

Case # 302261

**Statement of Additional Grounds
for Review**

**State of Washington
v.
THOMAS MICHAEL KLINDWORTH**

FILED

January 2, 2013

JAN 11 2013

Washington State Court of Appeals
Division III
500 North Cedar Street
Spokane, WA. 99201

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

RE: State of Washington v. Thomas M. Klindworth
NO. 30226-1-III Court of Appeals
Additional Grounds for Appeal

Your Honors:

Best wishes for the New Year and thank you for hearing my case. This case, which has been drawn out almost 6 year has taken a emotional toll on me in many ways so I hope that this letter is adequately clear and understandable. What I believe to be Additional Grounds for Appeal follow:

1.) TIME FOR TRIAL AND SPEEDY TRIAL RIGHTS WERE VIOLATED. The Charges originated in Superior Court. I was taken from Jail to Court and appeared before Judge Runge in Superior Court on 1-22-2007. She asked how I plead and I pleaded Not Guilty. I asked if she would lower my bail from \$5000 down to \$1000, she did and I got bailed out shortly thereafter. On about 1-25-2007 my Bail Bondsman (on witness list) called me to advise me that my charges were being moved from Superior Court to District court and gave me a new next court date. I asked why and he said he did not know but it was a good thing. On 2-14-2007 I appeared before Judge Roach in District Court. The first thing the Prosecutor said was, "Your Honor, the Defendant has a major Chemical Addiction Problem and we are prepared to drop all charges if he goes to rehab.....errr, I mean gets a evaluation and goes to rehab" I stated that I had never meet the Prosecutor Jenny before and asked if I did not have a right to face my Accusers because obviously his info was coming from someone other then himself. I knew who was making the allegations and who had requested the pre-textual stop/arrest. The Judge said, That is a good point and there will be a appropriate time to ask that question. Judge Roach stated he did not have any signed PC documents so he was going to have to dismiss. The Prosecutor asked for a continuance instead. Judge Roach continued it to a later date. Then the Prosecutor moved the case back to Superior Court to avoid the problem of not having signed PC documents. In Superior Court they read the PC documents and said they were all valid. I was under the impression that charges had to be filed and PC had to be in place and they were all

controlled by clear time limits. If the PC documents were not signed and admissible for District Court....and they had to be completed within time limits....How did they go back in time to get them all signed for Superior Court and stay within the time limits and time for trial, charging, arraignment, etc when moving charges back and forth from Superior to District and back to Superior. I called Maria at the Clerks Office and by the Courts own records they did not charge within allowable time frame per Washington State Court Rules (2007) book. I also read that the fact that the charges originated in Superior Court effects the Speedy Trial time line.

2.)FAILURE OF THE PROSECUTOR TO RELEASE ALL EVIDENCE THAT MAY NEGATE THE DEFENDANTS GUILT.(28 USC 2254 and or 28 USC2255) Besides Deputy Dickenson and Deputy Bunton, both Franklin County Sheriffs Deputies (FCSD), there were 1 or 2 Washington State Patrol Troopers and 2 Pasco City Police at the scene of the arrest. I requested that the Prosecution provide me with the contact info for these other Policemen as per the Washington State Rule book (2007): I had a right to call them as witnesses and I was certain I wanted to because the WSP Trooper was telling Deputy Dickenson that what he was doing was wrong without PC. The Prosecution claimed they did not know about the other Policemen at the scene which I don't believe. They also refused to supply me with the info even tho surely it would be easy for them to confirm which Policemen were there. They simply did not want the other Policeman involved because their testimony would differ from Deputy Dickenson's. I later Identified one of the Pasco Officers that was at the scene and planned to call him as a witness. Also, Deputy Dickenson has been convicted of Assaulting a Suspect by handcuffing his hands behind his back and then beating the Suspect. He had also receive multiple warnings for behavior unbecoming a Police Officer and False Swearing. I requested that The Prosecutor provide me with all Information they had regarding Dickensons previous crimes and reprimand. They had this information but denied having it and refused to provide me with this information which I believed would negate my guilt. I also believe that Dickenson record would be something that the Washington Court rules state must be shown to the Jury for him to Testify. I made numerous requests to the Prosecutor without success and petitioned the Court to make the Prosecutor comply with the rules of Discovery. The Judge however would not as he was bias against me and did all in his power to deny me due process and fairness. The jury was never made aware of Dickensons history of False Swearing or Civil Rights Violations or Crimes of Brutality against Suspects. Nor was I able to call the other Policemen that were at the arrest to question.

