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STATE OF WASHINGTON

BY _____
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COURT OF APPEALS DIVISION II OF THE STATE OF
WASHINGTON

THURSTON COUNTY SUPERIOR COURT

BETH RENEE RIETEMA, Respondent

V.

DEAN ERVIN PHILLIPS, Appellant

REPLY BRIEF OF PETITIONER

Dean Phillips
Appellant
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1: STATEMENT OF THE CASE

Ms. Rietema and I were married in November of 2011. Ms. Rietema spoke often, while dating, about her desire to get married to me. **EXHIBIT C** She promised a life of happiness and love if only I would marry her. However, she wanted that marriage to remain secret, primarily from her daughter, but really to everyone. I went along with this secret for two and half months of our marriage. During this same time Ms. Rietema and I fought a lot and she was quite abusive in her fighting. If she didn't get her way about something she would give me the silent treatment and withhold love and affection. I couldn't do anything right to please her. It became harder to maintain the secret of our marriage as I realized it kept me isolated; I could not tell anyone that my wife and I were struggling for to do so would be to break our promise.

That one evening Ms. Rietema claims I abused her was the night I tried to get her to talk to me, to explain why she had been so distant and cruel since we were married. I wanted her to tell me why she was not living up to the promise of a happy marriage. Her response was to ask for a divorce. It got a little rough after that, nothing more, but that was enough. Ms. Rietema never takes any responsibility for anything that led up to that night even though I lived with two and half months of her emotional abuse.

I was placed under the Order of Protection (OP), originally on March 2, 2012. **Clerk's Papers (CP) at pp. 18-22.** This restraint was allowed based on Ms. Rietema's testimony of that one incident, one evening. Ms. Rietema's account of that one evening contains half-truths and false statements.

Since that time I have suffered numerous harms at the hands of law enforcement and the courts under Ms. Rietema's claims of fear.

The most recent, maliciously using the courts to remove my rights an additional 13 more years. I outlined these harms to my person and my family in the Appellant Brief filed on April 9, 2015 and have little choice but to fight these malicious allegations against me that have infringed upon my rights and liberties, even though I have done nothing to hurt anyone nor anything against the law.

2 RESPONSE BRIEF UNTIMELY

Ms. Forrest filed her Response Brief later than 30 days; it was filed, June 2, 2015, 52 days after the, corrected, Appellant Brief was filed on April 9, 2015. RAP 10.2(b) states:

"The brief of a respondent in a civil case should be filed with the appellate court within 30 days after service of the brief of appellant or petitioner"

I ask that the court strike the response brief from this hearing, or any sanctions the court deems appropriate, as Ms. Forrest did not file her response in a timely manner. Even if we consider the

joining of the two case numbers as the last date of activity, her response is still late, 40 days from April 22, 2015.

3: STANDARD OF REVIEW

Ms. Forrest's first mention "A" is of the "Standard of review for Domestic Violence Protection Order is Abuse of Discretion" in which she cites many different cases, specifically that a court's decision is based on untenable grounds or reasons "if its factual findings are unsupported by the record" by citing State v. Rundquist. She also cites Marriage of Thomas in saying a trial court's factual findings are accepted on appeal if "supported by substantial evidence in the record".

Judge Wickham did make his decision on untenable grounds due to the fact that the court did have record of correct completion of the DVTC. This record had been part of the court's record since November of 2013. **CP p. 97, Exhibit B of PRP**. This information would have very likely altered Wickham's ruling. Commissioner Lack had already spoken to the point, and rightly so, that I had completed DVTC **RP for 9/12/14 p 23 lines 17-22**.

The court record, at the time, did show I had completed the DVTC, and the court had record of it since November of 2013 and that evidence was part of my motion to revise. If Wickham's statement "I have read your materials" **RP 10/17/14 p. 3, line 19**, were true, he would have seen the evidence of compliance. So he either

ignored it or didn't see it out of negligence, either way it clearly weighed heavily on his ruling to support Lack's decision to extend the OP for 13 more years.

