

No. 73035-5-I

IN THE COURT OF APPEALS OF THE
STATE OF WASHINGTON, DIVISION I.

STATE OF WASHINGTON,
RESPONDENT,

VS.

ALLEN BUMANGLAG,
APPELLANT.

On Appeal From The Superior Court Of
The State Of Washington, For King County.

28 SEP -3 AM 12:32

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON

Defendants Pro Se Statement Of Additional
Grounds For Review; Affidavit; and
Memorandum In Support, pursuant to
RAP 10.10

ALLEN BUMANGLAG
310578, LCC-SSU
B18, LEGAL MAIL
15314 N.E. Dole Valley Rd.
Yacolt, WA 98675-09531

TABLE OF CONTENTS.

	<u>PAGE.</u>
I Introductory Statement.	1
II Assignments of Error.	2
<u>GROUND 1.</u>	2

Fourteen (14) days prior to trial, defendants' first "Motion To Discharge Counsel D" was docketed (Apps. 3-4), but was never adjudicated/ruled-on by the Court, thus allowing multiple and gross violations of ineffective assistance of counsel to severely prejudice defendants entire defense, and ultimately the outcome of the trial, thus resulting in an unfair trial, and State and Federal Constitutional errors and violations.

ISSUE 1.

2

Was defendant so severely prejudiced by the trial Judge failing to hold any type of meaningful hearing on his "Motion To Discharge Counsel", during any of the 14-days prior to trial that it was filed, as to rise to the magnitude of state and Federal structural error, thus resulting in the reasonable probability that ineffective assistance of counsel resulted negatively in the outcome of defendant's trial.

III Statement of The Case. 3

IV Argument. 4-16

V Conclusion. 17-19

VI Oath and Notary 19-20

VII APPENDIX 21-23

..
11.

TABLE OF AUTHORITIES.

	<u>PAGE.</u>
<u>WASHINGTON CASES.</u>	
IN RE BRETT, 142 Wn.2d 868, 873 (2001).	13
IN RE CRACE, 174 Wn.2d 835, 836-39 (2012).	16
IN RE RECALL OF BOLT, 177 Wn.2d 168, 182 (2013).	19
KNOX v. MICROSOFT, 92 Wn. App. 204, 213-14 (1998).	19
LITTLE v. RHAY, 8 Wn. App. 725, 729 (1973).	14
STATE v. AHO, 137 Wn.2d 736, 740-41 (1999).	19
STATE v. BEBB, 44 Wn. App. 803, 819-20 (1986).	4
STATE v. CONTRERAS, 92 Wn. App. 307, 311-14 (1998).	11

STATE v. DICTADO, 102 Wn.2d
277, 286-87 (1984). 12

STATE v. GREEN, 80 Wn.App.
692, 694-95 (1995). 5

STATE v. JULY, 19 Wn.App. 256,
265 n.a (1978). 14

STATE v. LYNN, 67 Wn.App.
339, 342-47 (1992). 5

STATE v. RANGEL-REYES, 119
Wn.App. 494, 498 (2003). 13

STATE v. SCOTT, 110 Wn.2d
682, 687-89 (1988). 5

STATE v. TRADER, 54 Wn.App.
479, 482-84 (1989). 5

STATE v. WISE, 176 Wn.2d
1, 5-6, 8-20 (2012). 9

STATE v. W.W.J. CORP., 138
Wn.2d 595, 600-606 (1999). 13

FEDERAL CASES.

APPLICATION OF KAPATOS, 208
F.S. 883, 888 (S.D.N.Y 1962). 16

BRECHT v. ABRAHAMSON, 507 U.S.
619, 629-44 (1993). 16

BROWN v. ROE, 279 F.3d 742,
746 (9th Cir. 2002). 4

CALIFORNIA v. TROMBETTA, 467
U.S. 479, 485 (1984). 9

CHAPMAN v. CALIFORNIA, 386 U.S.
18, 21-26 (1967). 15

ENGLE v. ISAAC, 456 U.S.
107, 135 (1982). 15

HAINES v. KERNER, 404 U.S.
519, 520-21 (1972). 4

HUGHES v. ROWE, 449 U.S. 5,
9-10, n.7 (1980). 4

MARTINEZ v. RYAN, 132 S.Ct.
1309, 1315-20 (2012). 16

PAGE.