3.)THE PROSECUTOR RELEASED PRETRIAL FALSE AND SLANDEROUS INFO TO THE PRESS TO CREATE NEGATIVE PUBLICITY. (28usc2254 AND OR 28 usc2255) On

3-21-2007 The Tri-City Herald ran a story with the headlines SLOW DRIVER CHARGED IN METH USE. The article was full of terrible lies. The worst lie was that I was charged in Meth Use. I called the Court Clerk to verify my charges. No Meth Charges. I then had to other people call in to verify my charges: No Meth Charges. I then contacted K. Kramer the writer who wrote the article and works for the Tri-City Herald. She stated that the Court gave her the information. I was very upset. I called the Prosecutors Office complaining and asked to speak with the Prosecutor. Prosecutor Jenny told me, "You take drugs, people are going to find out" I told him I had no Meth charges and he then hung up on me. Then on 5-14-2007 I was charged with Methamphetamine Possession going back to the arrest date of 1-21-2007. They claimed they found a Glass Meth Pipe which was coated with white methamphetamine residue. That was a lie. They found a piece of glass tubing that had never been anywhere near meth and tried calling it a meth pipe but I swear on my Mothers Life they did not find and meth Pipe with meth residue. Dickenson was asked at a motion hearing why we don't see him find the pipe on the video and Dickenson had no reply. Im starting to go on and on...Im sorry. The Point is the Prosecutor released this pretrial false info to discredit me and I did not have any meth charges.

3.)BLOOD TESTS. When Deputy Dickenson to sign I insisted I read it before signing. After reading it I told him that I wanted to be taken to Kadlec Hospital and exercise my right to a independent blood test at a place of my choosing. He said that was fine he would take me to Kadlec after they took blood from me at Our Lady of Lourdes Hosp. I asked if it was ok if I write our agreement on the implied consent warning before signing making it a part of the contract. He said that was fine (see Implied consent warning). At OLOL Hosp. They took 2 vials of blood and by this time I was very worried about Dickenson because I knew he was a dishonest cop and I knew he was set on destroying me. When the Phlebotomist gave the vials of blood to Dickenson I was shocked, I asked if they did not put them somewhere safe where nobody could mess with them? He said no. I then asked if he could take another vile from me and keep it at the hospital because I did not trust Dickenson. The Phlebotomist said yes but as he was finishing he said, Tho this probably wont help you because of the chain of custody rules. I thanked him and explained that I Dickenson already agree to take me to Kadlec Hospital when we left there anyway...but I just wanted to do all I could to protect myself. I planned to call the Phlebotomist as a witness. When we got outside I stated to Dickenson, "So now we go to Kadlec Right?" Dickenson said," I Nope, you don't get a second test" . It was like a bad dream. He then said, "Your going to a cell, your new home" or something similar to that....After he locked he in the back of the Patrol car he stood and talked to Deputy Bunton who had come with us from Franklin County Jail in the Patrol car. They exchanged something, blood samples? Key? Drug Contaminant? I don't know. Then Bunton walked away even tho he came from the jail with

us...It seemed odd. Later we called the blood test lab and spoke with Brian Caprion a Phlebotomist, I said, lets talk about Klindworth. He said, that's a weird one, we received the vials unlabelled and unsealed...we don't normally except them like that. I clearly recall them sealing and labeling the vials at the hospital however and the court file from the police shows them sealed and labeled? Mr. Capron was having difficult making testing the samples as "something wasn't right" they "could not say within parameters and get equal test results" , I was going to call Brian Caprion as a witness, 2 different Phlebotomists attempted to test the blood that FCSO provided but could not stay within guidelines and produce repeatable results that were consistent between vials. Two different qualified and experienced Phlebotomists were unable to successfully test the blood samples and stay within guidelines. I was denied this important evidence from the Prosecutor and only learned this after the Trial. They had a 3rd Phlebotomist test the blood only days before trial and somehow he did what the other 2 Phlebotomist stated could not be done within the guidelines, he said the blood tested positive for Meth. By this time it was days before Trial. Judge Spanner had withdrawn my right to Defend myself Pro Se because I had been denied Legal Library and all my 4 briefcases of records, files, addresses, defense strategies and contact with the outside world as I was in Jail wrongfully. I did a motion stating that he was making me choose between my right to a speedy trial and calling witnesses and being able to present a defense. He denied it but said If I wanted to call my witnesses I was going to have to sign a waiver of speedy trial. I said I would not. He then said, "Im not going to let you represent yourself, she is going to represent you" pointing to Karla Kane. Karla stated, "she did not plan to call witnesses" I believe the Prosecution has a obligation to make all info that they are aware of that may negate the guilt of the defendant available to the defendant. They willfully denied me the info on the difficulties with the blood tests and the fact that until about a week before trial and 5 years after the arrest they had no evidence of meth in my blood. The Prosecutor was fully aware of this info and was in contact with the Lab and not only denied me this information but it appears did all they could to excise the info out of existence.