4: Burden of Proof is Unreasonable

When the OP was first granted to Ms. Rietema it was because the Commissioner, at the time, agreed with Ms. Rietema's story and did not believe mine. Ms. Rietema presented no evidence of any harm. No proof was required. Why is there no proof required at this first stage, but then every time after it is up to me to prove I won't violate her wishes to be left alone? Later on, Lack suggested my point of view was "a little self centered" **RP 9/12/14, p 23, lines 24-25.**

However I can find no link suggesting self-centeredness is equitable to violence or is it an illegal act. Is it reasonable to punish me for merely being concerned about myself?

In at least two other hearings since the first one, where Ms. Rietema was awarded the OP based on her testimony alone, the preceding begins similar to what Commissioner Lack states:

The rules are different within the context of a renewal case.

This is not an opportunity for the Court or, frankly, the parties or the court to re-hear the basis for the protective order. **RP 9/12/14 p. 4, lines 19-23.**

The courts assume that just because Ms. Rietema was awarded the OP originally, that it was correct that she should have been

awarded the OP the first place and no longer worth mentioning. If the only criteria, primarily, is to convince one Commissioner or Judge, based on no evidence or proof, then how can Ms. Rietema's testimony alone be considered irrefutable? And what if the information prior to allowing Ms. Rietema the OP is vital to my defense? How can this be equal protection under the law if I am not allowed to plead my case and all the evidence in support of it? Ms. Forrest suggests that because Ms. Rietema made a "sworn declaration" **Response Brief p. 1**, that what she said must be the absolute truth. Ms. Forrest continues to try and convince the court that anything I have said in my defense, contrary to Ms. Rietema's testimony, is merely victim blaming. Does not equal protection under the law require the court to consider that I too might have a story to tell? I do not believe this constitutes equal protection under the law nor does it follow any due process as guaranteed by the 5th and 14th Amendments to the United States Constitution.

In the motion to revise Judge Wickham read the statute from RCW 26.50.060:

"The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of violence against the petitioner or the petitioner's children or family and household

members when the order expires” **RP 10/17/14 p. 11, lines 20-25.**

This burden, to prove beyond a preponderance of the evidence that I will not resume acts of violence, is also lacking reasonableness. The OP is designed to create a situation where Ms. Rietema and her family are left alone, that no contact of any sort will happen. This has been the case now for almost 3 years. However, this matters nothing, according to the regulations, even though the act of staying away from Ms. Rietema follows the OP, and RCW 26.50.130(3)(d):

“in determining whether there has been a substantial change in circumstances, the court may not base its determination solely on: (i) The fact that time has passed without a violation of the order;.”

So following the OP proves nothing? RCW 26.50.130(3)(e) then states:

“Regardless of whether there has been a substantial change in circumstances, the court may decline to terminate a protection order if it finds that the acts of domestic violence that resulted in the issuance of the protection order were of such severity that the order should not be terminated.”

So even if a substantial change has occurred, which it has as Ms. Rietema and I no longer are married, we don't live together, and no

longer have any reason to be around each other. How severe is one night? One night, she claims, that ended without any documentable evidence, and still Ms. Rietema waited two days to contact the courts for help. How severe could it have been if it took her two days to get around to filing for the OP? And then RCW 26.50.130(4) states:

“the petitioner bears no burden of proving that he or she has a current reasonable fear of imminent harm by respondent”

Here the law, as written, allows Ms. Rietema to be as unreasonable in her state of fear as she likes. Since when is unreasonableness a valid tool of justice and equal protection under the law and how is it justice to require me to defend myself against unreasonableness? A recent Washington State Supreme Court Ruling reversed the burden of proof in cases with rape allegations:

“Requiring a defendant to do more than raise a reasonable doubt is inconsistent with due-process principles”, saying it raises “a very real possibility of wrongful convictions” Justice Debra Stephens State of Washington v. W.R., Jr. 88341-6, 10/30/14

Ms. Rietema has accused me of rape in her statement. **CP p. 32, 3rd paragraph**, and this case is similar in that I am expected to prove, not only that I didn't hurt her, but also that in the future, I will not commit abuse. I claim Ms. Rietema was abusive to me for the

entirety of our marriage, two and half months prior to that one evening I am accused of being “violent”. In the deciding majority, conclusion, of State v. W.R., Jr. states:

“When a defense necessarily negates an element of the crime charged, the State may not shift the burden of proving that defense onto the defendant. To hold otherwise unconstitutionally relieves the State of its burden of proving every element of the crime beyond a reasonable doubt.”

State of Washington v. W.R., Jr. 88341-6, 10/30/14

Ms. Rietema *believes* me to be abusive and I *believe* her to be abusive, though neither one of us can prove it. Wickham also seems to believe I am dangerous:

“I’m not saying that you’re necessarily dangerous to anybody. I am just saying that it was your burden to show that you weren’t, and you didn’t meet that burden” **RP**

10/17/14 p.14, lines 3-6

Instead of a presumption of innocence, Wickham presumes my guilt. My defense is that I am not a dangerous, or violent, person. There is absolutely no evidence to suggest I am a dangerous, or violent, person. My defense therefore negates the element of what Ms. Rietema is charging, that I am violent and dangerous to her, and therefore expecting me to prove that I am not dangerous is inconsistent with due process principles.

5: FLYER CONTENT IS PROTECTED SPEECH

Ms. Forrest goes on to remind the court that:

The Court of Appeals has consistently held that a present fear of harm based on past violence or threats is the correct standard for issuance or renewal of DVPO. **Response Brief, 6/2/15, p. 6.**

And then cites multiple references where this was the case. Ms. Forrest fails to recognize her error that there were never any threats of harm or violence. The flyers, and the placement of them, were constitutionally protected acts. In the Brief of Amici Curiae of the Electronic Frontier Foundation and Professor Aaron H. Caplan in Support of Appellant in Chan v. Ellis, Eugene Volokh and Darren Summerville write, in the Summary of Argument:

The First Amendment protects the rights to speak about people, so long as the speech does not fall into an established First Amendment exception (such as those for defamation or for true threats). This includes the right to speak about private figures, especially when they do something that others see-rightly or wrongly-as unethical. Restraining orders and criminal stalking law may properly restrict unwanted speech *to* a person. But they may not restrict unwanted speech *about* a person... **Chan v. Ellis, State of Georgia, filed 9/5/14.**

The flyers are most definitely not directed at Ms. Rietema but are in fact directed at others in a manner to warn them. Ms. Rietema lied to me to get me to marry her in a secret ceremony, and then proceeded to be emotionally abusive during the next few months by withholding love and affection, and using the silent treatment. Ms. Rietema had promised me, a happy life full of love and affection, but instead delivered only abuse and pain. Nothing I ever did was good enough for her. This caused me extreme emotional stress. In my emotionally compromised state I felt it necessary to warn others, specifically other men, who might also fall into the trap of trusting Ms. Rietema, to let others know of the danger Ms. Rietema posed.

Volokh and Summerville also state in their Amicus Brief:

Similarly, *Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46 (1988), upheld Hustler Magazine's right to criticize Jerry Falwell, even in a harsh and vulgar way; and though Falwell was a public figure, *Snyder v Phelps*, 131 S Ct. 1207 (2011), made clear that *Hustler* applies to all speech on matters of public concern, even if that speech mentions wholly private figures. *Snyder* (an intentional infliction of emotional distress case) held that defendants' speech condemning American legal and military policy was constitutionally protected even when it included severely emotionally distressing statements

about an individual fallen soldier. In *Snyder*, the private person involved was entirely a victim, rather than someone who allegedly behaved unethically (as in *Keefe*, *Claiborne*, *Hustler*, and this case), but the First Amendment protected the speech nonetheless. See Caplan, *Free Speech and Civil Harassment Orders*, 64 *Hastings L.J.* at 823-24 (discussing the relevance of *Snyder* to civil harassment cases).

