms presented to the sentencing court or Bradley not only makes it impossible for the State to comply to a critical and mandatory element in court proceedings key in establishing sentencing ranges and criminal points for scoring purposes, but also a critical element of Washington State law, and due process by not **presenting information on how Bradley's criminal history and offender score was reached supported by evidence and not granting Bradley the right to challenge or contest that information.** The State submitted no information on any criminal history or prior convictions to the sentencing court which would authorize under current sentencing laws any sentence exceeding an offender score of zero with no evidence of criminal history or prior convictions presented to the sentencing court to support any sentence other than a first time offender. The court abused its authority sentencing Bradley to 101 months ran concurrent with 38 months for non violent class B drug convictions without any evidence of criminal history or

convictions listed to the sentencing court or Bradley to support a sentence so extreme. The State violated various laws, not making Bradley aware what criminal history actually exists, what criminal history the State planned to use against Bradley as prior convictions for scoring purposes, and not allowing Bradley the right to challenge any or all part of this information because the State never brought this information to light making this a due process violation which makes Bradley's pleas involuntary.

United States Constitution Fourteenth Amendment, RCW 9.94A.010 directs that sentencing discretion should be focused to "(e)nsure that the punishment for a criminal offense is proportionate to the seriousness of the offense and the offender's criminal history". RCW 9.94A.010(1), With no criminal history listed or made known to the sentencing court or Bradley, how could the sentencing court "ensure" the punishment would be proportionate to the offenders criminal history per RCW 9.94A.010(1)? Procedural due process constrains government decision making that deprives individuals of liberty interests within the meaning of due process clause such as informing both the sentencing court the meaning of due process clause such as informing both the sentencing court and the defendant some version of criminal history at some point during court proceedings which would be used to reach conclusions against or for the defendant. Mathews v. Elridge, 424 U.S. 319, 332, 96 S. ct. 893, 47 L. Ed. 2d 18 (1976). Plea dispositions RCW 9.94A.450(F) states the defendants history with respect to criminal activity is one ingredient that a plea may be reached. (Noting the importance of criminal history, and should be made aware to defendant because defendant has the right to challenge all information submitted), Plea dispositions RCW 9.94A.450(F), The State has an obligation to present criminal history for due process purposes because in

reaching a standard sentencing range as a part of a plea agreement the sentencing range is inadequate to meet statutory standards relying on no conclusive information such as absence of criminal history, and prior convictions to support a recommendation in respect in determining what a proper sentencing range should be and having the right to challenge that information.

**“The court chooses the appropriate sentencing range by identifying the range in the sentencing table that corresponds to the defendants total offense level, and criminal history”.** Thus including criminal history, and presenting that information to the sentencing court and the defendant is a mandatory and key element in sentencing and determining sentencing range.

**Adult Sentencing Guidelines-Sentencing Range;** Due process forbids the Judge from relying on materially false or unreliable information, (such as false or unreliable criminal history or the absence thereof) **and provides a process to challenge all information presented.** Bradley has the right to be heard by testimony or otherwise, and **to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved.** The question of fact or liability (in this case criminal history) **must be conclusively presumed against him, and made known to the defendant giving Bradley the right to contest, (United States Constitution Fourteenth Amendment section 1).**

The statement of Defendant on the plea of guilty 5(b) which was signed by Bradley stated “the range is based on the crime charged and my criminal history.” There was no criminal history listed or presented to Bradley at anytime, or the sentencing court. The mere addition of alleged criminal points without the criminal history to support such

alleged points are not facts at all but merely unreliable information and is a "Improper consideration in determining sentence," or sentencing range considerations with no criminal history evidence received by the sentencing court recorded and made available to the sentencing court to support any sentence other than a first time offender with an offender score of zero since there was zero evidence of criminal history submitted to the sentencing court to conflict with zero points or zero evidence of criminal history or prior convictions for Bradley to challenge. **Washington's constitution article 1, 3;** provides that no State shall deprive any person of life, liberty, or property, without due process of law, where a State creates a right to have criminal history facts supported by evidence presented to the sentencing courts to "ensure" the punishment is proportionate to criminal history, and the right to challenge such information the Washington State Constitution and the United States Constitution has afforded Bradley's a liberty interest in the inclusion of criminal history which prevents their deprivation absent observation of minimal due process requirements which requires to at least make Bradley and the sentencing court aware of criminal history by support a basis for a standard range and the right to challenge such information. **In re Piercy, 101 Wash.2d 490, 495, 681 P.2d 223 (1984); Wolff v. McDonnell, 481 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974).** No criminal history to support any criminal convictions or criminal points used in scoring for sentencing or standard range purposes is misinformation of constitutional magnitude.