4) MISCONDUCT BY THE COURT AND A FALSE FTA AND VIOLATION OF MY RIGHT TO DUE PROCESS AND ERROR OF LAW IN ALLOWING NON ADMISSIBLE EVIDENCE AND WRONGFULLY INCARCERATING ME TO FURTHER HAMPER MY ABILITY TO PRESENT MY DEFENSE. I SET UP MOTION HEARINGS FOR 6-5-2007, 7-24-2007, 7-31-2007, 8-142007, 9-25-2007 AND 9-26-2007 at which times I appeared, however either the Court or the Prosecuting Attorney were unavailable or refused to hear my motions. On 7-31-2007 my Motion Hearing was scheduled for 130pm, I was there before Judge Vanderscroor but Prosecutor Jenny was not....Judge Vanderscroor said, "Well, we will give

Mr. Jenny as long as he needs to get here” as he smirked knowing I had been arrested for being in the courtroom the docket on the wall specified even tho I asked the bailiff if I was in the right courtroom and he told me to stay put then 10 minutes later he signaled me out to the hall and they arrested me for a FTA. I still have the Courts Docket. Finally at a little after 300pm Prosecutor Jenny arrived. Judge Vanderscroor greeted him and then told me we did not have time to hear my motions with a big smile knowing that I had driven 2-3 hours to appear. The Judge said the soonest I could have my motions heard was 9-25-2007. On 9-24-2007 I called Court Administration and the Clerk to confirm the next days Hearing. They said it was a go. I arrived at court on 9-25-2007 and was advised that “there has been a change, no hearing today” I was then advised that they changed it to 9-26-2007 (I was well aware of the fact that they were trying to give me a breakdown) While still at the Courthouse I noticed that Judge Yule was scheduled to be the presiding Judge in Benton County at the same time on 9-26-2007 that I was told he would hear my motions in Franklin County. I went back to the clerks office and pointed that fact out....they had nothing to say...I asked for something in writing stating that 9-26-2007 was my hearing date. They refused. I knew I had to come back on 9-26-2007 even tho I knew it was another set up. I showed up on 9-26-2007 to “present my motions” I had friends with me and when we came into the Courtroom Prosecutor Jenny broke out in a Laugh pointing at me (I was wearing my Suit), of course Judge Yule was not there...he was in Benton County. I was very upset....becoming hopeless. Judge Mitchell came in to address the courtroom. I told him that Judge Yule was messing with me on purpose and I could not take it anymore and asked if there was anything I could do to get fair treatment. He said he could not give me legal advice but said there was something I could do but I had to find it. I left court that day with no new court date. Judge Mitchell told me to check with the prosecutor middle of next week. I called Prosecutor Jenny on 10-2-2007 and he said, “Oh Mr. Klindworth, we already had court this morning and you were there, you have a warrant out for your arrest and a 10,000 bail” I had received no notice of court until 10-4-2007, and it was date and time stamped when received at the RV park where I was staying. I did a motion to quash the Bench Warrant before Judge Runge, she stated that she found I did not receive proper notice and was going to quash when Frank Jenny stood up waving some papers and said he had a email from the court administrator Patti Austin that states she told me I had court. She did not. Patty Austen’s email to Frank Jenny stated, “If I recall correctly I believe judge Mitchell told the defendant he would have court on 10-2-2007”The email was unsigned and there was no perjury statement on the document. She was not there to question. I objected these points but Judge Runge just told the Bailiffs to arrest me and put me in jail. I was in jail for a long time with what I believe to be excessive bail. I believe this was done in a effort to make it more difficult to defend myself from in jail and to drag things out as I believe the Court was trying to get me to have a breakdown or

something because they never had a case worthy of Trial. I asked for Legal Library and access to my files which were at this time in my motor home. I was denied. I believe I was wrongfully jailed due to Error of Law. When you review the transcripts of 9-26-2007 you will note that Judge Mitchell did not tell me I would have court on 10-02-2007, he told me to check with the Prosecutor the middle of next week. I was telling the truth all along....yet I still had to sit in jail for a long time as punishment for exercising the right to defend myself. I took a huge emotional toll.