MURRAY v. CARRIER, 477 U.S.
478, 486, 495-96, 504-05 (1986). 15

NARDI v. STEWART, 354 F.3d
1134, 1140, n.4 (9th Cir. 2004). 4

STRICKLAND v. WASHINGTON, 466
U.S. 668, 687 (1984). 13

UNITED STATES v. BAGLEY, 473 U.S.
667, 692 (1985). 16

UNITED STATES v. DE COSTER, 487
F.2d 1197, 1205 (D.C. Cir. 1973) 14

UNITED STATES v. FRADY, 546
U.S. 152, 170 (1982). 15

CONSTITUTIONAL PROVISIONS.

PAGE.

U.S. Constitution, 5TH Amendment. 13, 15

U.S. Constitution, 6TH Amendment. 13

U.S. Constitution, 14TH Amendment. 13

Washington Constitution, Article I, § 27. 13

STATUTES.

RCW 4.76.070

COURT RULES.

	PAGE.
CrR 7.5	14
ER 201	17
GR 3.1	1
GR 13	14
RAP 1.2	19
RAP 2.5	19
RAP 7.3	19
RAP 18.8	19

I Introductory Statement.

1.1 I, MR. BUMANGLAG, defendant in this action, hereby proffer my statement of additional grounds (hereinafter "SAG"), to supplement "Appellant's Opening Brief" filed by counsel for defendant/appellant.

1.2 I have received and reviewed the opening brief prepared by defense counsel. The following ground, issue and arguments are not addressed in that brief. I understand that the Court will review this SAG when my appeal is considered. Therefore, I respectfully ask this Court to take my SAG into consideration.

1.3 As noted in my letter of intent to file a SAG (App. 1) dated 8-12-15, I received the last part of the trial transcripts, clerk's papers, and related documents from defense counsel on 8-7-15 (App. 2). Therefore, this SAG is being mailed and filed pursuant to GR 3.1, on or before the allotted 30 days, pursuant to RAP 10.10(e), which I calculate to be - September 6TH, 2015.

II Assignments of Error.

GROUND 1.

Fourteen (14) days prior to trial, defendant's first "Motion To Discharge Counsel" was docketed (Apps. 3-4), but was never adjudicated/ruled-on by the Court, thus allowing multiple and gross violations of ineffective assistance of counsel, to severely prejudice defendant's entire defense, and ultimately the outcome of the trial, thus resulting in an unfair trial, and State and Federal Constitutional errors and violations.

ISSUE 1.

Was defendant so severely prejudiced by the trial judge failing to hold any type of meaningful hearing on his "Motion To Discharge Counsel", during any of the 14-days prior to trial that it was filed, as to rise to

ISSUE 1 (CON'T)

the magnitude of State and Federal structural errors, thus resulting in the reasonable probability that ineffective assistance of counsel resulted negatively in the outcome of defendant's trial.

III Statement of The Case.

Defendant agrees with defense counsel's "Statement of The Case" (see Opening Brief at 4-7), and hereby supplements said statement with the information in defendant's SAC.

IV Argument.

4.1 Defendant respectfully requests the Court to interpret the pleadings liberally, with great latitude, and to raise the strongest arguments they suggest.

4.2 "[T]he court unanimously held in Haines v. Kerner, 404 U.S. 519, 520-21 (1972), a pro se complaint, 'however inartfully pleaded,' must be held to 'less stringent standards than formal pleadings drafted by lawyers'" Hughes v. Rowe, 449 U.S. 5, 9-10, n.7 (1980); State v. BEBB, 44 Wn. App. 803, 819-20 (1986)

4.3 "Pro se habeas petitioners are to be afforded 'the benefit of any doubt,'" Brown v. Roel, 279 F.3d 742, 746 (9th Cir. 2002); NARDI v. STEWART, 354 F.3d 1134, 1140, n.4 (9th Cir. 2004) (this court recognizes that it has a duty to ensure that pro se litigants do not lose their right to a hearing on the merits of their claim (due to ignorance) of technical procedural requirements).