**Criminal points with no criminal history supporting its origin may not be considered in the sentencing process.** Such convictions are not presumptively valid, sentencing without criminal history to support or establish criminal points or the right to challenge is unconstitutional. Under Washington law not including criminal history to

support criminal points Bradley was sentenced under without further elaboration evidences infirmities of a constitutional magnitude, because of the misinformation or lack thereof the sentencing court had no evidence to be relied upon to sentence Bradley under 9 points unless the State introduces other evidence. The State introduced no such evidence making Bradley's sentences unconstitutional and plea involuntary. By not including Bradley's criminal history prejudiced Bradley for instance, Revised code of Washington **9.94A.525, and 9.94A.030** laws of 2002 states that "all washed out juvenile felonies will be included in adult criminal history for scoring purposes for crimes occurring on or after the effective date of June 13, 2002." Are Bradley's juvenile convictions used as part of his offender score? Bradley is serving two sentences running concurrent, one date of offense is May 14, 2002 (before the law effective date) the second is August 16, 2002 (also after the law effective date). Bradley was sentenced to both charges on October 16, 2002 (also after the law effective date). Did the courts improperly apply juvenile convictions to cause numbers it did not apply to therefore increasing the unseen criminal history by one point rendering judgment and sentences invalid on it's face, a fundamental defect which inherently results in a complete miscarriage of justice and unconstitutionally restraining Bradley to the extent of being sentenced under an incorrect offender score, that affected the totality of both Judgment and Sentences? In re Personal Restraint of Thompson, 141 wn.2d 712, 719 10 P.3d 380 (2000); In re Personal Restraint of Johnson, 131 wn. 2d 558, 568, 933 P.2d 1019 (1997). In 1990 Bradley entered a plea agreement with the State as a juvenile under cause number 90-8-00179-4 (incorporated by reference herein) that occurred and fell under sentencing laws of 1989 because the date of offense was December 27, 1989. As part of

the 1989 juvenile plea agreement which is a valid contract and **the law in force when contract was entered** obliges parties to do or not to do and the remedy and legal means to carry in into effect governed by Fed.R.Crim. P11(e), **Bradley entered into a contract with the State.** The laws of 1989 governed the provisions of the contract which specifically stated that juvenile convictions will not be included on adult criminal history once Bradley turned the age of 23. Laws of 1989 also states **removal of an expunged or washed out conviction from offender score was automatic and not subject to judicial discretion.** Did the State disregard the contract of plea agreement and apply “Ex Post Facto Law” to change or alter the situation of Bradley to his disadvantage such as the retrospective application of laws of 2002 to breech in the name of new legislation? Bradley has a vested constitutional right to have prior plea agreements honored. Failure to included criminal history to Bradley or the sentencing court impacted, prejudiced, and tainted the whole plea agreement process, decision making process, sentencing proceedings, voluntariness of the plea, and due process. Bradley’s criminal history must be made aware of to the sentencing court, and to Bradley himself. Bradley criminal points, and criminal history must be proved through a preponderance of evidence, must be made aware of to Bradley and Bradley must be given the right to challenge such information. A trial court must allow withdrawal of a guilty plea to correct a “manifest injustice” which is an injustice that is obvious, directly observable, overt, and not obscure. CrR4.2(f).

Bradley contends that under these circumstances his plea was involuntary and moved to withdraw his plea. An involuntary plea constitutes a manifest injustice that allows the defendant to withdraw the plea.

In conclusion, Bradley is claiming that the absence of criminal history information critical to the plea stage, establishing a standard sentencing range, establishing the amount of felony convictions which determines felony points for scoring purposes, and due process key in formulating a knowing and voluntary plea. Not including criminal history is not including a vital and crucial element on an intricate process which all coincides and are interwoven together necessary in establishing rights in which the legislature and the constitution has afforded Bradley. A vested right to due process, liberty interest, equal protection, a choice to have information submitted so it can be challenged, and the choice to make a knowing and voluntary plea.

707050

Exhibit A

F41  
Henry

D. C. 8/23/02

Department of Corrections  
Kent Sentences Unit  
NOV 08 2002  
RECEIVED

58858

**SUPERIOR COURT OF WASHINGTON FOR KING COUNTY**

STATE OF WASHINGTON,

Plaintiff,

No. 02-074134 SEA

Vs.

JUDGMENT AND SENTENCE  
FELONY

Anthony Bradley

RECEIVED

Defendant,

OCT 17 2002

Department of Corrections  
Sentences Unit/Seattle

**I. HEARING**

1.1 The defendant, the defendant's lawyer, Sylvia A. Gifford and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: \_\_\_\_\_

**II. FINDINGS**

There being no reason why judgment should not be pronounced, the court finds:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on Sept 26 '02 by plea of:

Count No.: I Crime: VUCSA - pass. w/ intent + deliv. / MAN. Crack Cocaine  
RCW WA. Sp. 4a(1)(A)(1)(i) Crime Code: 02-368236  
Date of Crime: Aug. 16 '02 Incident No. 02-368236

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
RCW \_\_\_\_\_ Crime Code: \_\_\_\_\_  
Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
RCW \_\_\_\_\_ Crime Code: \_\_\_\_\_  
Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
RCW \_\_\_\_\_ Crime Code: \_\_\_\_\_  
Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

[ ] Additional current offenses are attached in Appendix A

CMT: I  
B - V/W

**SPECIAL VERDICT or FINDING(S):**

- (a)  While armed with a firearm in count(s) \_\_\_\_\_ RCW 9.94A.310(3).
- (b)  While armed with a deadly weapon other than a firearm in count(s) \_\_\_\_\_ RCW 9.94A.310(4).
- (c)  With a sexual motivation in count(s) \_\_\_\_\_ RCW 9.94A.127.
- (d)  A V.U.C.S.A. offense committed in a protected zone in count(s) \_\_\_\_\_ RCW 69.50.435.
- (e)  Vehicular homicide  Violent traffic offense  DUI  Reckless  Disregard.
- (f)  Vehicular homicide by DUI with \_\_\_\_\_ prior conviction(s) for offense(s) defined in RCW 41.61.5055, RCW 9.94A.310(7).
- (g)  Non-parental kidnapping or unlawful imprisonment with a minor victim. RCW 9A.44.130.
- (h)  Domestic violence offense as defined in RCW 10.99.020 for count(s) \_\_\_\_\_.
- (i)  Current offenses encompassing the same criminal conduct in this cause are count(s) \_\_\_\_\_ RCW 9.94A.400(1)(a).