5) JUDGE SPANNERS REMOVAL OF ROBERT THOMPSON AS MY APPOINTED COUNCIL AND APPOINTING HIS HAND PICKED REPLACEMENT TO DEFEND ME: Robert Thompson wanted off my case and said he believed that his contract with the County was technically illegal. I told the judge I wanted him to continue because he was "up to speed" on the details of the case and believed that switching attorneys at that point would be a huge blow to my defense and force me to either sign a speedy trial waiver or go to trial with an attorney who was "not up to speed and totally unprepared". At first Judge Spanner agreed with me and said that it would be harmful to my defense and that he could authorize payment outside of Thompson's Contract with the County. Then Thompson talked to Judge Spanner in private at the next hearing and Judge Spanner allowed Thompson off my case and Appointed Attorney Karla Kane. Karla Kane was not picked to appoint me in the normal random method to assure fairness, she was hand picked by Judge Spanner. Also of note is the fact that Karla Kane had just been hired by Franklin County as a Public Defender and was not from this area. Thompson continued to represent other indigent Defendants in Franklin County that he had when he was representing me and new clients in Franklin County that he took after he was removed from my case. The first thing Karla Kane did was insist that I sign a Waiver of Speedy Trial! I had no choice but to sign as she said she needed more time. I made sure I was not waiving my rights as far as previous violations to my Speedy Trial rights. The removal of Thompson as my council added at least a year to a process that had already almost turned me into a stressed out zombie.

6) I WAS DENIED PUBLIC FUNDS FOR MY DEFENSE; I requested funds for the bare minimum required to defend myself like Postage, Phone Calls, Notebooks and Paper and Pens and updated copies of the Washington State Court Rules Book (I had the 2007 version but was told changes took place and I needed the updated book. Note: I was not asking for funds equal to what the defense was spending to include Prosecutor Jenny hourly rate of pay. I was requesting the bare minimum to cover things I could no longer afford...by this time I had no income and had lost my home. I could not get work because of the charges hanging over my head. Judge Spanner denied this request as well as a

request I made for Funds to have the Video tested for modification as I know 100% that Deputy Dickenson and Sgt Rick Kent edited the video and removed 3 sections where I asked, "What was your probable cause for pulling me over" and What is your probable cause for this search, I do not consent to this search" which I said loud and clear for the cameras benefit. He denied funds to have the video tested even tho I had a friend willing to put money in a account to be held and if the Video proved to be unmodified he would pay all the testing costs to the County. The Video was edited and the County had nothing to loose if it turned out it was not.....I was learning fast that Judge Yule and Judge Spanner were both determined to make sure I was either found guilty or punished harshly by the process itself.

7) FURTHER VIOLATION OF RIGHT TO DUE PROCESS, WILLFUL COURT MISCONDUCT AND ACTIONS TO DENY ME MY RIGHT TO A FAIR TRIAL : On 4-12-2011 or 5-20-2011 (Im not sure which and question the courts dates due to what appears to be foul play) I had a hearing to Quash a Warrant which was issued even tho no notice was sent to either myself or the person who had bailed me out(I planned to call that person as a witness in Court), When I arrived Judge Spanner was there and Karla Kane was there, I sat down and Judge Spanner called Karla over to speak with her privately. She then came over to me and told me they were striking the hearing because "they did not have proof of mailing"?? I was shocked, they had jailed me numerous times for alleged FTA's when they did not send me any notice at all and then when I am there in court (even tho I and 2 severely broken ankles from a fall in Franklin County Jail) they were striking the hearing that I set up to Quash the warrant for my arrest? She also said, And you better not hang around because you still have a warrant for your arrest. I did not know what to say...I was in shock. I felt weird trying to get out to my friend vehicle on my crutched knowing I had this warrant, but I did not think the Judge gave me any choices. My Friend wondered if the Judge wasn't trying to do me a favor? I said if he wanted to do me a favor he would of quashed the warrant or allowed me to present my evidence, he wouldn't have denied me Due Process and sent me out with a Warrant for my Arrest over my head. I wondered if he did have a proof of mailing but wanted to somehow use it to cover up another false FTA or if he was just trying to cause me great anxiety and stress to further punish me with the process and harm my ability to defend myself? I guess you folks aren't interested in my opinions on what I think may have been the Judges motive.

