

IN THE WASHINGTON STATE COURT OF APPEALS
DIVISION ONE

THE STATE OF WASHINGTON
PLAINTIFF

V.

ANTHONY C. LEE
APPELLANT

)
) NO. 69638-6-1
) APPELLANT'S STATEMENT OF ADDITIONAL GROUNDS
) RAP 10.10
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)
)
)
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2013 MAY 17 PM 1:26
FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON

I. (STATEMENT OF FACTS OF ISSUES PRESENTED)

ANTHONY LEE PLEADED GUILTY TO ONE COUNT OF POSSESSION OF COCAINE AND ONE COUNT OF THEFT IN THE SECOND DEGREE. CP 8-18. IN THE STATEMENT OF DEFENDANT ON PLEA OF GUILTY, MR. LEE WAS ADVISED THE STANDARD RANGE FOR THIS OFFENSE WAS 12 ± 24 MONTHS ON THE POSSESSION COUNT, AND 22-29 MONTHS ON THE THEFT COUNT. MR LEE WAS ALSO ADVISED EACH OFFENSE HAD A MAXIMUM SENTENCE OF 5 YEARS. CP 9. MR. LEE WAS ALSO ADVISED THAT THE JUDGE COULD IMPOSE A SENTENCE OUTSIDE THE STANDARD RANGE. CP 12.

THE JUDGMENT AND SENTENCE FILED FOLLOWING THE 2010 SENTENCE HEARING STATED THE STANDARD RANGE AS 12+ TO 24 MONTHS ON THE POSSESSION COUNT, 17-22 MONTHS ON THE THEFT COUNT, BOTH WITH A MAXIMUM SENTENCE OF FIVE YEARS. CP 35. THE 2012 JUDGMENT AND SENTENCE FROM THE 2012 HEARING CONTAINED THE SAME CALCULATION. CP 51.](1)below.

(1):MR. LEE FILED A MOTION TO MODIFY OR CORRECT THE JUDGMENT AND SENTENCE PETITION CHALLENGING THE TERM OF INCARCERATION AND TERM OF COMMUNITY CUSTODY, WHICH THE SUPERIOR COURT TRANSFERRED TO THIS COURT TO BE CONSIDERED AS A PERSONAL RESTRAINT PETITION. CP 47. THIS COURT REVERSED MR. LEE'S JUDGMENT AND SENTENCE AND REMANDED FOR RESENTENCING. CP 48-49.

II. (ISSUES PRESENTED)

- (A). WAS THE SENTENCING COURT'S CONDUCT INAPPROPRIATE WHEN JOKING ABOUT A VERY SERIOUS MATTER TO A VICTIM OF FALSE IMPRISONMENT ?
- (B). IS APPELLANT ENTITLED TO COMPENSATION FOR BEING ILLEGALLY IMPRISONED ?
- (C). WAS APPELLANT ILLEGAL IMPRISONED ?

III. (GROUNDS)

GROUND 1 : THE SENTENCING COURT'S CONDUCT VIOLATED THE CODES CJC 1: A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, AND IMPARTIALTY OF THE JUDICIARY, AND SHALL "AVOID" IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY." AND VIOLATION OF RULE RPC 8.4 MISCONDUCT (d): ENGAGE IN CONDUCT THAT IS PREJUDICIAL TO THE ADMINISTRATION OF JUSTICE. BY THIS JUDGE LAUGHING AT A VICTIM MR. LEE OF UNLAWFUL IMPRISONMENT THIS JUDGE VIOLATED THE AURA OF FAIRNESS AND THE FOREGOING CODES ON JUDICIAL CONDUCT:

IV. (STANDARD OF REVIEW)

ALLEGATIONS OF VIOLATION OF THE CODES ON JUDICIAL CONDUCT IS REVIEWED DE NOVO.