**2.2 OTHER CURRENT CONVICTION(S):** Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): \_\_\_\_\_

**2.3 CRIMINAL HISTORY:** Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.360):

- Criminal history is attached in Appendix B.
- Prior convictions counted as one offense in determining the offender score (RCW 9.94A.360(5) are: \_\_\_\_\_
- One point added for offense(s) committed while under community placement for count(s) \_\_\_\_\_

**2.4 SENTENCING DATA:**

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count	9	VII	87-116		87-116 mo.	20 y., \$50,000
Count						
Count						
Count						

Additional current offense sentencing data is attached in Appendix C.

**2.5 EXCEPTIONAL SENTENCE:**

Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) \_\_\_\_\_. Findings of Fact and Conclusions of Law are attached in Appendix D. The State  did  did not recommend a similar sentence.

**III. JUDGMENT**

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and Appendix A.  
 The Court DISMISSES Count(s) \_\_\_\_\_

IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below.

4.1 RESTITUTION AND VICTIM ASSESSMENT:

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.
  - Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.142(2), sets forth those circumstances in attached Appendix E.
  - Restitution to be determined at future restitution hearing on (Date) \_\_\_\_\_ at \_\_\_\_\_ m.
  - Date to be set.
  - Defendant waives presence at future restitution hearing(s).
  - Restitution is not ordered.
- Defendant shall pay Victim Penalty Assessment pursuant to RCW 7.68.035 in the amount of \$500.

4.2 OTHER FINANCIAL OBLIGATIONS: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a)  \$ 0, Court costs;  Court costs are waived; (RCW 9.94A.030, 10.01.160)
- (b)  \$ 0, Recoupment for attorney's fees to King County Public Defense Programs;  Recoupment is waived (RCW 9.94A.030);
- (c)  \$ 0, Fine;  \$1,000, Fine for VUCSA;  \$2,000, Fine for subsequent VUCSA;  VUCSA fine waived (RCW 69.50.430);
- (d)  \$ 0, King County Interlocal Drug Fund;  Drug Fund payment is waived; (RCW 9.94A.030)
- (e)  \$ 0, State Crime Laboratory Fee;  Laboratory fee waived (RCW 43.43.690);
- (f)  \$ 0, Incarceration costs;  Incarceration costs waived (RCW 9.94A.145(2));
- (g)  \$ 0, Other costs for: \_\_\_\_\_

4.3 PAYMENT SCHEDULE: Defendant's TOTAL FINANCIAL OBLIGATION is: \$ 500. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms:  Not less than \$ \_\_\_\_\_ per month;  On a schedule established by the defendant's Community Corrections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. The Defendant shall remain under the Court's jurisdiction and the supervision of the Department of Corrections for up to ten years from the date of sentence or release from confinement to assure payment of financial obligations.

*with first interest waived*

4.4 **1999 EXPANDED SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE (D.O.S.A.) :**  
 The Court finds the defendant eligible pursuant to RCW 9.94A.120(6)(a), as amended by CH 197, 1999 LAWS, eff. 7-25-99; [recodified RCW 9.94A.660 eff. 7-1-01] that the defendant and the community will benefit from use of D.O.S.A.; waives imposition of sentence within the standard range and sentences the defendant as follows:

(a) **TOTAL CONFINEMENT, RCW 9.94A.120(6)(b):** The defendant is sentenced to the following term(s) of commitment in the custody of the DEPT. OF CORRECTIONS to commence  immediately  not later than \_\_\_\_\_ at \_\_\_\_\_ P.M.

50.75 months on Count No. I; \_\_\_\_\_ months on Count No. \_\_\_\_\_  
 \_\_\_\_\_ months on Count No. \_\_\_\_\_; \_\_\_\_\_ months on Count No. \_\_\_\_\_  
 \_\_\_\_\_ months on Count No. \_\_\_\_\_; \_\_\_\_\_ months on Count No. \_\_\_\_\_

(b) The above term(s) of confinement represent one half of the midpoint of the standard range.

(c) The terms imposed herein shall be served concurrently.

The term(s) imposed herein shall run concurrent/consecutive with cause No(s) 02047188 SEA

The term(s) imposed herein shall run consecutively to any previously imposed commitment not referred to in this judgment.

(d) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause. RCW 9.94A.120(17). The time shall be compiled by the JAIL unless specifically set by the court as follows: \_\_\_\_\_

(e) While incarcerated in the Department of Corrections the defendant shall undergo a comprehensive substance abuse assessment and receive, within available resources, appropriate treatment services.