Standard of Review.

4.4 The proper approach in analyzing alleged constitutional error raised for the first time on appeal involves four steps: (1) the reviewing court must make a cursory determination as to whether the alleged error in fact suggests a constitutional issue; (2) the court must determine whether the alleged error is manifest, which requires a plausible showing by the defendant that the asserted error had practical and identifiable consequences in the trial of the case; (3) if the court finds the alleged error to be manifest, then the court must address the merits of the constitutional issue; (4) if the court determines that an error of constitutional import was committed, then, and only then, the court undertakes a harmless error analysis.

State v. LYNN, 67 Wn.App. 339, 342-47 (1992); State v. GREEN, 80 Wn.App.

692, 694-95 (1995); State v. TRADER, 54 Wn.App. 479, 482-84 (1989);

State v. Scott, 110 Wn.2d 682, 687-89 (1988).

4.5 The trial docket (App. 4) is prima facie evidence that Defendant's first "Motion To Discharge Counsel" was in fact filed on 11-21-14 (App. 3), 14-days prior to the start of defendant's trial, on 12-4-14 (App. 4, SUB # 44A).

4.6 Defendant hereby asserts that at no time did the court conduct a hearing for the above noted motion, despite defendant's adamant claim that he had "absolutely no faith or confidence in ACA's law firm to represent me or provide proper assistance of counsel." (App. 3)
That said, there is absolutely no docket entry of above noted motion being conducted. (App. 4)

4.7 Defendant further states in his "Motion To Discharge Counsel" (App. 3), that defense counsel has:
(1) failed to show up to almost all court dates; (2) has only come to see defendant once;

- 4.7 (con't) (3) trial counsel did not discuss case with defendant;
- (4) defendant received one telephone call promise from trial counsel's staff, stating that counsel would come and meet with defendant;
- (5) trial counsel refused to take defendant's phone calls, nor respond to dozens of voice mail messages left for trial counsel, despite defendant's phone calls every day for over two months, while defendant was in the county jail;
- (6) trial counsel refused to show or share the discovery or police reports in said case.

4.8 Defendant further supplements the record with allegations of ineffective assistance of counsel, through criminal acts of coercion and threats during at least three of the few visits trial counsel made prior to trial, despite defendant's steadfast and repeated requests for counsel to prepare for trial. Trial counsel threatened defendant, stating that if defendant did not

4.8 (con't) accept a plea deal, he (trial counsel) would himself tell the jury negative things about defendant in order to intentionally get defendant found guilty and convicted.

4.9 Defendant's second "Motion To Discharge Counsel" (App. 5) mirrors defendant's first motion, with same and similar claims of ineffective assistance of counsel, and coercion to plead guilty to charges defendant did not commit. Defendant's motion to the court ended in a desperate request for the court to "Please help me. I need a new lawyer. Please help me." (App. 5)

4.10 In further support why the court should reverse and remand this conviction, judgment and sentence, the "State's Trial Memorandum" (App. 6) is prima facie evidence that the trial court failed to provide any sort of fair and

4.10 (con't) equitable review by conducting any sort of hearing, thus (resulting in) the fact that the court failed to make any ruling on said motion, ultimately resulting in prejudice. In the "States Trial Memorandum" (App. 6), at lines 18-19, "I Pretrial Rulings - - No substantive pretrial rulings have been made in this matter." The above noted violations amount to structural error at the least. California v. Trombetta, 467 U.S. 479, 485 (1984); State v. Wise, 176 Wn.2d 1, 5-6, 8-20 (2012).

