

The Court of Appeals

Of the

State of Washington

Division III

January 25, 2015

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SUPREME COURT
STATE OF WASHINGTON
Jan 26, 2015, 8:34 am
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Ahmin R. Smith

217 E. Poe

Roswell, New Mexico 88203

CASE # 313905

State of Washington v. Ahmin R. Smith

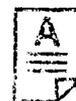
OKANOGAN COUNTY SUPERIOR COURT No. 121002311

91222-0

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



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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 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,



January 25, 2015
Ahmin R. Smith