8) THE JUDGE STATED BEFORE TRIAL THAT THE JURY WAS NOT TO BE INFORMED BY ANYONE THAT I HAD SPENT MONTHS AND MONTHS IN JAIL EVEN THO I WAS NOT CONVICTED OF A CRIME BETWEEN MY ARREST ON 1-21-2007 AND THE JURY TRIAL OF 7-20-2011: I thought that this instruction was unfair as he was basically saying

nobody could tell the Jury the truth about the situation. He said he did not want the jury feeling sorry for me. I believe that my willingness to sit in jail for months and months when I could have taken a deal shows that I wanted to prove the arrest was totally pre-textual and evidence was fabricated and modified and excised to build a case by the Prosecution. I think by not informing the Jury of those facts I was being denied a fair trial because the majority of the time I spent in jail was because of FTA's where the court failed to send me the required notices to the agreed address in a attempt to depreciate my ability to defend myself, use the system to "punish me for representing myself" and/or to reset my Time for Trial/Speedy Trial Rights to cover violations of same and/or to drag things out further to avoid going to court.

Thank you for your review of the issues I believe are additional grounds for appeal.

Dated this 2nd day of January, 2013

Thomas M. Klindworth

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Thank you for your review of the issues I believe are additional grounds for appeal.

Dated this 2nd day of January, 2013



Thomas M. Klindworth

(1)

IN THE SUPERIOR COURT OF THE
STATE OF WASHINGTON IN
AND FOR THE COUNTY OF FRANKLIN,

STATE OF WASHINGTON

NO. 07-1-50040-4

PLAINTIFF

VS

NOTICE TO DISMISS

THOMAS MICHAEL KLINDWORTH
DOB 11-18-61
DEFENDANT

THOMAS MICHAEL KLINDWORTH, BEING FIRST DULY
SWORN, UPON OATH DEPOSES AND SAYS:

WHILE IN FRANKLIN COUNTY JAIL BETWEEN 7-19-10
AND 8-20-10 I HAD A APPEARANCE IN COURT
BEFORE JUDGE SPANNER, I HAD TWO BROKEN ANKLES
AND WAS BROUGHT FROM MY CEL TO THE COURTROOM
BY FRANKLIN COUNTY SHERIFFS OFFICE CORRECTIONAL
OFFICER REIDER VIA WHEELCHAIR, JUDGE SPANNER
ASKED ME TO FILL OUT A FORM WITH THE ADDRESS
WHERE I WANTED ALL NOTIFICATION OF COURT
HEARING AND DATES TO GO, I ASKED THE BAILIFF
IF MY EMAIL ADDRESS WAS ACCEPTIBLE AND
HE STATED IT WAS AND ACCEPTED THE COMPLETED
DOCUMENT. THE COURT HAS FAILED TO PROPERLY
NOTIFY ME OF ANY COURT DATE SINCE THAT TIME,
THE ALLEGED FAILURE TO APPEAR ON BOTH SEPT.
2010 AND ANY FAILURE TO APPEAR SINCE, INCLUDING
BUT NOT LIMITED TO THE ALLEGED FAILURE TO
APPEAR ON MAY 20th 2011 WERE IN FACT NOT
FAILURE TO APPEAR BECAUSE THE COURT FAILED
TO SEND NOTICE OF COURT DATES/TIMES TO THE
EMAIL ADDRESS THAT THEY AGREED (ON RECORD)
TO SEND NOTIFICATION TO, THE DEFENDANTS EMAIL
ADDRESS, I HAVE RECIEVE NO NOTIFICATION AT
MY EMAIL ADDRESS AND THE COURT CANNOT

I DO HAVE EVIDENCE OF MY EMAIL TO KARLA ASKING FOR COURT DATE. ALSO NOTE THAT THE DEFENDANT APPEARED IN COURT BETWEEN SEPT 2010 AND MAY 20, 2011 TO QUASH WARRANTS AND PROVE TO COURT THAT THEY HAD FAILED TO PROPERLY NOTIFY DEFENDANT AT AGREED ADDRESS AND JUDGE SPANNER AND KARLA KANE WERE PRESENT, THE DEFENDANT WAS TOLD THAT HEARING WAS STRICKEN BECAUSE THE COURT DID NOT HAVE PROOF OF MAILING TO SHOW PROPER NOTIFICATION? I WAS TOLD TO LEAVE AND TOLD I MAY BE ARRESTED?