4.5 **COMMUNITY CUSTODY:** The court further imposes 50.75 months, the remainder(s) of the midpoint(s) of the standard range(s), as a term of community custody during which time the defendant shall comply with the instructions, rules and regulations promulgated by the Department for conduct of the defendant during community custody; shall perform affirmative acts necessary to monitor compliance, shall obey all laws and comply with the following mandatory statutory requirements:

- (1) The defendant shall not own, use or possess any firearm or ammunition. RCW 9.94A.120(16).
- (2) The defendant shall not use illegal controlled substances and shall submit to urinalysis or other testing to monitor compliance. RCW 9.94A.120(6)(b)(ii), and (iii)
- (3) The defendant shall complete appropriate substance abuse treatment in a program approved by D.S.H.S., Division of Alcohol and Substance Abuse. RCW 9.94A.120(6)(b)(i)

The court further imposes the following non-mandatory conditions of Community Custody (if checked):

- (4)  The defendant shall not use any alcohol or controlled substances without prescription and shall undergo testing to monitor compliance.
- (5)  Devote time to a specific employment or training.
- (6)  Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment.
- (7)  Report as directed to a community corrections officer.
- (8)  Pay all court ordered legal financial obligations.
- (9)  Perform community service work.

(10) [ ] Stay out of designated areas as follows: \_\_\_\_\_

(11) [ ] Other conditions as set forth in Appendix F

4.6 **NON-COMPLIANCE RCW 9.94A.120(6)(c)(e):** If the defendant fails to complete the Department's special drug offender sentencing alternative program or is administratively terminated from the program, he/she shall be reclassified by the Department to serve the balance of the unexpired term of sentence. If the defendant fails to comply with the conditions of supervision as defined by the Department, he/she shall be sanctioned. Sanctions may include reclassification by the Department to serve the balance of the unexpired term of sentence.

For offenses committed after 7-1-2000 the court further imposes the following additional terms of Community Custody upon failure to complete or administrative termination from D.O.S.A. program: the entire period of earned early release or for any "crime against person" in section 2.1 herein 9 - 18 months; for any violation of 69.50/52 in section 2.1 herein 9 - 12 months whichever is longer. The defendant in this event shall comply with the conditions of Community Custody set forth in section 4.5 herein.

4.7 [ ] **BLOOD TESTING** (Prostitution offense or drug offense associated with the use of hypodermic needles): Appendix G, covering blood testing and counseling, is attached and incorporated by reference into this Judgment and Sentence.

4.8 [ ] **OFF-LIMITS ORDER:** The defendant, having been found to be a known drug trafficker, shall neither enter nor remain in the protected against drug trafficking area(s) as described in Appendix I during the term of community supervision. Appendix I is attached and incorporated by reference into this Judgment and Sentence.

4.9 [ ] **NO CONTACT:** For the maximum term of \_\_\_\_\_ years, defendant shall have no contact with \_\_\_\_\_

Date: 10-16-02

*Kenneth Christensen*  
JUDGE  
Print Name: Prosen

Presented by:

*Jan Miller*  
Deputy Prosecuting Attorney, WSBA# 31600  
Print Name: Jan Miller

Approved as to form:

*John A. Grisford*  
Attorney for Defendant, WSBA # 20996  
Print Name: John A. Grisford

FINGERPRINTS



RIGHT HAND  
FINGERPRINTS OF:

DEFENDANT'S SIGNATURE: [Signature]  
DEFENDANT'S ADDRESS

King Co Courthouse Court

DATED: 9/14/05  
[Signature]  
JUDGE, KING COUNTY SUPERIOR COURT

ATTESTED BY:  
PAUL L. SHERFEY, SUPERIOR COURT CLERK

BY: [Signature]  
DEPUTY CLERK

CERTIFICATE

OFFENDER IDENTIFICATION

I, \_\_\_\_\_  
CLERK OF THIS COURT, CERTIFY THAT  
THE ABOVE IS A TRUE COPY OF THE  
JUDGMENT AND SENTENCE IN THIS  
ACTION ON RECORD IN MY OFFICE  
DATED: \_\_\_\_\_

S.I.D. NO.

DATE OF BIRTH:

SEX:

RACE:

\_\_\_\_\_  
CLERK

BY: \_\_\_\_\_  
DEPUTY CLERK

# SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

*Anthony Bradley*

Defendant.

NO. *0210741345EA*

JUDGMENT AND SENTENCE  
(FELONY) – APPENDIX F,  
ADDITIONAL CONDITIONS  
OF SENTENCE

Additional conditions of sentence are:

*Defendant must obey rules of DASA program  
& follow treatment*

Date:

*October 16, 2002*

*Kenneth Constock*  
Judge, King County Superior Court

*KC*

PRESENTING STATEMENT FOR ATTENTION ATTACHED  
COMMITMENT ISSUED  
OCT 17 2002

VUCSA OVER 21

Exhibit B

FILED

02 OCT 17 AM 10:00

KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA.

707050  
10-18-02  
POSTA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

Vs.

