

FORM 17. Personal Restraint Petition for Person Confined by State or Local Government

[Rule 16.7]

No. [appellate court]

[Put name of appellate court that you want to hear your case.]
OF THE STATE OF WASHINGTON

87604-1

[Put your name here],

PERSONAL RESTRAINT PETITION

Russell Duane McNeil

Petitioner.

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
12 JUL 23 AM 8:27
BY RONALD R. CARPENTER
CLERK

If there is not enough room on this form, use the back of these pages or use other paper. Fill out all of this form and other papers you are attaching before you sign this form in front of a notary.

A. STATUS OF PETITIONER

I, Russell Duane McNeil, Airway Heights Corr Cntr, PO Box 2049
(full name and address) Airway Heights, wa. 99001

apply for relief from confinement. I am am not ___ now in custody serving a sentence 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: _____

(identify type of order)

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

2. I was convicted of the crime(s) of Agg 1^o murder, Accomplice to Agg 1^o murder.

3. I was sentenced after trial ____, after plea of guilty on September 6th 1989
(date of sentence)

The judge who imposed sentence was James F. Gavin
(name of trial court judge)

7-23-12:

PAYMENT OF FILING
FEE WAIVED

Susan L. Carlson
Susan L. Carlson
Supreme Court Deputy Clerk

4. My lawyer at trial court was CHRISTOPHER TAIT, THOMAS BOTKWEILL

(name and address if known; if none, write "none")

5. I did did not appeal from the decision of the trial court. (If the answer is that I did), I appealed to DIVISION III

(name of court or courts to which appeal was taken)

My lawyer on appeal was PAUL J. WASSON II

(name and address if known; if none, write "none")

The decision of the appellate court was was not published. (If the answer is that it was published, and I have this information), the decision is published in _____

(volume number, Washington Appellate Reports or Washington Reports, and page number)

6. Since my conviction I have have not asked a 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 _____

(name of court or courts in which relief was sought)

Relief was denied on _____

(date of decision or, if more than one, dates of all decisions)

7. (If I have answered in question 6 that I did ask for relief), the name of my lawyer in the proceeding mentioned in my answer to question 6 was _____

(name and address if known; if none, write "none")

8. If the answers to the above questions do not really tell about the proceedings and the courts, judges and attorneys involved in your case, tell about it here:

B. GROUNDS FOR RELIEF

(If I claim more than one reason for relief from confinement, I attach sheets for each reason separately, in the same way as the first one. The attached sheets should be numbered "First Ground", "Second Ground", "Third Ground", etc.). I claim that I have 1 (number) reason(s) for this court to grant me relief from the conviction and sentence described in Part A.

FIRST Ground
(First, Second, etc.)

1. I should be given a new trial or released from confinement because (Here state 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.):

See attached Brief in support of
personal RESTRAINT Petition

2. The following facts are important when considering my case (After each fact statement, put the name of the person or persons who know the fact and will support your statement of the fact. If the fact is already in the record of your case, indicate that, also.):

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".):

Miller v. ALABAMA

4. The following statutes and constitutional provisions should be considered by the court (If none are known, state "None known".):

5. This petition is the best way I know to get the relief I want, and no other way will work as well because _____

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 a spendable balance of \$ 12.⁰⁰ 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 \$ 40.⁰⁰ a month. My employer is Food Service

(name and address)

5. During the past 12 months I did ___ did not 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. ___ 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 |
|-------|-------|
| NONE | |
| | |
| | |

9. I am ___ am not married. If I am married, my wife or husband's name and address is

_____.

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

| Name and Address | Relationship | Age |
|------------------|--------------|-----|
| NONE | | |
| | | |
| | | |

11. All the bills I owe are listed here.

| Name of creditor you owe money to | Address | Amount |
|--------------------------------------|---------|--------|
| NONE | | |
| | | |
| | | |

D. REQUEST FOR RELIEF

I want this court to:

- ___ vacate my conviction and give me a new trial
- ___ vacate my conviction and dismiss the criminal charges against me without a new trial
- other (specify) CREDIT FOR TIME SERVED AND RELEASE