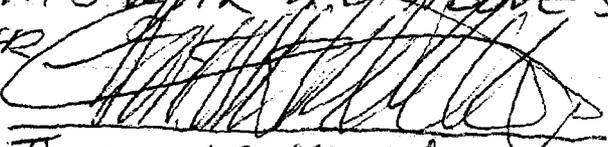
I BELIEVE MY TIME FOR TRIAL STARTED AT THAT COURT APPEARANCE WHEN I WAS IN CUSTODY BETWEEN 7-19-10 AND 8-20-10 AND OFFICIALLY NOTIFIED THE COURT AND HAVE PROTESTED TRIAL DATES BEING OUTSIDE TIME FOR TRIAL RULES.

IF THAT ISN'T THE CASE (I BELIEVE IT IS) THEN SURELY TIME FOR TRIAL STARTED AFTER MY MAY 20, 2011 ARREST. I HAVE BEEN JAILED FOR 49 DAYS SINCE MY FIRST APPEARANCE ON MAY 23rd AT WHICH TIME JUDGE SPANNER ASKED IF I WANTED A ATTORNEY, I TOLD HIM I ALWAYS WANTED A ATTORNEY BUT PREVIOUSLY CHOOSE TO REPRESENT MYSELF AFTER JUDGE SPANNER REMOVED MY ATTORNEY ROBERT THOMPSON AND FORCED ME TO TAKE KARLA KANE. EVEN AFTER NUMEROUS REQUESTS FOR NEW COUNCIL AND EXPLAINING HOW THE DIFFERENCES BETWEEN KARLA KANE AND MYSELF WERE BEYOND REPAIR, JUDGE SPANNER SAID I EITHER HAD TO REPRESENT MYSELF OR HAVE KARLA KANE... I WAS FORCED TO REPRESENT MYSELF WITH KARLA AS A BACK UP ADVISER. AS OF JULY 8th 2011 I STILL HAVENT BEEN APPOINTED A ATTORNEY KARLA KANE WONT RETURN MY CALLS OR LETTERS AND IVE BEEN DENIED ACCESS TO LEGAL LIBRARY AND ALL MY CASE NOTES, LEGAL BOOKS, DEFENSE STRATEGIES, WITNESS CONTACT INFO ETCETARA. I HAVE BEEN UNABLE TO

LEGAL ADVICE ON THE RULES AND PROCEDURES TO SUBPENA WITNESSES ON MY BEHALF FOR BOTH THE JULY 8TH 2011 HEARING AND/OR THE TRIAL WHICH IS RAPIDLY APPROACHING IN 10 DAYS, FORTY NINE DAYS HAVE PAST, THE STATES MISCONDUCT HAS PUT THE DEFENSE IN A POSITION WHERE I'M EITHER FORCED TO PROCEED TO TRIAL UNPREPARED WITHOUT MY FILES OR MY WITNESSES OR, WAIVE A FUNDAMENTAL RIGHT - THE RIGHT TO A SPEEDY TRIAL. IF YOU REVIEW STATE V. MICHIELLI (1997) (SOMETHING I AM UNABLE TO DO) YOU WILL SEE THIS IS PRECISELY THE SPECIES OF MISMANAGEMENT AT ISSUE IN MICHIELLI. BECAUSE SUCH PROSECUTORIAL MIS-MANAGEMENT SATISFIES THE MISCONDUCT ELEMENT 8.3(b) AND THE CONSEQUENTIAL INFRINGEMENT ON THE RIGHT TO SPEEDY TRIAL SATISFIES THE MATERIAL PREJUDICE ELEMENT, A DISMISSAL WITH PREJUDICE IS APPROPRIATE AND NECESSARY. FURTHERMORE, COMPLETE REVIEW OF THE STATES CONDUCT SHOWS A HISTORY OF CONDUCT THAT HAS COMPROMISED THE DEFENDANT RIGHT TO A FAIR TRIAL. I ASK THAT YOU DISMISS WITH PREJUDICE.