Anthony bradley

Defendant,

No. 02 C047188SEA

JUDGMENT AND SENTENCE  
FELONY

I. HEARING

I.1 The defendant, the defendant's lawyer, Julie A. Gaisford and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: F. Chavarras

II. FINDINGS

There being no reason why judgment should not be pronounced, the court finds:  
2.1 CURRENT OFFENSE(S): The defendant was found guilty on Sept 26 '02 by plea of:

Count No.:	<u>I</u>	Crime:	<u>VUCSA - poss. Cocaine</u>
RCW	<u>69.50.401(a)(1)(i)</u>	Crime Code:	
Date of Crime:	<u>May 14 2002</u>	Incident No.:	<u>02-368236</u>
Count No.:		Crime:	
RCW		Crime Code:	
Date of Crime:		Incident No.:	
Count No.:		Crime:	
RCW		Crime Code:	
Date of Crime:		Incident No.:	
Count No.:		Crime:	
RCW		Crime Code:	
Date of Crime:		Incident No.:	

[ ] Additional current offenses are attached in Appendix A

**SPECIAL VERDICT or FINDING(S):**

- (a)  While armed with a firearm in count(s) \_\_\_\_\_ RCW 9.94A.310(3).
- (b)  While armed with a deadly weapon other than a firearm in count(s) \_\_\_\_\_ RCW 9.94A.310(4).
- (c)  With a sexual motivation in count(s) \_\_\_\_\_ RCW 9.94A.127.
- (d)  A V.U.C.S.A. offense committed in a protected zone in count(s) \_\_\_\_\_ RCW 69.50.435.
- (e)  Vehicular homicide  Violent traffic offense  DUI  Reckless  Disregard.
- (f)  Vehicular homicide by DUI with \_\_\_\_\_ prior conviction(s) for offense(s) defined in RCW 41.61.5055, RCW 9.94A.310(7).
- (g)  Non-parental kidnapping or unlawful imprisonment with a minor victim. RCW 9A.44.130.
- (h)  Domestic violence offense as defined in RCW 10.99.020 for count(s) \_\_\_\_\_
- (i)  Current offenses encompassing the same criminal conduct in this cause are count(s) \_\_\_\_\_ RCW 9.94A.400(1)(a).

2.2 **OTHER CURRENT CONVICTION(S):** Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): \_\_\_\_\_

2.3 **CRIMINAL HISTORY:** Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.360):

- Criminal history is attached in Appendix B.
- Prior convictions counted as one offense in determining the offender score (RCW 9.94A.360(5)) are: \_\_\_\_\_
- One point added for offense(s) committed while under community placement for count(s) \_\_\_\_\_

2.4 **SENTENCING DATA:**

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count	8	II	33-43 mo		33-43 mo	5yr 8/9 mo
Count						
Count						
Count						

Additional current offense sentencing data is attached in Appendix C.

2.5 **EXCEPTIONAL SENTENCE:**

Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) \_\_\_\_\_. Findings of Fact and Conclusions of Law are attached in Appendix D. The State  did  did not recommend a similar sentence.

**III. JUDGMENT**

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and Appendix A.

The Court DISMISSES Count(s) \_\_\_\_\_

IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below.

4.1 RESTITUTION AND VICTIM ASSESSMENT:

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.
  - Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.142(2), sets forth those circumstances in attached Appendix E.
  - Restitution to be determined at future restitution hearing on (Date) \_\_\_\_\_ at \_\_\_\_\_ in.
  - Date to be set.
  - Defendant waives presence at future restitution hearing(s).
  - Restitution is not ordered.
- Defendant shall pay Victim Penalty Assessment pursuant to RCW 7.68.035 in the amount of \$500.

4.2 OTHER FINANCIAL OBLIGATIONS: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a)  \$ 0, Court costs;  Court costs are waived; (RCW 9.94A.030, 10.01.160)
- (b)  \$ 0, Recoupment for attorney's fees to King County Public Defense Programs;  Recoupment is waived (RCW 9.94A.030);
- (c)  \$ 0, Fine;  \$1,000, Fine for VUCSA;  \$2,000, Fine for subsequent VUCSA;  VUCSA fine waived (RCW 69.50.430);
- (d)  \$ 0, King County Interlocal Drug Fund;  Drug Fund payment is waived; (RCW 9.94A.030)
- (e)  \$ 0, State Crime Laboratory Fee;  Laboratory fee waived (RCW 43.43.690);
- (f)  \$ 0, Incarceration costs;  Incarceration costs waived (RCW 9.94A.145(2));
- (g)  \$ 0, Other costs for: \_\_\_\_\_

4.3 PAYMENT SCHEDULE: Defendant's TOTAL FINANCIAL OBLIGATION is: \$ 500. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms:  Not less than \$ \_\_\_\_\_ per month;  On a schedule established by the defendant's Community Corrections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. The Defendant shall remain under the Court's jurisdiction and the supervision of the Department of Corrections for up to ten years from the date of sentence or release from confinement to assure payment of financial obligations. *trust fees + interest waived*

4.4 1999 EXPANDED SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE (D.O.S.A.) :  
The Court finds the defendant eligible pursuant to RCW 9.94A.120(6)(a), as amended by CH 197, 1999 LAWS, eff. 7-25-99; [recodified RCW 9.94A.660 eff. 7-1-01] that the defendant and the community will benefit from use of D.O.S.A.; waives imposition of sentence within the standard range and sentences the defendant as follows:

(a) TOTAL CONFINEMENT, RCW 9.94A.120(6)(b): The defendant is sentenced to the following term(s) of commitment in the custody of the DEPT. OF CORRECTIONS to commence  immediately  not later than \_\_\_\_\_ at \_\_\_\_\_ P.M.