The flyers, posted far away from Ms. Rietema's workplace in Lacey, did not contain threats and did, in fact, attempt to contact a wide audience to tell others *about* Ms. Rietema. Witness Scott Holder:

"As I read the flyer further I realized that the flyer was not posted by the employee Beth Rietema as it contained negative remarks *about* her" **CP PRP p. 19**

And Officer Yancey:

"The following people contacted me and described receiving the same derogatory flyer *about* Beth," **CP PRP p. 51, 4th paragraph.**

Even Ms. Rietema understands this:

"I am out on my usual/regular morning walk and I discover there are multiple fliers posted *about* me" **CP p. 192 first line.**

These flyers were not *to* anyone, but *about* someone, and therefore not a violation of the OP, or an unlawful act, but in fact a form of speech protected by the 1st Amendment.

6: Locations of Flyers Not in Violation of the OP.

The locations of the posted flyers were not in violation of the OP as per RCW 26.50.110(1)(a)(ii) and (iii), which covers the violation of any order of protection:

“a provision excluding the person from a residence, workplace, school, or daycare” and “a provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location”.

The important parts here are of “a workplace” and “a location”, both of which are of an obviously singular nature, the plurals being “workplaces” and “locations” as this website suggests:

“Seeing that nouns are items, there can be one or more and this means that nouns are either singular or plural. Singular means there is one, plural means there is more than one.

Even a fraction more than one means the noun is plural. That is commonly seen in recipes—1 1/2 **cups** milk.”

<http://www.donnayoung.org/english/grammar/noun-plural.htm>

Blacks Law Dictionary has this definition:

workplace. A person's place of employment or work setting in general. Black's Law Dictionary, Ninth Edition © 2009, p. 1745.

Webster's Third New International Dictionary:

Workplace: a place (as a shop or factory) where work is done. Webster's Third New International Dictionary, unabridged © 1993, p. 2635

In the use of the word "workplace" the relevant definition is "place of employment"; a singular reference. Ms. Rietema has been allowed, by law enforcement and the courts, in multiple situations, to claim multiple locations as "a workplace", something the law does not suggest nor would a reasonable person understand to be so.

"My current workplace location is at the SWRPC in Lacey, WA but I also frequently work out of and have meeting at DOC HQ in Tumwater, WA" (**CP Tumwater Police Report June 2012 p. 195**).

Here, in her statement to the police, she indicates the address at 4522 Pacific Way as her "workplace location" as well as another location of work, DOC HQ; which is the place I plead guilty to going to close to. **Appendix B.** Even Ms. Rietema has difficulty keeping this straight based on this statement regarding her concept of my ability to travel freely:

And quite frankly, the ability to travel freely in Thurston County he mainly has except for within 500 feet of my workplace location and 500 feet of my home. **RP 9/12/14 p. 11, lines 12-15.**

Suggesting, like the OP, a singular location. However, later in Lack's court she asks:

And how does he think that posting flyers around one work location over another location makes it okay? **RP 9/12/14 p. 21, lines 10-12.**

Here she acknowledges multiple locations of work. Which is it, one location or many locations? Is her "workplace" located in Tumwater or is it in Lacey?

