

APR 16 2014

No. 89568-6

E CRF
Ronald R. Carpenter
Clerk

IN THE WASHINGTON STATE SUPREME COURT
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,
Respondent,

vs.

MICHAEL D. COOMBES,
Petitioner.

) S.Ct. No. 89568-6

) COA No. 30550-3-III

) MOTION TO REQUEST APPOINTMENT
) OF COUNSEL (pursuant CrR 3.1(b)(2))

I. IDENTITY OF MOVING PARTY.

Michael D. Coombes, comes now pro se and respectfully asks this Court for the relief designated in Part II.

II. RELIEF SOUGHT.

Mr. Coombes is indigent and is respectfully requesting this Court to grant him appointment of counsel pursuant to CrR 3.1(b)(2).

III. FACTS RELEVANT TO MOTION.

Mr. Coombes, pro se petitioner in the above cause number, is an indigent defendant. He has been appointed counsel all throughout his proceedings due to his established indigency.

Mr. Coombes was appointed appellate counsel, Lisa E. Tabbut, after his trial. Counsel Tabbut initiated Mr. Coombes' direct appeal and did oral arguments, but when the Court of Appeals Division III issued its unpublished opinion, Counsel Tabbut elected to withdraw herself from Mr. Coombes appeal.

On June 25, 2013, Mr. Coombes received a letter from Counsel Tabbutt, informing him that she would not be assisting him with his motion to reconsider or for discretionary review, and that if he wanted to proceed in those motions, she would motion to withdraw as his counsel pursuant to RAP 18.3(a).

Mr. Coombes was not informed that he was still entitled to appointed counsel to assist him further in his appeals and post conviction reviews, therefore he has been made to act pro se in his motion to reconsider and discretionary review.

Mr. Coombes is not a lawyer, and though he is intelligent enough to give his best in these motions, he does not know the laws, rules and constitutional rights like an attorney does.

Mr. Coombes has struggled to keep up with the courts timelines and follow all the rules as best as he can comprehend them, but he is not adequate enough to bring forth the issues that need to be reviewed in this case, how to efficiently use caselaws, court rules or constitutional rights, or to show how his issues has prejudiced him in his rights.

Mr. Coombes has motioned this Court to stay his Discretionary Review hearing so he can raise meritorious issues of a constitutional magnitude in a personal restraint petition.

It has just come to Mr. Coombes' attention, CrR 3.1(b)(2) stating: "A lawyer shall be provided at every stage of the proceedings, including sentencing, appeal, and postconviction review."

Mr. Coombes has 10 issues he is trying to address in his PRP; issues 1-6 are ineffective trial counsel for; on 2 counts failing to renew severance motions at the close of evidence; 2 counts of failing to call upon forensic specialists as defense expert witnesses, testimony that could have gave Mr. Coombes an

acquittal to his murder charge; 1 issue of failing to adequately prepare and investigate before bringing his motion to dismiss due to the destruction of evidence; and 1 issue of making Mr. Coombes file his own new trial and arrest of judgement motions with no guidance, help or counseling on the issues. Issues 7 and 8 are for ineffective appellate counsel; 1 for not pushing the issues of ineffective trial counsel that were part of record; and 1 for knowingly stating false facts in her opening brief and misleading the Court of Appeals with knowingly false statements. Issue 9 is because the trial court erred when making Mr. Coombes' alleged confession to detectives admissible. The last issue is the destruction of the evidence by the State, which violated Mr. Coombes' due process.

As shown, Mr. Coombes' issues are meritorious and are definitely of a constitutional magnitude that are demanding of review.

IV. GROUNDS FOR RELIEF SOUGHT AND ARGUMENT.

As previously stated, CrR 3.1(b)(2) states: "A lawyer shall be provided at every stage of proceedings, including sentencing, appeal, and postconviction review."

By granting Mr. Coombes' motion to appoint him counsel would not in any way prejudice the State or the Court, and in fact would help Mr. Coombes in bringing proper laws and arguments to his issues, and uphold the integrity of this State's justice system. Without the help of counsel, Mr. Coombes, who is actually innocent of the charges he has been convicted of, may have to stay in prison for a crime he did not commit.

Mr. Coombes respectfully asks this Court to grant his motion.

Dated this 9 day of April, 2014.

Respectfully Submitted,



Michael D. Coombes, pro se,
Petitioner.

DECLARATION OF SERVICE

Michael Duke Coombes declares the following:

On today's date, I, Michael D. Coombes, mailed the original copy of this motion to request appointment of counsel to Ronald R. Carpenter, clerk of the Washington State Supreme Court, and a true copy of said motion to Renee S. Townsley, clerk of the Court of Appeals Division III, 500 N. Cedar St., Spokane, WA 99201.

I CERTIFY UNDER THE PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signed this 9 day of April, 2014, in Airway Heights, WA.



Michael D. Coombes # 841276
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