19 months on Count No. \_\_\_\_\_; \_\_\_\_\_ months on Count No. \_\_\_\_\_  
\_\_\_\_\_ months on Count No. \_\_\_\_\_; \_\_\_\_\_ months on Count No. \_\_\_\_\_  
\_\_\_\_\_ months on Count No. \_\_\_\_\_; \_\_\_\_\_ months on Count No. \_\_\_\_\_

(b) The above term(s) of confinement represent one half of the midpoint of the standard range.

(c) The terms imposed herein shall be served concurrently.

The term(s) imposed herein shall run concurrent/consecutive with cause No(s) 021074134 SPA

The term(s) imposed herein shall run consecutively to any previously imposed commitment not referred to in this judgment.

(d) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause. RCW 9.94A.120(17). The time shall be compiled by the JAIL unless specifically set by the court as follows: \_\_\_\_\_

43 days JT  
21 days G

(e) While incarcerated in the Department of Corrections the defendant shall undergo a comprehensive substance abuse assessment and receive, within available resources, appropriate treatment services.

4.5 COMMUNITY CUSTODY: The court further imposes 19 months, the remainder(s) of the midpoint(s) of the standard range(s), as a term of community custody during which time the defendant shall comply with the instructions, rules and regulations promulgated by the Department for conduct of the defendant during community custody; shall perform affirmative acts necessary to monitor compliance, shall obey all laws and comply with the following mandatory statutory requirements:

- (1) The defendant shall not own, use or possess any firearm or ammunition. RCW 9.94A.120(16).
- (2) The defendant shall not use illegal controlled substances and shall submit to urinalysis or other testing to monitor compliance. RCW 9.94A.120(6)(b)(ii), and (iii)
- (3) The defendant shall complete appropriate substance abuse treatment in a program approved by D.S.H.S., Division of Alcohol and Substance Abuse. RCW 9.94A.120(6)(b)(i)

The court further imposes the following non-mandatory conditions of Community Custody (if checked):

- (4)  The defendant shall not use any alcohol or controlled substances without prescription and shall undergo testing to monitor compliance.
- (5)  Devote time to a specific employment or training.
- (6)  Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment.
- (7)  Report as directed to a community corrections officer.
- (8)  Pay all court ordered legal financial obligations.
- (9)  Perform community service work.

(10)  Stay out of designated areas as follows: \_\_\_\_\_

(11)  Other conditions as set forth in Appendix F

4.6 **NON-COMPLIANCE RCW 9.94A.120(6)(c)(e):** If the defendant fails to complete the Department's special drug offender sentencing alternative program or is administratively terminated from the program, he/she shall be reclassified by the Department to serve the balance of the unexpired term of sentence. If the defendant fails to comply with the conditions of supervision as defined by the Department, he/she shall be sanctioned. Sanctions may include reclassification by the Department to serve the balance of the unexpired term of sentence.

For offenses committed after 7-1-2000 the court further imposes the following additional terms of Community Custody upon failure to complete or administrative termination from D.O.S.A. program: the entire period of earned early release or for any "crime against person" in section 2.1 herein 9 - 18 months; for any violation of 69.50/52 in section 2.1 herein 9 - 12 months whichever is longer. The defendant in this event shall comply with the conditions of Community Custody set forth in section 4.5 herein.

4.7  **BLOOD TESTING** (Prostitution offense or drug offense associated with the use of hypodermic needles): Appendix G, covering blood testing and counseling, is attached and incorporated by reference into this Judgment and Sentence.

4.8  **OFF-LIMITS ORDER:** The defendant, having been found to be a known drug trafficker, shall neither enter nor remain in the protected against drug trafficking area(s) as described in Appendix I during the term of community supervision. Appendix I is attached and incorporated by reference into this Judgment and Sentence.

4.9  **NO CONTACT:** For the maximum term of \_\_\_\_\_ years, defendant shall have no contact with \_\_\_\_\_

Date: 10-16-02

Kenneth Constock  
JUDGE  
Print Name: Ken Constock

Presented by:  
[Signature]  
Deputy Prosecuting Attorney, WSBA# 31600  
Print Name: Jean Miller

Approved as to form:  
[Signature]  
Attorney for Defendant, WSBA # 20296  
Print Name: Steve A. [Signature]

FINGERPRINTS



RIGHT HAND  
FINGERPRINTS OF:

DEFENDANT'S SIGNATURE: *Orin Brady*  
DEFENDANT'S ADDRESS \_\_\_\_\_

DATED: 10/10/05  
*Reneeth Comstock*  
JUDGE, KING COUNTY SUPERIOR COURT  
*Pro Tem*

ATTESTED BY:  
PAUL L. SHERFEX, SUPERIOR COURT CLERK  
BY: *Paul L. Sherfex*  
DEPUTY CLERK

CERTIFICATE

OFFENDER IDENTIFICATION

I, \_\_\_\_\_  
CLERK OF THIS COURT, CERTIFY THAT  
THE ABOVE IS A TRUE COPY OF THE  
JUDGMENT AND SENTENCE IN THIS  
ACTION ON RECORD IN MY OFFICE.  
DATED: \_\_\_\_\_

S.I.D. NO.  
DATE OF BIRTH:  
SEX:  
RACE:

\_\_\_\_\_  
CLERK  
BY: \_\_\_\_\_  
DEPUTY CLERK

**SUPERIOR COURT OF WASHINGTON FOR KING COUNTY**

STATE OF WASHINGTON,

Plaintiff,

*Anthony Bradley*

Defendant.