In a police report from Lacey, that Ms. Rietema instigated, regarding some flyers allegedly posted near other workplaces Officer J Knight of Lacey Police Department (LPD) states in his report:

It should be noted that Rietema works at several DOC office locations to include the headquarters in downtown Olympia, as well as at 637 Woodland Square Loop, and 4522 Pacific Ave. SE. **EXHIBIT A, 5th paragraph, 3rd sentence.**

Officer Knight of Lacey even knew of the supposed violation of the OP at DOC HQ in Tumwater and still entertained the idea that Ms. Rietema could name, additional, multiple locations, a veritable

minefield of unknown locations, throughout Thurston County and hence, not specific but vague as I was not afforded a list or could I know that a singular word could be interpreted as a plural word. During our marriage and even for some time prior Ms. Rietema worked in the Lacey location at 4522 Pacific Ave, SE; the only "workplace" I could know about. It was even where she showed me her cubicle that she worked out of when we were together. We also commuted to work together, for some time, due to the fact that my workplace is also in Lacey.

The OP is not clear, but vague and used arbitrarily, in regards to what constitutes Ms. Rietema's specific workplace location.

7: FLYERS CONTAIN TRUE STATEMENTS

Ms. Forrest claims the flyers contained defamatory statements. In her statement to the police Ms. Rietema speaks of the truthfulness of the content of the flyer, as Officer Elliot wrote:

"This statement refers to an incident that was one of the issues in their marriage, if not the catalyst for their separation. It was a private issue and known only to them. To Beth this indicates that he alone could have been responsible for the document." **CP p. 185, Tumwater Police Report, 6th paragraph.**

Here Ms. Rietema verifies the information presented in the flyer by making a positive statement about an issue that only the two of us

could know. If she knew something I knew, then we both knew it to be so and therefore it had to be true for both of us. Ms. Rietema testified to Officer Elliot that the flyers contain truthful information. So the flyers, which at one time contain truthful information that Ms. Rietema used to get me arrested, are now claimed to be defamatory. How can it be both true and a lie?

I should not have been charged with a crime for spreading truthful statements.

8: ACCUSATIONS OF HARASSMENT ARE FALSE

Ms. Forrest also suggests I was found to have harassed Ms. Rietema, but Ms. Forrest has no evidence to support this claim. I have no convictions of harassment against me. This is a blatant false statement by Ms. Forrest! I was forced to plead guilty only to violating the OP by coming too close to the DOC HQ. **Exhibit B**

Ms. Rietema also makes a false statement as Officer Elliot of Tumwater notes:

“Dean was arrested for assault domestic violence in February and there is a protection order in place” **CP p. 185, 7th paragraph, 3rd sentence.**

I was not arrested in February and there is no evidence of this. However, it does make Ms. Rietema’s story about me sound much worse.

9: ACTS WITHIN THE ORDER OF PROTECTION DO INFRINGE CONSTITUTIONALLY PROTECTED RIGHTS

As the OP states I am not allowed to possess a firearm or I can be punished with “10 years in prison and a \$250,000 fine” **CP p. 19, box 1**. How can Ms. Forrest say that this does not infringe upon my 2nd Amendment Rights? As previously stated, the OP was granted without any proof, without any evidence, with written and verbal statements only. And yet my 2nd Amendment rights were infringed, and with Ms. Rietema's statement only. The Bill of Rights enumerates inalienable rights granted by our creator. No higher authority has jurisdiction over those rights as free people which were granted to you and me by our creator. How can a court of men have jurisdiction over my inalienable rights? Especially based solely on one person's statements and lacking any evidence, as in this case! Why then call them “inalienable” if they so easily can be taken away and used against you? I would like to be able to defend myself and my family in my own home without fear of prison or fines! However, to Ms. Rietema the desire to have my basic rights, freedoms, and liberties restored is considered a “frivolous” action. I have not even been accused of any crimes, just of being something I am not. I doubt that the founding fathers of this country believed that fighting for their rights and liberties was a frivolous exercise.

The harms I have received, that I have shown here and in my appellant brief, strongly indicate a pattern of abuse of the legal system. This malicious prosecution of me, by a conspiracy to remove my rights, and conspiracy to remove rights under color of law, are as per 18 U.S. Code § 241 and 242 illegal acts perpetrated upon me under the guise of the OP, and as such the OP should be vacated, my record expunged, and I should be awarded appropriate fees and damages.

