



**A. STATUS OF PETITIONER**

Petitioner MARIBEL A. GOMEZ is currently serving a sentence without the possibility of parole at the Washington Corrections Center for Women in Gig Harbor, Washington upon conviction of a crime. She is now in custody because of the following type of court order: Judgment and Sentence entered in *State v. Gomez*, Grant County Cause No. 04-1-00312-4, entered on April 9, 2007.

1. The Court in which she was sentenced is the Grant County Superior Court.

2. She was convicted of the crimes of Manslaughter and Homicide by Abuse.

3. She was sentenced after trial on April 9, 2007. The Judge who imposed the sentence was the Honorable John Antosz.

4. Her counsel during trial was:

Mr. Robert Moser, WSBA #32253  
110 E Broadway Ave  
Moses Lake WA 98837-5931

5. Ms. Gomez did timely appeal from the decision of the trial court. She appealed to the Court of Appeals, Division III.

Her lawyer on appeal was:

Mr. Dennis Morgan, WSBA #05286  
120 W Main Ave  
Ritzville WA 99169-1408

The decision of the appellate court was not published. *State v. Gomez*, 147 Wn.App. 1003, Not Reported in P.3d, 2008 WL 4561499 (2008).

7. Ms. Gomez filed a timely Petition for Review with the Washington Supreme Court. On April 28, 2009, her petition for review was denied.
8. The mandate was filed on May 15, 2009.
9. This is the first time Ms. Gomez has filed a personal restraint petition. Since her conviction, Ms. Gomez has not asked a court for relief from her sentence, other than provided above.

## **II. INADEQUACY OF OTHER REMEDIES**

No remedies are available to Ms. Gomez to challenge her restraint other than this Personal Restraint Petition or an equivalent habeas corpus petition in Superior Court.

## **III. GROUNDS FOR RELIEF**

Ms. Gomez has the following grounds for relief from her sentence described in Part A. The relevant factual background and the evidence upon which the instant personal restraint petition is based are set forth in Petitioner's Opening Brief (Brief) and the Appendix in Support of Personal Restraint Petition (Appendix) filed herewith pursuant to RAP

16.7(a)(2) and RAP 16.10(a)(1). Ms. Gomez incorporates by reference the facts and evidence contained within the Brief and Appendix.

**FIRST GROUND**

Ms. Gomez should be given a new trial or released from confinement pursuant to RAP 16.4(c)(2), because her conviction was obtained and the sentence was imposed in violation of her right to conflict-free counsel guaranteed by the Constitution of the United States and/or the Constitution or laws of the State of Washington.

**SECOND GROUND**

Ms. Gomez should be given a new trial or released from confinement pursuant to RAP 16.4(c)(2), because the conviction was obtained and the sentence was imposed in violation of her right to effective assistance of counsel guaranteed by the Constitution of the United States and/or the Constitution or laws of the State of Washington.

**IV. STATEMENT OF FINANCES**

Ms. Gomez is unable to pay the filing fees or fees of counsel. She remains indigent. *See* Ex. 1 (Gomez Statement of Finances). Counsel for Mr. Holbrook is appearing pro bono. Ms. Gomez respectfully requests this Court to waive any fees levied by the Court as a result of this petition.

**IV. REQUEST FOR RELIEF**

Ms. Gomez requests that this Court vacate her conviction. In the alternative, she asks that counsel be appointed and that discovery and an evidentiary hearing be ordered to resolve any factual disputes about Mr. Gomez's unlawful restraint.

**V. OATH**

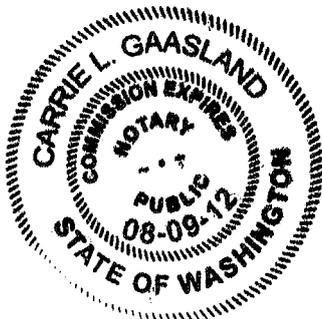
I, Jacqueline McMurtrie, after being first duly sworn, on oath, depose and say:

That I am Ms. Maribel A. Gomez's attorney. I have read the petition; know its contents, and I believe the petition is true.

Dated this 13th day of May, 2010.

  
\_\_\_\_\_  
JACQUELINE McMURTRIE  
WSBA # 13587

Subscribed and sworn to before me this 13rd day of May, 2010.



Name: Carrie L. Gaasland  
NOTARY PUBLIC in and For the State of  
Washington, residing at Seattle

# EXHIBIT 1

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COURT OF APPEALS, DIVISION III  
OF THE STATE OF WASHINGTON

IN RE THE PERSONAL RESTRAINT OF MARIBEL GOMEZ	Case No.  STATEMENT OF FINANCES
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I, MARIBEL GOMEZ, hereby declare:

- I do ask the court to file this without making me pay the filing fee because I am so poor I cannot pay the fee.
- I have a spendable balance of \$150.<sup>63</sup> in my prison or institution account.
- I do ask the court to appoint a lawyer for me because I am so poor I cannot afford to pay a lawyer.
- I am ~~\$~~ am not \_\_\_ employed. My salary or wages amount to \$52. a month. My employer is

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(name and address)

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5. During the past 12 months I did \_\_\_ did not ~~did~~ get any money from a business, profession or other form of self-employment. (If I did, it was \_\_\_\_\_ and the total income I got was \$ \_\_\_\_\_.)  
(kind of self-employment)

6. During the past 12 months, I did did not get any rent payments. If so, the total amount I got was \$ \_\_\_\_\_.  
\_\_\_ \_\_\_ get any interest. If so, the total amount I got was \$ \_\_\_\_\_.  
\_\_\_ \_\_\_ get any dividends. If so, the total amount I got was \$ \_\_\_\_\_.  
\_\_\_ \_\_\_ get any other money. If so, the amount of money I got was \$ \_\_\_\_\_.