NO.

*02C047188SEA*

**JUDGMENT AND SENTENCE  
(FELONY) — APPENDIX F,  
ADDITIONAL CONDITIONS  
OF SENTENCE**

Additional conditions of sentence are:

*Defendant must follow all rules of  
DOA + treatment CCS.*

Date:

*October 16, 2002*

Judge, King County Superior Court

*A Kenneth Constock*

*Pro Tem.*

## Second Statement of Facts

On 12-27-1989 Bradley was charged with possession of crack cocaine in Seattle Washington King County Superior Court. On 2-15-1990 Bradley plead guilty to 13 weeks in a Juvenile facility. As a part of Bradley's plea agreement and laws in effect at the time the plea contract was entered it specifically was stipulated as standard in 1989 that once Bradley turned the age of 23 years old his Juvenile convictions would washout and not count for scoring on adult offender scores. Per. laws before 1990 which stated that removal of washed out convictions from criminal history is automatic, and not subject to Judicial discretion.

On 5-14-2002, Bradley was charged with Attempted delivery of cocaine. On 6-13-2002, a new law went into effect, RCWs 9.44A.525, and 9.44A.030 laws of 2002 which states "that all washed out Juvenile felonies will be included in adult criminal history for scoring purposes for crimes occurring on or after the effective date of June 13<sup>th</sup> 2002".

On 8-16-2002 Bradley was charged with delivery of cocaine. On 10-16-2002 Bradley was sentenced to 101

months to run concurrent with the before mentioned sentence of attempted delivery of cocaine and sentenced to 38 months. For both charges the state included a prior 1989 juvenile conviction cause number 90-8-00179-4. This cause number was improperly calculated toward Bradley's adult offender score for scoring purposes when stipulated against in prior 1989 juvenile plea agreements.

The state used new legislation to infringe on Bradley's vested right to have prior plea obligations honored. Bradley now comes in the form of Personal Restraint to withdraw guilty pleas for breach of contract.

I declare under penalty of perjury within the laws of the state of Washington the above statement is true and correct.

  
Anthony Bradley # 707050

## Second Ground For Relief

Bradley contends that cause numbers 02-1-04718-8, and 02-1-07413-4 are entered under miscalculated offender scores. Judgement and sentences under any cause numbers entered under miscalculated offender scores evidences an invalidity without further elaboration rendering such judgement and sentences "Invalid On Its Face". In re Pers, Restraint of Stoudmire, 141 wn. 2d 342, 354, 5 P. 3d 1240 (2000); In re Pers, of Thompson, 141 wn. 2d 712, 719 10 P. 3d 380 (2000). Bradley is being unlawfully and unconstitutionally restrained to the extent of being sentenced under an incorrect offender score. In re Pers, Restraint of Johnson, 131 wn. 2d 558, 568, 933 P. 2d 1019 (1997). The court had no statutory authority to sentence Bradley while breaching plea agreement contract & to resurrect prior washed out juvenile convictions as part of criminal history for purposes of calculating adult offender scores specifically stipulated against in prior plea agreement contracts, and laws of 1989 (before 1990), governing those provisions. (see cause number 90-8-00179-4 plea agreement incorporated by reference herein). Johnson 131 wn. 2d at 569 (1997). The state breached a contract, and in doing so, the court has erroneously imposed a sentence

for which there was no authority in law. The court has the power, duty, and obligation to correct the erroneous sentence when the error is discovered. State v. Carl, 93 Wn. 2d at 33 (1980); McNutt v. Delmore, 47 Wn. 2d 563, 565, 288 P. 2d 848 (1955). The law in force when the contract was entered obliges parties to do or not to do and the remedy and legal means to carry it into effect governed by Fed. R. Crim. P 11 (e). The state enters into a contract with a defendant when it offers a plea bargain and the defendant accepts. State v. Talley, 134 Wn. 2d 176, 949 P. 2d 358 (1998); State v. Sledge, 133 Wn. 2d 528, 947 P. 2d 1199 (1997). Bradley plead guilty and entered into such an agreement on 2-15-1990. That plea agreement contract was stipulated, and regulated by legislations clear intent to not count prior convictions, and criminal history when certain criteria were met under the terms of a valid plea agreement contract. Plea agreement contracts were stipulated based on law in force at the time when contracts were entered. Bradley met the terms, and conditions stipulated in plea agreements under laws in force at the time contracts were entered to have criminal history from juvenile convictions automatically excluded from adult offender scores once Bradley turned 23 by simply turning 23. Bradley turned 23 on 9-16-1997.