V. (CONTROLLING LAWS)

DISCIPLINARY PROCEEDINGS AGAINST SANDERS, INRE , 145 P.3d 1208, 159-

-Wn.2d 517,[WASH.2006] THE COURT DECLARING, "THE JUSTICE'S CONDUCT VIOLATED CODE OF JUDICIAL CONDUCT PROSCRIBING FAILURE TO ENFORCE HIGH STANDARDS OF JUDICIAL CONDUCT AND FAILURE TO "PROMOTE PUBLIC CONFIDENCE IN THE INTEGRITY AND IMPARTIALTY OF THE JUDICIARY".

H.L. MENCKEN-AMERICAN EDITOR, CRITIC-1956: "THE PENALTY FOR LAUGHING IN A COURTROOM IS SIX MONTHS IN JAIL; IT WERE NOT FOR THIS PENALTY, THE JURY WOULD NEVER HEAR THE EVIDENCE."

THE TRIAL JUDGES CONDUCT VIOLATED U.S.C.A. CONST.AMEND. 6, 14; WEST'S RCWA CONST. ART. I, § 3 BECAUSE THE TRIAL JUDGES CONDUCT DID NOT ALLOW THE AURA OF FUNDAMENTAL FAIRNESS TO BE PRESENT.

VI. (ARGUMENT)

MR. LEE ARGUES, THE TRIAL JUDGE'S JOKING AND LAUGHING ABOUT HIM BEING UNLAWFULLY IMPRISONED AND SEEKING COMPENSATION FOR SUCH IS A CLEAR VIOLATION OF THE CODES ON JUDICIAL CONDUCT, BECAUSE IT DID NOT "PROMOTE PUBLIC INTEGRITY AND IMPARTIALTY OF THE JUDICIARY." THEREWITH DENYING FUNDAMENTAL FAIRNESS.

GROUND 2 : MR. LEE ARGUES THAT DUE TO THIS COURT'S RULING REMANDING CAUSE NO. 09-1-04113-6 HE IS ENTITLED TO COMPENSATION FOR UNLAWFUL IMPRISONMENT OF ALL TIME IN EXCESS OF THE MAXIMUM TIME ALLOWED:

VII. (STANDARD OF REVIEW)

UNLAWFUL IMPRISONMENT DETERMINATION IS REVIEWED DE NOVO. U.S.C.A. CONST.AMEND. 5,6.

VIII. (CONTROLLING LAWS)

A SUBSTANTIAL INTERFERENCE WITH THE VICTIM'S LIBERTY IS THE ELEMENTS OF PROVING UNLAWFUL IMPRISONMENT, THE WASHINGTON DEPARTMENT OF CORRECTIONS REFUSED TO ADHERE AND OR HONOR THE TRIAL COURT'S JUDGMENT AND SENTENCE THUS WA. DOC "KNOWINGLY" SUBSTANTIALLY INTERFERED WITH MR. LEE'S LIBERTY BY DEPRIVEING HIM OF HIS "COMPLETE LIBERTY" BY

KEEPING HIM IN PRISON AGAINST THE HIS WILL, AND THE LAWS OF THE U.S. AND WASHINGTON. U.S.C.A. CONST.AMEND. 5, 14, CLEARLY DECLARES NO PERSONS LIFE,"LIBERTY", OR PROPERTY WILL BE DEPRIVED WITHOUT DUE PROCESS OF LAW". HERE MR. LEE'S "LIBERTY" WAS DEPRIVED FOR MORE THAN A YEAR WITHOUT DUE PROCESS OF LAW. WASHINGTON STATE LAWS PRESCRIBES A REMEDY TO THE VICTIM OF UNLAWFUL IMPRISONMENT UPON PROOF BEYOND A REASONABLE DOUBT THE VICTIM WAS UNLAWFULLY IMPRISONED.> WEST'S RCWA 4.96.020; AND FEDERAL LAW PRESCRIBES A REMEDY FOR UNLAWFUL IMPRISONMENT UNDER 42 U.S.C. § 1983 WHEN THE ACT IS COMMITTED UNDER COLOR OF STATE LAW. FOR DEPRIVATION OF LIBERTY WITHOUT DUE PROCESS OF LAW.

