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1000 4TH AVENUE, N.W.
SEATTLE, WASHINGTON 98101

28222-8

WASHINGTON COURT OF APPEALS

DIVISION III

* * *

IN RE THE PERSONAL RESTRAINT

CASE NO. 30001-3-III

PETITION OF:

REPLY TO STATE'S RESPONSE TO
PERSONAL RESTRAINT PETITION

SALVADOR NAVA,

Petitioner. /

I. IDENTITY OF PARTY

Petitioner, SALVADOR NAVA, in Proper Person, hereinafter collectively referred to as the **Petitioner**, hereby files his Reply to the State's Response to Petitioner's Personal Restraint Petition, pursuant to the Court's Order dated October 03rd., 2012, granting Petitioner's request for extension of time to and including **November 05th.**, 2012.

II. PETITIONER'S REPLY

In order for the Petitioner to obtain Federal relief, Petitioner must exhaust his State Court claim.

Petitioner maintains his United States Constitutional Right under the Sixth and Fourteenth Amendments were violated by the Court's erroneous Special Verdict Instructions requiring the Jury to be "Unanimous" as to the aggravating circumstance in violation of State and Federal Laws. See, Apprendi v. New Jersey, 530 U.S. 466, 490 (2000); Blakely v. Washington, 542 U.S. 296 (2004); In Re Winship, 397 U.S. 358, 364 (1970).

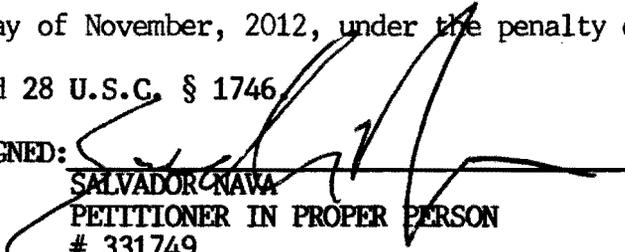
CONCLUSION

WHEREFORE, the Petitioner acknowledges that, this Court is not going to grant Petitioner any relief, Petitioner must exhaust his Federal Claims to the Washington State Supreme Court, and file a Petition for Writ of Habeas Corpus by a Person in State Custody, pursuant to 28 U.S.C. § § 2241, 2254.

Petitioner believes he is entitled to the relief sought herein.

SIGNED and EXECUTED this 02nd., day of November, 2012, under the penalty of perjury, pursuant to RCW 9A.72.085, and 28 U.S.C. § 1746.

SIGNED:


SALVADOR NAVA
PETITIONER IN PROPER PERSON
331749
Washington State Penitentiary
1313 North 13th., Avenue
Walla Walla, Wa. 99362-8817

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CERTIFICATE OF MAILING AND SERVICE

Pursuant to Washington Court Rules, General Rule 3.1(a)(b)(c), I the undersigned hereby declare and certify that, I have placed, "Reply to State's Response to Personal Restraint Petition of Nava, Case No. 30001-3-III", into sealed envelopes with first class prepaid postage affixed thereto, having turned over to a Correctional Officer, employed at the Washington State Penitentiary, for the purpose of logging as "Legal Mail" and direct deposit into the United States Mail, on this 04th., day of November, 2012, having been addressed to the following parties:

COURT OF APPEALS, DIVISION III

✓ Attn: Court Clerk

500 North Cedar

Spokane, Wa. 99201

DAVID B. TREFRY, ESQ.

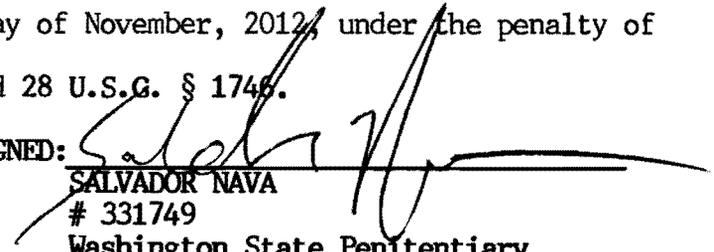
Special Prosecutor

P.O. Box 4846

Spokane, Wa. 99220-0846

SIGNED and EXECUTED this 04th., day of November, 2012, under the penalty of perjury, pursuant to RCW 9A.72.085, and 28 U.S.G. § 1746.

SIGNED:


SALVADOR NAVA

331749

Washington State Penitentiary
1313 North 13th., Avenue
Walla Walla, Wa. 99362-8817

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