On 9-16-1997 Juvenile convictions became barred, or "washed out" from being used as criminal history on Bradley's adult record as stipulated by prior plea agreement contracts, and laws governing provisions at the time contracts were entered. The state has no choice but to adhere to relevant statutes and honor the terms of the plea agreement contract it entered with Bradley by not using Juvenile convictions as part of Bradley's adult offender score for scoring purposes as stipulated in plea contracts. Not honoring contracts of plea agreements and relevant statutes governing provisions in force at the time agreements were entered violates protection from arbitrary and unreasonable action and is a direct violation of substantive due process protected under the United States

Constitution 14<sup>th</sup> Amendment Jeffries v. Turkey Run Consoli-  
dated School Dist.; C.A. Ind., 492 F. 2d 1, 3. Breaching plea agreement contracts violates the very law which creates, defines and regulates rights and duties of parties which prescribes method of enforcing the rights or obtaining redress for their invasion. Allen v. Fisher, 574 P. 2d 1314 1315.

The application of law due to new legislation such as the Revised Code of Washington 9.44A.525, Laws of 2002, and any other amendments or laws that resurrects barred or previously washed out

criminal history that passed after the occurrence of prior plea agreement contracts were entered, or facts and commission of acts of prior convictions in which a legal contract was agreed prior to that law that retrospectively changes the legal consequences or relations of such fact is unconstitutionally "Ex Post Facto." If the legal consequences of a new law that is applied deprives a defendant of a liability that he had prior to the enactment of law, that law is unconstitutionally "Ex Post Facto." State v. Rogers, Ohio Comm. Pl., 346 N.E. 2d 352, 361. By using new laws and amendments to not adhere to prior agreements of contract obligations already afforded to Bradley by resurrecting juvenile convictions after Bradley turned the age of 23 as part of criminal history in the name of new law is "Ex Post Facto Law." Every law which, in relation to the offense or its consequences alters the situation of a person to his disadvantage (such as the retrospective application of laws of 2002 to breach contracts and overrule prior plea obligations is "Ex Post Facto Law". Wilensky v. Fields, Fla., 267 S.D. 1, 5. Artical I, § 9 (cl. 3) and § 10 of The United States Constitution prohibits both Congress and the States from passing any Ex Post Facto Law. Bradley has a vested

right to have juvenile convictions excluded from criminal history committed preceding his 23rd birthday as stipulated by plea agreements, laws before 1990, and laws of 1989 governing the provisions that regulated plea agreement contracts that were in force at the time agreements were signed into effect, and made final by judgement and sentences. The court, and the state had no authority to use new amendments to resurrect washed out criminal history, breaching plea agreement contracts, and infringe on constitutional rights by applying retroactive legislation.

The Constitutional prohibition has clearly spoke of the repugnance that retroactive legislation is viewed. Landgraf v. USI Film Prods., 511 U.S. at 266 (1994); Lynce v. Mathis, 519, U.S. 433, 439, 117 S. ct 891, 895 137 L. Ed. 2d 63 (1997). Laws in effect when contracts were entered stated "removal of a washed out conviction from the offender score was automatic and not subject to judicial discretion." Bradley signed as stipulated in the plea agreement for cause number 90-8-00179-4 to have removal of his washed out conviction from his offender score be automatic once he turned 23. The state breached plea agreement contracts it entered by using Ex Post Facto Law to resurrect prior washed out juvenile felonies stipulated against in Plea agreement Contract.

### - Third Ground for Relief

Bradley further contends that he did not understand the consequences of his plea regarding community custody making his plea involuntary. State v. Walsh, 143 Wash. 2d 1, 5-6, 17 P.3d 591 (2001). Bradley did not understand the conditions of his plea pertaining to his community custody. Bradley was sentenced to 50.75 months of total confinement, and 50.75 months community custody as part of the Drug Offender Sentencing Alternative (D.O.S.A.) plea agreement. The sentencing court stated, as was Bradley's understanding of his plea that the remainder of his 50.75 month sentence would be converted to community custody. Bradley was released to community custody to serve his 50.75 months on 12-13-04. Bradley's community custody was ultimately revoked making Bradley finish the unexpired term of community custody in total confinement. While in D.C. Bradley was informed that he would have to serve an additional 9-12 months community custody as is standard for his offense. Bradley's understanding of his plea was that he was sentenced to a drug offender sentencing alternative and by clear language understood that he would serve 50.75 months in total confinement, and 50.75 months community custody at which time if Bradley failed any part of his conditions could be put back in total confinement for the remainder of his community custody plus earned good time. Bradley did not understand he would be subjected to further community custody once already released to it, and revoked from it. Bradley did not understand the consequences of his plea regarding community custody making his plea involuntary. Bradley moves to withdraw his plea.

FILED  
COURT OF WASHINGTON  
STATE OF WASHINGTON  
2007 AUG 27 AM 11:10

Appeals COURT OF WASHINGTON  
IN AND FOR King COUNTY

Anthony Bradley )  
Petitioner )  
v. )  
State of )  
Washington )  
Respondent )

No. 02-1-04718-8  
02-1-07413-4  
DECLARATION OF SERVICE  
BY MAIL

I, Anthony Bradley, the Petitioner in the  
above-entitled cause, do hereby declare that I have served the following documents:  
Personal Restraint Petition, and exhibits included

Upon: Court Clerk: Court of  
Appeals Division I  
Name  
One Union Square, 600 University way  
Address  
Seattle Washington 98101-176  
City State Zip

I deposited with the Unit Officer's Station, by processing as Legal Mail, with first-class  
postage affixed thereto, at the Larch Corrections Center

On this 23 day of August, 2007.

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

Respectfully submitted,

  
(Signature)