10: ASSIGNMENTS OF ERROR 1, 2, 3, and 4 ARE UP TO THE COURT'S DISCRETION.

These assignments of error are up to the courts to decide. RAP

7.3:

The appellate court has the authority to determine whether a matter is properly before it, and to perform all acts necessary or appropriate to secure the fair and orderly review of a case. The Court of Appeals retains authority to act in a case pending before it until review is accepted by the Supreme Court, unless the Supreme Court directs otherwise.

I ask the court to accept these assignments of error due to them having occurred under the OP and due to the OP but are not covered in the OP, and because they violated my rights. Equal protection under the law should allow me to claim all the harms I have suffered as a result of the OP, to defend myself, as Ms.

Rietema would, and has done. Because these actions toward me did not follow the letter of the law, they were illegal, and as such this court should have no choice but to award me as much of the relief I have asked for in my appellant brief, that this court can offer.

11: WICKHAM ERRED IN AWARDING COURT FEES TO MS.

RIETEMA

Because these actions against me did not follow the OP, or the letter of the law they are, as such, illegal acts and therefore I should not be expected to pay for court fees. The only reason this action is taking place is because Ms. Rietema would not let it go. We are here because I am forced to fight for my rights due to it being repugnant to me to have my rights infringed. Ms. Rietema has continued to use lies and manipulations to infringe on my rights and liberties. I should not have to pay for this criminal action against me.

CONCLUSION

I have no interest in having anything to do with Ms. Rietema ever again. I know full well that Ms. Rietema does not want anything to do with me either and I respect that. When people in my past have asked me to leave them alone I leave them alone. Ms. Rietema has never asked me to leave her alone but has only used the courts and law enforcement to do her bidding. She has made it painfully clear to me that I am to leave Ms. Rietema and her family

alone. Ms. Rietema, for reasons of her own, continues to try and keep this order in place by claiming I am dangerous to her. This is simply not true and she has no evidence to suggest I am a violent person. To expect me to prove that her belief in me is false, is a violation of my due process rights. I am asking this court to please vacate this order. I am asking that this court expunge my criminal record, as it only exists due to the misuse of the OP. I am asking the court to award me fees for my time and effort in having to learn to appeal and to defend myself against Ms. Rietema's malicious attack upon my freedoms and liberties.

Respectfully submitted this 25th day of June, 2015.



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Certificate of Filing and Service

I certify that on today's date, I mailed the foregoing motion, postage prepaid, to

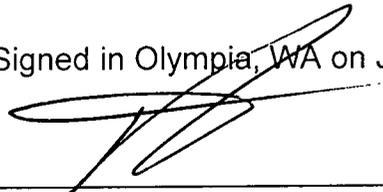
Kate Forrest
600 First Avenue, Suite 106
Seattle WA, 98104

And filed the same with:

Court of Appeals for the State of Washington-Division II
950 Broadway, Suite 300
Tacoma WA, 98402

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

Signed in Olympia, WA on June 25, 2015



Dean Phillips
Pro Se, Appellant

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COURT OF APPEALS
DIVISION II
2015 JUN 25 PM 3:20
STATE OF WASHINGTON
BY _____
DEPUTY

EXHIBIT A

Lacey Police Department Officer's Report

Case # 2012-5459



Lacey Police Department
Officer's Report
October 5, 2012 / 17:20
Case Number: 2012-5459
Reporting Officer: J. Knight / # 411
Related Number(s):

Narrative:

On Friday, October 05, 2012 at 0802 hours, Beth Rietema called to report a D.V. protection order violation at 637 Woodland Square Loop SE - a Washington State Department of Corrections (D.O.C.) administrative office. I called and spoke with Rietema, who informed me that several typed flyers were found posted in the Woodland Square business district containing her photo, name, place of employment, and derogatory statements. Rietema advised that a security officer with Pacific Coast Security turned over one of the flyers to a co-worker of hers, who retrieved several other flyers stapled to trees in the area around her work building. Rietema advised that her ex-husband - Dean Phillips, has been convicted this year of violating a D.V. protection order with her in Tumwater, by posting very similar flyers.

