

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
Apr 09, 2015, 4:29 pm
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THE SUPREME COURT

Of the

State of Washington

April 10, 2015

Ahmin R. Smith

217 E. Poe

Roswell, New Mexico 88203

Re: Supreme Court No. 91222-0
Court of Appeals No. 31390-5-III
State of Washington v. Ahmin R. Smith
OKANOGAN COUNTY SUPERIOR COURT No. 121002311

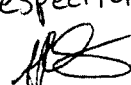
Attention Court of Appeals DIVISION III and SUPREME COURT OF THE STATE OF WASHINGTON:

Enclosed is revised motion to affidavit filed January 25, 2015. There is no new argument. This is only to advise court of typing error.

Error occurred: "I Ahmin Smith repeatedly informed my defense counsel trial and appellate that the phone records and cell phone presented to the court did not belong to me and that I did have possession of Idris Smith's cell phone."

Correction has been made: "And that I did not have possession of Idris Smith's cell phone."

There is no new argument. This is only to advise court of typing error. I humbly request the court to forgive the inconvenience and to please take into consideration that I am a layman.

Respectfully submitted,


 ORIGINAL

THE SUPREME COURT

Of the

State of Washington

April 10, 2015

Ahmin R. Smith

217 E. Poe

Roswell, New Mexico 88203

Re: Supreme Court No. 91222-0
Court of Appeals No. 31390-5-III
State of Washington v. Ahmin R. Smith
OKANOGAN COUNTY SUPERIOR COURT No. 121002311

Attention Court of Appeals DIVISION III and SUPREME COURT OF THE STATE OF WASHINGTON:

Enclosed is affidavit signed by Idris Smith confirming Ahmin Smith's petition. That the state acted with disregard to the constitution and used faulty evidence to convict Ahmin Smith. The affidavit proves the phone in question was not Ahmin Smith's and that he did not have possession of the phone in question also that Crystal Miller-Smith did not have permission to have Idris Smith's mobile phone. The testimony of William Sutor and the phone records themselves verify that the mobile phone and phone records presented to the court belong to Idris Smith and not Ahmin Smith.

Due Process Clause prohibits the government from using false evidence to obtain a conviction, including evidence going to a witness' credibility. See-Napue v. Illinois, 360 U.S. 264, 269 (1959) Hayes v. Brown, 399 F.3d 972 (9th Cir. 2005) (en banc) (granting habeas petition where government presented

false testimony and made false representations to court; United States v. La Page, 231 F. 3d 488 (9th Cir. 2000) (reversing conviction where gov't knowingly used false testimony). I Ahmin Smith repeatedly informed my defense counsel trial and appellate that the phone records and cell phone presented to the court did not belong to me and that I did not have possession of Idris Smith's cell phone.

" According to the Supreme Court, ' where specific allegations before the court show reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that he is' entitled to a new trial, 'it is the duty of the court to provide the necessary facilities and procedures for an adequate inquiry.'" Id. (quoting Harris v. Nelson, 394 U.S. 286, 300 (1969)). I Ahmin Smith move the court to dismiss and vacate conviction under CrR 7.8 Exculpatory Evidence. In alternative grant a new trial.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Ahmin R. Smith', with a stylized flourish at the end.

Ahmin R. Smith

AFFIDAVIT

Pursuant to 28 U.S.C. § 1746 No Notary Required

In re: Ahmin Smith appeal, C.O.A. No. 3130905-III; Okanogan County No. 12-1-0023-1.

I Idris O. Smith did not give consent to permit Officer Newport or District Attorney Karl Sloan to search the contents of my cell phone or obtain my cell phone records. No, officer has served me a warrant or made an attempt to contact me either; further more Ahmin Smith was not in possession of my cell phone August 12th and 13th of 2012, which is why Ahmin Smith was arrested without my mobile phone. Crystal Miller-Smith took possession of my cell phone without permission.

I, Idris O. Smith, am over the age of majority and competent to testify and herein attest under penalty of perjury that all statements contained herein is the absolute truth.

Affidavit pursuant to 28 U.S.C. § 1746 and DICKINSON V. WAINWRIGHT, 626 F. 2D 1184 (1980) sworn as true and correct under penalty of perjury has full force of and does not have to be verified by notary public.

Respectfully submitted on this 25th day of January, 2015

Idris O. Smith

Signature

Idris O. Smith

Print or Type Name

217 S. 1st

Address

Postville, IA

58203

City State Zip

IN THE SUPREME COURT OF WASHINGTON STATE

THE STATE OF WASHINGTON) No. 313905 DIV. III
Plaintiff) Okanogan County Superior Court
) No. 12-1-00231-1
V.) DECLARATION OF SERVICE BY MAIL
AHMIN RASCHAAD SMITH)
Defendant)

I, AHMIN SMITH, the defendant in the above entitled cause, do hereby declare that I have served the following documents:

Revised motion to affidavit: by Idris Smith

PARTIES SERVED:

HON. RENEE S. TOWNSLEY

Clerk/Administrator

500 N. Cedar St. Spokane, WA 99201-1905

<http://www.courts.wa.gov/court>

District Attorney Karl Sloan

HON. RONALD R. CARPENTER

SUPREME COURT CLERK

TEMPLE OF JUSTICE
P.O. BOX 40929

OLYMPIA, WA 98504-0929

supreme@courts.wa.gov

Okanogan County

Copy was faxed to Mr. Sloan at (509) 422-7290. I also mailed copy to District Attorney.

I emailed and faxed the aforementioned documents to the parties stated above.

Dated this 10th day of April, 2015.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.