VIII. (ARGUMENT)

MR. LEE ARGUES, THE SENTENCING COURT ABUSED IT'S DISCRETION BY INCORRECTLY SENTENCING MR. LEE, AND EVEN THOUGH MR. LEE FILED A MOTION TO MODIFY, THE SENTENCING COURT REFUSED TO CORRECT THE EGREGIOUS SENTENCING ERROR TRANSFERRING THE ISSUE TO THIS COURT AND THIS COURT AGREED WITH MR. LEE AND REMANDED FOR RESENTENCING, THE SENTENCING COURT IGNORED THIS COURT'S DIRECTION, AND MADE JOKES AT MR. LEE, AND LAUGHED AT HIM STATING FEBRUARY 29, 2012, QUOTE, "I AM GOIN TO GIVE YOU A 1.000\$ A DAY JUST KIDDING!!!!..... UNQUOTE, THEN TOLD MR. LEE, I DON'T KNOW WHAT TO DO ABOUT COMPENSATING YOU YOUR GOING TO HAVE TO TALK TO MR. WOLFE-[HIS TRIAL COUNSEL WHOM SAID NOR DID ANYTHING]-. THE WASHINGTON DEPARTMENT OF CORRECTION IN THE MIST OF THE FOREGOING "KNOWINGLY, INTENTIONALLY, AND DELIBERATELY REFUSE TO GIVE MR. LEE THE DOSA AND EVEN WHEN MR. LEE HAD COMPLETED HIS SENTENCE AND AGAIN NOTIFIED WA. DOC OF THIS WA. DOC REFUSED TO RELEASE MR. LEE UNLWAFULLY IMPRISONNING MR. LEE DEPRIVING HIS LIBERTY WITHOUT DUE PROCESS OF LAW, MR. LEE IS ENTITLED TO COMPENSATION TO THE FUFLL EXENT OF THE LAW.

X. (CONCLUSION)

THERE IS KNOW DOUBT HERE THAT MR.LEE WAS IN FACT UNLAWFULLY IMPRISONED FOR A PERIOD IN EXCESS OF THE ERRONEOUS IMPOSED SENTENCE PRESCRIBED AND THUS THEREFORE MR. LEE'S LIBERTY WAS DEPRIVED BY THE STATE OF WASHINGTON, AND THE WASHINGTON DEPARTMENT OF CORRECTION UNDER COLOR OF STATE LAW AND THE LAWS OF WASHINGTON STATE COMPELLS COMPENSATION FOR MR. LEE AND THUS MR. LEE RESPECTFULLY ASK THIS COURT TO DECLARE SUCH.

CONT.FRM.PG.(4)
APPELLANT'S.S.A.G.RAP 10.10
NO.69638-6-I)

I THE APPELLANT HEREIN DO CERTIFY AND OR VERIFY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE UNDER PENALTY OF PERJURY PURSUANT TO THE LAWS OF WASHINGTON STATE SIGNED AND EXECUTED THIS 15 DAY OF MAY 2013, AT MONROE, WA.

RESPECTFULLY SUBMITTED,



MR. ANTHONY C. LEE
633527
P.O. BOX 888
MONROE, WA 98272

CLERK
WASHINGTON COURT OF APPEALS
DIVISION ONE
ONE UNION SQUARE
600 UNIVERSITY STREET
SEATTLE, WA 98101

MAY 15, 2013

RE: APPELLANT'S STATEMENT OF ADDITIONAL GROUNDS RAP 10.10

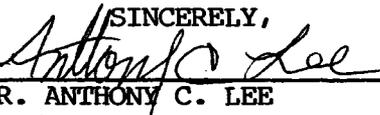
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DEAR CLERK,

PLEASE FIND ENCLOSED APPELLANT'S, STATEMENT OF ADDITIONAL GROUNDS RAP 10.10
TO BE FILED AS PROMPT AS POSSIBLE IN THE FOREGOING APPEAL PLEASE.

YOUR PROMPT ASSISTANCE WITH THE FOREGOING WILL BE GREATLY APPRECIATED.

SINCERELY,


MR. ANTHONY C. LEE
#633527
P.O. BOX 888
MONROE, WA 98272

ENCLOSURES AS STATED ABOVE.

CC: ACL