She stated that she would be getting statements from security and the co-worker, and get the flyers together, then call me back. I later contacted her and she provided a written statement of her co-worker that collected the flyers - Sarah Bevers, and the name of the security officer that alerted employees to the flyers - Craig Richardson.

She also provided me with a copy of the D.V. protection order from Tumwater. (See attached). I had DATA confirm the order as well, and had Tumwater P.D. fax me the order. I also contacted Tumwater P.D. and had them e-mail me the prior case resulting in a conviction for violation of the order this year. (See attached documentation)

I noted the flyers from the Tumwater event and this event both contain the same or at least a similar photo of Rietema, and are written in a similar font and style, and speak of many similar details. Rietema advised me that Phillips has not contacted her by other means recently. She stated that he works at the Department of Ecology on Desmond Dr. SE. in Lacey as an underground tank inspector. I responded to that location and asked to speak with him at the reception desk. The receptionist called his desk and received no answer, then checked with a co-worker who said he was at work today, but not in the office.

I left a voicemail on Phillips cell phone requesting a phone call. I later called his office number and cell phone again, and received no answer. It should be noted that Rietema works at several DOC office locations to include the headquarters in downtown Olympia, as well as at 637 Woodland Square Loop, and 4522 Pacific Ave. SE. I collected from Rietema eleven (11) flyers, which I later logged into evidence.

Given the history of this type of violation resulting in conviction, and the very similar but re-worded flyer, it appears Phillips is responsible. I would request the City Attorney review this case for violation of a D.V. No-contact Order.

CASE STATUS: REFER TO CITY ATTORNEY

I certify or declare under penalty of perjury under the laws of Washington that the foregoing is true and correct. This form was completed and signed in Lacey, WA on October 5, 2012.

J. Knight / # 411

Reporting Officer's Signature: _____

Lacey Police Department - PO Box 3400 - 420 College St SE - Lacey, WA 98509-3400 - Phone 360.459.4333 - Fax 360.456.7798

EXHIBIT B

Statement of Guilty Plea (2 pages)

Case # C 21048

TUMWATER MUNICIPAL COURT, THURSTON COUNTY, STATE OF WASHINGTON

CITY OF TUMWATER,

Plaintiff,

vs.

Case No. C 21048

STATEMENT OF DEFENDANT
ON PLEA OF GUILTY

Dean E. Phillips

Defendant.

1. My true name is: 44 Dean Ervin Phillips

2. My age is:

3. I've been through the 10th grade.

4. I HAVE BEEN INFORMED OF AND FULLY UNDERSTAND THAT:

a) I have the right to be represented by an attorney and if I cannot afford to pay for an attorney, one may be provided to me at no expense. My attorney's name is Tricia Hahn

b) I am charged with the crime of: Violation of Protection Order (VNCO) (RCW 26.50.110)

The elements of this crime are: In the City of Tumwater, Washington, violating a known court order issued pursuant to chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34, or a valid foreign protection order as defined in RCW 26.52.020.

5. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

- a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
- b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- c) The right at trial to hear and question witnesses who testify against me;
- d) The right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- e) I am presumed innocent until the charge is proven beyond a reasonable doubt OR I enter a guilty plea;
- f) The right to appeal a determination of guilt after trial.

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

a) MAXIMUM SENTENCE: The crime with which I am charged carries a maximum sentence of 364 days in jail and a \$5,000.00 fine.

b) MANDATORY MINIMUM SENTENCE: The crime of VNCO has a mandatory minimum sentence of NONE. The law allows no reduction of this sentence.

c) OTHER CONSEQUENCES OF GUILTY PLEA: If a box in this section is checked - defendant should initial here: _____

(i) If this crime involves a sexual offense, prostitution, or drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency virus (HIV/AIDS) virus.