SUBMITTED THIS 8TH DAY OF JULY 2011

I, THOMAS M. KLINDWORTH SWEAR THAT ABOVE STATEMENT IS TRUE UNDER THE PERJURY LAWS OF WASHINGTON STATE.


Thomas M. Klindworth
Pro Se - Defendant

Slow driver charged in meth use

KRISTIN M. KRAEMER

HERALD STAFF WRITER

A Connell man who allegedly was driving 40 mph below the speed limit on Interstate 182 in Pasco is accused of being under the influence of methamphetamine at the time.

Thomas Michael Klindworth, 45, pleaded innocent Tuesday in Franklin County Superior Court to unlawful possession of Suboxone, a felony, DUI and reckless driving, both gross misdemeanors, and use of drug paraphernalia and first-degree negligent driving, both misdemeanors.

Suboxone is a controlled substance prescribed for treatment of opioid addiction.

Franklin County sheriff's Deputy Jim Dickenson was driving on I-182 at 1:50 a.m. Jan. 21 when he noticed a 2004 Subaru ahead going about 60 mph in a 70 mph zone. The Subaru suddenly changed lanes and slowed, causing Dickenson to hit his brakes, the deputy wrote in a court document describing the event.

The driver again applied the brakes, slowing the Subaru to 30 mph on the highway, at which time Dickenson said he turned on his emergency lights and pulled the car over.

Dickenson said upon approaching the car he could smell "burned methamphetamine" and noticed Klindworth, who was in the driver's seat, had red eyes and slurred speech. A search of the Subaru allegedly turned up a camera bag containing a glass pipe wrapped in tin foil with burned residue, two torch lighters, \$80 in cash and five Suboxone pills in a plastic bag.

Dickenson reported that as he drove Klindworth to the station he continued to smell burned meth and noticed he was having "difficulty sitting still in the back seat and was nervous and fidgety."

Klindworth reportedly refused to do field sobriety tests at the scene of the traffic stop and in the station. He was taken to the hospital for a blood draw, then once back at the jail, fell asleep almost immediately on a bench, Dickenson said.

The case was filed in Superior Court after Klindworth rejected a plea offer in District Court. Deputy Prosecutor Frank Jenny told the court Tuesday.

Klindworth told Judge Vic VanderSchoor he

had difficulties hiring an attorney so he wants to represent himself. However, VanderSchoor said he isn't comfortable in Klindworth doing that because the charges include a felony, which carries up to five years in prison. Attorney Sam Swanberg was appointed to the case.

Klindworth's trial is scheduled June 6.

Also Tuesday:

Three Tri-City men pleaded innocent to charges involving attempts to cash blank checks reported stolen two days earlier by a Kennewick woman.

Anthony James Birden, 48, of Kennewick, faces a May 9 trial on one count of forgery. Co-defendants Craig Eugene Williams, 27, of Richland, and Bernard Edward Franklin, 49, of Pasco, have the same trial date but are charged with unlawful possession of payment instruments.

Pasco police were called March 12 just after 6 p.m. about a forgery at Money Tree, 1406 N. 20th Ave. Birden reportedly tried to cash a check written to him for \$75. The employee became suspicious and called the check owner, who said the check had been stolen March 10, court documents said.

The woman said she didn't know Birden and did not give him permission to write the check.

Birden left the store while the employee was on the phone and was seen getting into a red Dodge Caravan, which was stopped by police at North 20th Avenue and West Sylvester Street, documents said. When questioned by officers, Birden allegedly gave false information.

Officers searched the van and, in a seat pocket near Williams, found a checkbook with 21 checks, all belonging to the Kennewick woman, court documents said.

About 30 minutes before Birden's attempt to defraud the Money Tree, Franklin allegedly went in and cashed an \$80 check, on the same victim's account, documents said. He reportedly showed his Washington identification card and signed the back of the check.

Williams and Franklin are out of custody on their personal recognizance. Birden is being held in the Franklin County jail on \$5,000 bail.

✉ Kristin M. Kraemer: 362-1521; kkraemer@tricityherald.com