4.11 In addition to defendant's two handwritten motions to discharge counsel, defendant verbally requested the same assistance from the trial judge in open court on 12-8-14. Defendant stated to the judge, in part, that he wanted to change his lawyer; had not seen nor received his discovery or police reports from trial counsel, and concluded that "I don't know what's going on right now for me." (See App. 7, VRP page 11, lines 12-25)

4.12 Trial counsel blatantly lied to the trial judge about the court previously ruling on defendant's first "Motion To Discharge Counsel", which in fact was never ruled on.
(App. 8, VRP page 12, lines 1-17)

4.13 The trial judge erroneously accepted the word of trial counsel, and declined to hear defendant's second "motion to discharge counsel."
(App. 9, VRP page 15, lines 3-25)

4.14 The trial judge did nothing to confirm that defendant's first "motion to discharge counsel" was ever conducted or heard, and stated "... I'm not going to hear it again."
(App. 10, VRP page 16, lines 1-6)

4.15 In a final gasp for assistance from the trial judge, during sentencing, defendant once again requested the documents and information that was allegedly used to convict him, and stated that he was never

4.15 (cont) provided the information, stating that, "I want my discovery and police reports...." (App. 11, VRP page 168, lines 20-25)

4.16 During sentencing, trial counsel once again lied to the trial judge, stating that he reviewed it with defendant. (App. 12, VRP page 169, lines 1-24)

4.17 Ultimately, defendant asserts that his ground, issue, and information which supplement the record, present practical and identifiable errors, violations, and consequences which individually and collectively rise to a magnitude of manifest State and Federal constitutional violations, and deprivations of his compulsory State and Federal constitutional rights of a fair trial and effective assistance of counsel, which are allowed to be raised initially on direct appeal. State v. CONTRECHAS, 92 Wn. App. 307, 311-14 (1998).

4.18 That said, defendant asserts that the information, facts, arguments, and supporting authorities within his 5 AG make a prima facie showing of how, in the context of the case in whole, before and during trial, the alleged violations and errors actually prejudiced and affected defendant's State and Federal constitutionally protected right to a fair trial, and effective assistance of counsel. Therefore, the court ought to exercise its power and authority to consider said violations and errors to prevent a gross miscarriage of justice. Hate v. Dictado, 102 Wn.2d. 277, 286-87 (1984).

4.19 Defendant asserts that trial counsel ought to be held criminally liable for said actions of threats to defendant (§ 4.8 *infra*). Further, defendant asserts that said actions and inactions amount to malpractice, discrimination, misfeasance, malfeasance, violations of multiple Rules of Professional Conduct, along with

4.19 (con't) the fundamental State and Federal constitutional violations of defendant's compulsory rights to a fair trial, and effective assistance of counsel - individually and collectively warranting a new trial. U.S. Const. amend. V, VI and XIV; State v. Wise, 176 WN.2d 1, 5-6, 8-20 (2012); WA Const. art. I, § 22; Strickland v. Washington, 466 U.S. 668, 687 (1984); In re BRETT, 142 WN.2d 868, 873 (2001).

4.20 Defendant asserts and certifies that each and every part of his SAC are true and correct to the best of his knowledge. That said, the Court ought to find that the alleged errors and violations rest on plausible arguments that are supported by the record, thus amounting to manifest State and Federal Constitutional errors and violations. U.S. Const. amend. V, VI and XIV; State v. WWJ Corp., 138 WN.2d 595, 600-606 (1999); State v. RANGEL-REYES, 119 WN. App. 494, 498 (2003).

4.21 Defendant has supplemented the record as necessary to advance the completeness of the record, which this SAG presents as an affidavit, pursuant to Crk 7.5(a)(8).

"When the motion is based on matters outside the record, the facts shall be shown by affidavit."

Crk 7.5(a)(8) (or Declaration pursuant to GR 13); RCW 4.76.070.

"First, evidence dehors the record can be submitted by affidavit on a motion for a new trial.

See United States v. De Coster, 487 F.2d 1197 [1205] (D.C. Cir. 1973);

State v. JURY, 19 WN App. 256, 265 n.2 (1978).

"Affidavits sworn under the penalty of perjury are presumptively true. Giving the present affidavits this presumption, and further presuming against waiver of a constitutional right where the record is silent, a serious factual issue is presented and a full and fair hearing is required." LITTLE v. RHAY, 8 WN App. 725, 729 (1973); 15 CONZ. L.R. 455 (1980).

4.22 Defendant further asserts that the cause and prejudice is so great, and so fundamentally unfair as it worked to defendant's factual and substantial disadvantage, infecting his entire case, before and during trial with errors of constitutional and unconstitutional dimensions as to deny him his State and Federal Fifth Amendment right to a fair trial. United States v. FRAOY, 546 U.S. 152, 170 (1982); CHAPMAN v. CALIFORNIA, 386 U.S. 18, 21-26 (1967).