(ii) If I am not a U.S. citizen, a guilty plea to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the U.S., or denial of naturalization pursuant to U.S. laws.

(iii) The Judge may require me to pay costs, fees and assessments authorized by law. The Judge may also order me to pay restitution to any victims who lost money or property as a result of the crime I committed. The maximum amount of restitution is double the amount of the loss of all victims or double the amount of my gain.

(iv) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040

d) PROSECUTOR'S RECOMMENDATION: The prosecuting attorney will make the following recommendation to the Judge:

364/360, credit for 4 days, Domestic Violence Perpetrator Treatment Program, No Contact with Beth Dietma, 2 year jurisdiction, 300 fr, 400 conviction fee. NCLV DISMISS Harassment

e) JUDGE NOT BOUND BY RECOMMENDATION: The Judge does not have to follow anyone's recommendation as to sentence. The Judge is completely free to give me any sentence up to the maximum authorized by law no matter what the prosecuting attorney or anyone else recommends.

7. I plead **GUILTY** to the crime of VDVO, as charged in the complaint or citation and notice. I have received a copy of that complaint or citation and notice.

The city agrees to file no further charges based on the discovery issued under this cause no. (4)

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or other person to cause me to make this plea.

10. No one has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The Judge has asked me to state briefly in my own words what I did that makes me guilty of this crime. This is my statement:

On or about June 14, 2012, in Tumwater Washington, I contacted or attempted to contact: ~~_____~~, in knowing violation of a court order that prohibits or limits such contact. I knowingly came within 500 feet of Beth Lietema's when a no contact order was in effect prohibiting such contact. → workplace

12. My attorney has explained to me, and we have fully discussed, all of the above paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty". I have no further questions to ask the Judge.

[Signature]
DEFENDANT

I have read & discussed this statement with the defendant & believe that the defendant is competent & fully understands this statement.

[Signature]
PROSECUTOR, WSBA # 39071

[Signature]
DEFENDANT'S ATTORNEY, WSBA # 36668

The foregoing statement was signed by the defendant in open court in the presence of the defendant's attorney & the undersigned Judge. The Defendant asserted that:

- He or she has previously read; or
 - His or her attorney had previously read to him or her; or
 - An interpreter had previously read to him or her;
- the entire statement above & that the defendant understood it in full.

I find the defendant's guilty plea to be knowing, voluntary and intelligent. The defendant understands the charges & the consequences of his plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated this 20 day of AUG, 2012

[Signature]
JUDGE

I am fluent in the _____ language, & I have translated this entire document for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation & the subject matter of this document. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true & correct.

Dated _____, Interpreter.

EXHIBIT C

Cards sent to appellant re: marriage (2 pages)

Totally.

Dear -

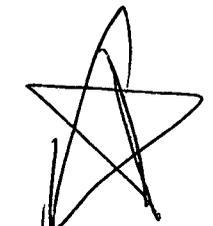
Bzzzz.....

my love for you grows deeper
every day just wanted to tell
you again how INCREDBLE I
think you are.

Love you so!

Your "B Love" girl and
future wife (U)

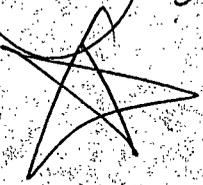
Best



Dean -

Need you to know you
mean the world to
me you have my
heart Please be gentle
with me for I am
a sensitive soul only
seeking love -
your love helps me
be a better person.

I do love you so.
Your someday wife



I want us

to hold onto our memories,
put the hard times behind us,

and look forward

to each of our tomorrows

with love in our hearts.

My heart holds

so much love for you.

Beith

Renee

AKA "B-LUV"!