7. Furthermore, I do do not \_\_\_ \_\_\_ have any cash except as said in answer 2. If so, the total amount of cash I have is \$ \_\_\_\_\_.  
\_\_\_ \_\_\_ have any savings accounts or checking accounts. If so, the amount in all accounts is \$ \_\_\_\_\_.  
\_\_\_ \_\_\_ own stocks, bonds, or notes. If so, their total value is \$ \_\_\_\_\_.

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 furnishings and clothing which you or your family need.

Items	Value
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9. I am  am not  married. If I am married, my wife or husband's name and address is JOSE Ayechiga  
N/A

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

Name and Address	Relationship	Age
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11. All the bills I owe are listed here.

Name of creditor	Address	Amount
you owe money to		

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

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4 Dated this 4 day of May, 2010 at Gig Harbor, Washington.

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*Maribel Gomez*  
MARIBEL GOMEZ

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Department of Corrections

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WASHINGTON CORR CENTER FOR WOMEN

OTRTASTB

TRUST ACCOUNT STATEMENT

6.04.4.0.1.1

DOC# 0000305429 Name: GOMEZ, MARIBEL A  
 LOCATION: F01-084-ME234U

BKG# 331291

Account Balance Today ( 03/01/2010 ) Current : 698.21  
 Hold : 30.00  
 Total : 728.21

Account Balance as of 02/28/2010 698.21  
 02/01/2010 02/28/2010

SUB ACCOUNT	START BALANCE	END BALANCE
SPENDABLE BAL	155.41	134.44
SAVINGS BALANCE	558.77	563.77

DEBTS AND OBLIGATIONS

TYPE	PAYABLE	INFO NUMBER	AMOUNT OWING	AMOUNT PAID	WRITE OFF AMT.
CVCS	CRIME VICTIM COMPENSATION/07112000	04132007	UNLIMITED	281.89	0.00
COIS	COST OF INCARCERATION /07112000	04132007	UNLIMITED	1126.55	0.00
COI	COST OF INCARCERATION	04132007	UNLIMITED	0.00	0.00
CVC	CRIME VICTIM COMPENSATION	04132007	UNLIMITED	72.38	0.00
TVD	TV CABLE FEE DEBT	04142007	0.00	0.74	0.00
LFO	LEGAL FINANCIAL OBLIGATIONS	20070511	UNLIMITED	1071.00	0.00
POSD	POSTAGE DEBT	11162007	0.00	0.51	0.00
UPSD	PERSONAL PROPERTY POSTAGE DEBT	07142008	0.00	7.37	0.00

TRANSACTION DESCRIPTIONS --

SPENDABLE BAL SUB-ACCOUNT

DATE	TRANSACTION DESCRIPTION	RECEIPT#	TRANSACTION AMT	BALANCE
02/02/2010	CRS BAL ORD #5579366STOR1		( 29.82)	125.59
02/08/2010	CRS BAL ORD #5588216STOR1		( 8.97)	116.62
02/11/2010	CLASS 3 GRATUITY - 01/10		55.00	171.62
02/11/2010	Deductions-CVC-04132007 D D		( 2.75)	168.87
02/13/2010	IOS - TV CABLE FEE		( 0.50)	168.37
02/16/2010	OTHER DEPOSITS - ISURA AVILA		50.00	218.37
02/16/2010	Deductions-LFO-20070511 D D		( 10.00)	208.37
02/16/2010	Deductions-CVCS-04132007 D D		( 2.50)	205.87
02/16/2010	Deductions-SAV-04132007 D D		( 5.00)	200.87
02/16/2010	Deductions-COIS-04132007 D D		( 10.00)	190.87
02/17/2010	CRS BAL ORD #5602035STOR1		( 19.82)	171.05
02/17/2010	WISHING STAR CLUB - 02/10 FUND RAISER		( 5.00)	166.05
02/22/2010	CRS BAL ORD #5611449STOR1		( 17.75)	148.30
02/23/2010	POSTAGE		( 13.69)	134.61

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Department of Corrections

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WASHINGTON CORR CENTER FOR WOMEN

OTRTASTB

TRUST ACCOUNT STATEMENT

6.04.4.0.1.1

DOC# 0000305429 Name: GOMEZ, MARIBEL A  
LOCATION: F01-084-MB234U

BKG# 331291

DATE	TRANSACTION DESCRIPTION	RECEIPT#	TRANSACTION AMT	BALANCE
02/23/2010	POSTAGE		( 0.17)	134.40
TRANSACTION DESCRIPTIONS --			SAVINGS BALANCE SUB-ACCOUNT	
DATE	TRANSACTION DESCRIPTION	RECEIPT#	TRANSACTION AMT	BALANCE
02/16/2010	Deductions-SAV-04132007 D D		5.00	563.77