4.23 Defendant's conviction, judgment and sentence ought to be vacated, in part, due to the fact that the United States Supreme Court has made it abundantly clear that "finality must yield to the imperative of correcting a fundamentally unjust incarceration." MURRAY v. CARRIER, 477 U.S. 478, 486, 495-96, 504-05 (1986) (quoting ENGLE v. ISAAC, 456 U.S. 107, 135 (1982)); and, a flawed, incomplete, or unfair trial is entirely

4.23 (CON'T) undeserving of any prominence or protection.
United States v. BAGLEY, 473 U.S. 667, 692 (1985) (quoting Application of KALATOS, 720 F.Supp., 883, 888 (S.D.N.Y. 1962)); BRECHT v. ABRAHAMSON, 507 U.S. 619, 629-44 (1993).

4.24 As argued and demonstrated throughout defendant's SAC and supporting documents, the structural errors and asserted violations profoundly affected the trial. That said, the holding in IN re CHACE, 174 Wn.2d 835, 836-39 (2012) supports defendant's arguments of ineffective assistance of counsel, and the "reasonable probability standard"; MARTINEZ v. RYAN, 132 S.Ct. 1309, 1315-20 (2012). This Court ought to find that the "reasonable probability standard" ought to equally apply to the claims of abuse of discretion presented in this SAC against the trial judge.

V Conclusion.

5.1 I, Mr. BUMANGLAG, defendant in this action assert that the ground, issue, facts, information and arguments presented have now been sufficiently developed in order for the Court to fairly consider the merits of the case. Therefore, I respectfully request the Court to:

5.2 Vacate, reverse in whole or in part.

5.3 Dismiss defendant's conviction, judgment and sentence with prejudice.

5.4 Remand for a new trial conducted by a different trial judge.

5.5 Take "judicial notice of adjudicative facts" throughout defendant's SAG, pursuant to ER 201(b)(1)-(2), (c), (d), (e) and (f).

5.6 Grant oral arguments.

5.7 Grant evidentiary hearings as necessary to resolve all genuine factual disputes, including claims of ineffective assistance of counsel, and inspection of County Jail Visit Logs, showing the very few times defense counsel actually met with defendant, and for how many minutes.

5.8 Order that a trial judge other than the judge that presided over defendant's trial, conduct all evidentiary hearings, and all other hearings determined to be necessary upon remand, to avoid a conflict of interest due to the claims of abuse of discretion in defendant's SAG.

5.9 Order the use of the Court's copy of all documents in this case, that defendant did not submit, if necessary, for the Court's need to further explore and fairly adjudicate this case.

5.10 Grant all or part of the relief requested, or other equitable relief as this Court deems just, pursuant to RAP Rules 1.2(a), 2.5, 7.3, and 18.8(a).

In re RECALL of BOLT, 177 Wn.2d 168, 182 ¶ 33 (2013); STATE v. AHO, 137 Wn.2d 736, 740-41 (1999) (the court has the authority to waive rules of appellate procedure when necessary to serve the ends of justice); KNOX v. Microsoft, 92 Wn.App. 204, 213-14 (1998).

VI Oath and Notary.

6.1 I declare and affirm under penalty of perjury, pursuant to Washington State and Federal laws, and rules, that the foregoing is true and correct.

Pursuant to GR 13, I am signing this document. On 8-31-15, staff at LARCH CORR. CtA refused to notarize this document, thus, I was denied the ability to obtain a notary. In re STARKEL, 134 Wn.App. 364, 373-75 (2006).

Respectfully submitted,


ALLEN BUMANGLAG

ALLEN BUMANGLAG
310578, LCC-SSU
B18, Legal Mail
15314 N. E. Dole Valley Rd.
Yacolt, WA 98675-95031

Subscribed and sworn to before
me this _____ day of August 2015.

Notary Public in and for the State
of Washington. My commission expires
on: _____

VII APPENDIX.

LIST OF APPENDICES.

1. Defendant's letter to court stating intent to file SAG; dated 8-12-15; 2-pages.
2. "Declaration Of Service Of Verbatim Report Of Proceedings On Appellant"; dated 8-5-15; received by defendant on 8-7-15; 1-page.
3. Defendant's first "Motion To Discharge Counsel"; dated 11-18-14; filed on 11-21-14; Clerk's Papers Nos. 14-16; Docket SUB # 43; 3-pages.
4. Docket of case; dated/printed 8-5-15; 3-pages.
5. Defendant's second "Motion For Discharge Of Counsel"; Docket Entry SUB # 55C; dated 12-8-14; filed on 12-11-14; Clerk's Papers Nos. 77-78; 2-pages.

6. "State's Trial Memorandum - 3";
Section "V Pretrial Rulings";
lines 18-19; stating that
"No substantive pretrial rulings
have been made in this matter";
1-page.

7. VRP page 11, lines 12-25;
defendant tells the trial judge
that he wants to change his
lawyer, and that "I don't know
what's going on right now for me."

8. VRP page 12, lines 1-17; trial
counsel lies to trial judge
about defendant's first "motion to
discharge counsel" already being
heard.

9. VRP page 15, lines 3-25; trial
judge accepts word of defense
counsel, and declines to hear
defendant's second "motion to
discharge counsel."

10. VRP page 16, lines 1-6; trial judge does nothing to confirm that defendant's first "motion to discharge counsel" was ever conducted, and states "... I'm not going to hear it again."

11. VRP page 168, lines 20-25. Defendant once again notifies the trial judge that he wants his "discovery and police reports...."

12. VRP page 169, lines 1-24. Defendant continues to request that police reports and discovery that counsel never shared with defendant, and once again trial counsel lied to trial judge, stating that he reviewed said discovery and police reports with defendant.

MR. ALLEN A. BUMANGLAG
310578, LCC-SSU
B18, Legal Mail
15314 N.E. Dole Valley Rd.
Yacolt, WA 98675-9531

1/2

August 12, 2015

Clerk of the Court
Court of Appeals I
One Union Square
600 University Street
Seattle, WA 98101-1176
AND

MR. RICHARD W. LECHICH
Attorney At Law
c/o WA Appellate Project
Melbourne Tower
1511 Third Ave., Suite 701
Seattle, WA 98101

RE: State v. BUMANGLAG; COA
No. 73035-5-I; Intent To File SAG.

App. 1, pg. 1/2

Clerk and Mr. Lechich:

This letter is to confirm that I intend to file a "Statement of Additional Grounds for Review" (SAG).

On 7-28-15, I requested a copy of all transcripts and clerk's papers from Defense Counsel.

On 8-4-15, I received the first part of said documents from defense counsel.

On 8-7-15, I received a second part of said documents from defense counsel.

As of this date, I believe I may have received all the requested documents. That said, I intend to file my SAG within the required 30-days from 8-7-15, which I calculate to be September 6th, 2015.

If the Court or counsel calculate that September 6th is not correct, please advise.

Thank you,

cc: King Co. Pub. Atty
516 Third Ave., W554
Seattle, WA 98104



Rec'd 8-7-15

EY

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE**

STATE OF WASHINGTON,)	
)	
RESPONDENT,)	
)	
v.)	NO. 73035-5-I
)	
ALLEN BUMANGLAG,)	
)	
APPELLANT.)	

**DECLARATION OF SERVICE OF VERBATIM REPORT OF PROCEEDINGS
ON APPELLANT**

I, MARIA ARRANZA RILEY, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOLLOWING IS TRUE AND CORRECT:

ON THE 5TH DAY OF AUGUST, 2015, I CAUSED A TRUE AND CORRECT COPY OF THE **VERBATIM REPORT OF PROCEEDINGS FILED IN THIS APPEAL** TO BE SENT TO THE APPELLANT AT THE ADDRESS STATED BELOW BY DEPOSITING SAID DOCUMENT IN THE UNITED STATES MAIL.

[X] ALLEN BUMANGLAG
310578
LARCH CORRECTIONS CENTER
15314 DOLE VALLEY RD
YACOLT, WA 98675-9531

SIGNED IN SEATTLE, WASHINGTON THIS 5TH DAY OF AUGUST, 2015.



X _____

cc: KING COUNTY PROSECUTOR'S OFFICE
-APPELLATE UNIT

App. 2, pg. 1/1

Washington Appellate Project
701 Melbourne Tower
1511 Third Avenue
Seattle, WA 98101
Phone (206) 587-2711
Fax (206) 587-2710

FILED
KING COUNTY, WASHINGTON

NOV 21 2014

SUPERIOR COURT CLERK

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

State of Washington

Plaintiff/Petitioner,

vs.

Allen A. Bumanglag

Defendant/Respondent.

NO. *14-1-01541-7*

SEA
 KNT

Motion to discharge counsel is attached.

2015 SEP -3 PM 12:32

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON

App. 3, pg. 1/3

BEST AVAILABLE IMAGE POSSIBLE

11-18-14

Superior Court of
Washington

State of Washington

Cause #

14-C-01541-7

Vs.

Allen A. Bumanglag

Motion to Discharge
Counsel

I have absolutely no faith or confidence in ACA's Law firm to represent me or provide proper assistance of Counsel.

My Attorney, Gary Davis, has failed to show up to almost all my Court Dates. He has only come to see me once and didn't even discuss my case with me. Even after repeated phone calls to ACA and promises from other people at his firm that he would come see me before next court date. He never answered phone calls or responded to my voicemails. He refused to show me my Discovery or police reports in my case.

I have called ACA's firm several times a day everyday, for the last two months leaving messages trying to get a hold of a supervisor at ACA leaving urgent voicemails expressing my

Concerns, And never getting any type of response from anyone at ACA.

I am very upset and angry with ACA's firm as a whole, their lack of professional accountability, Ignorance, and violating my Civil rights by not providing legal counsel. ACA has displayed total incompetence in providing me with legal counsel, representation, or legal assistance.

Resulting with me filling this motion to Discharge Counsel.

Thank you for your time and understanding.

Sincerely,
Allen A. Buananglag


App. 3, pg. 3/3

Rec'd 8-7-15

Electronic Court Records

Dept. of Judicial Administration, Office of the Superior Court Clerk's Office

Case Selection

Report Problems

Security

EX

Select Another Case

14-1-01541-7

Case Number: 14-1-01541-7 SEA

Case Title: STATE OF WASHINGTON VS BUMANGLAG, ALLEN A

Save

Filter by Group: All

View Selected Documents

Print

Clear All

Select	Sub#	Date	Description
<input type="checkbox"/>	1	03-21-2014	INFORMATION
<input type="checkbox"/>	2	03-21-2014	ORDER FOR WARRANT \$15,000
<input type="checkbox"/>	3	03-25-2014	NOT OF APPEAR AND REQ FOR DISCOVERY
<input type="checkbox"/>	4	03-31-2014	SHERIFF'S RETRN ON WARRNT OF ARREST BOOKED 03/21/201
<input type="checkbox"/>	5	04-03-2014	NOTICE OF SCHEDULING
<input type="checkbox"/>	6	04-03-2014	INITIAL ARRAIGNMENT
<input type="checkbox"/>	7	04-03-2014	CRIMINAL NO CONTACT ORDER
<input type="checkbox"/>	8	04-03-2014	NOTICE/VIENNA CONVENTION
<input type="checkbox"/>	9	04-17-2014	ORDER FOR CONTINUANCE: SETTING
<input type="checkbox"/>	10	04-17-2014	HEARING CONTINUED: UNSPECIFIED
<input type="checkbox"/>	11	05-15-2014	ORDER FOR CONTINUANCE: SETTING
<input type="checkbox"/>	12	05-15-2014	HEARING CONTINUED: UNSPECIFIED
<input type="checkbox"/>	13	06-12-2014	ORDER FOR CONTINUANCE: SETTING
<input type="checkbox"/>	14	06-12-2014	HEARING CONTINUED: UNSPECIFIED
<input type="checkbox"/>	15	06-19-2014	ORDER FOR CONTINUANCE: SETTING
<input type="checkbox"/>	16	06-19-2014	HEARING CONTINUED: UNSPECIFIED
<input type="checkbox"/>	17	06-26-2014	OMNIBUS APPLICATION OF PROS ATTY
<input type="checkbox"/>	18	06-26-2014	ORDER SETTING TRIAL DATE
<input type="checkbox"/>	19	06-26-2014	STATUS CONFERENCE / HEARING
<input type="checkbox"/>	20	08-15-2014	RETURN OF SERVICE
<input type="checkbox"/>	21	09-12-2014	ORD FOR CONTINUANCE OF TRIAL DATE
<input type="checkbox"/>	22	09-12-2014	AMENDED INFORMATION
<input type="checkbox"/>	23	09-12-2014	ORD PERMITTING FILING AMENDED INFO
<input type="checkbox"/>	24	09-12-2014	HEARING CONTINUED: UNSPECIFIED
<input type="checkbox"/>	25	09-26-2014	ORDER TO CONTINUE OMNIBUS HRG
<input type="checkbox"/>	26	09-26-2014	HEARING CONTINUED: UNSPECIFIED
<input type="checkbox"/>	27	10-10-2014	OMNIBUS ORDER
<input type="checkbox"/>	28	10-10-2014	OMNIBUS HEARING
<input type="checkbox"/>	29	10-21-2014	ORD FOR CONTINUANCE OF TRIAL DATE
<input type="checkbox"/>	30	10-22-2014	ORD FOR CONTINUANCE OF TRIAL DATE
<input type="checkbox"/>	31	10-27-2014	ORD FOR CONTINUANCE OF TRIAL DATE
<input type="checkbox"/>	32	10-29-2014	ORD FOR CONTINUANCE OF TRIAL DATE
<input type="checkbox"/>	33	10-30-2014	ORD FOR CONTINUANCE OF TRIAL DATE

App. 4, pg. 1/3

8-7-15

- 34 11-03-2014 ORD FOR CONTINUANCE OF TRIAL DATE
- 35 11-05-2014 ORD FOR CONTINUANCE OF TRIAL DATE
- 36 11-06-2014 ORD FOR CONTINUANCE OF TRIAL DATE
- 37 11-10-2014 ORD FOR CONTINUANCE OF TRIAL DATE
- 38 11-13-2014 ORD FOR CONTINUANCE OF TRIAL DATE
- 39 11-14-2014 ORD FOR CONTINUANCE OF TRIAL DATE
- 40 11-18-2014 ORD FOR CONTINUANCE OF TRIAL DATE
- 41 11-18-2014 ORD FOR CONTINUANCE OF TRIAL DATE
- 42 11-18-2014 TRIAL CONTINUED: UNSPECIFIED
- 43 11-21-2014 MOTION /DEF
- 44 12-04-2014 PLAINTIFF'S PROPOSED INSTRUCTIONS (WITH CITATIONS)
- 44A 12-04-2014 JURY TRIAL
- 45 12-04-2014 TRIAL MEMORANDUM/STATE
- 45A 12-08-2014 STIPULATION OF PARTIES
- 46 12-10-2014 ATTACHMENT /MISC DOCUMENTS
- 47 12-10-2014 PLAINTIFF'S PROPOSED INSTRUCTIONS (WITH CITATIONS)
- 47A 12-10-2014 COURT'S INSTRUCTIONS TO JURY
- 48 12-11-2014 WAIVER OF SPEEDY SENT 01-30-15
- 49 12-11-2014 VERDICT FORM 1 /CT 1 - GUILTY
- 50 12-11-2014 VERDICT FORM 2 /CT 2 - GUILTY
- 51 12-11-2014 VERDICT FORM 3 /CT 3 - GUILTY
- 52 12-11-2014 VERDICT FORM 4 /CT 4 - GUILTY
- 53 12-11-2014 VERDICT FORM 5 /CT 5 - GUILTY
- 54 12-11-2014 VERDICT FORM 6 /CT 6 - GUILTY
- 55 12-11-2014 VERDICT FORM 7 /CT 7 - GUILTY
- 55A 12-11-2014 EXHIBIT LIST/TRIAL
- 55B 12-11-2014 EXHIBIT LIST/PRETRIAL
- 55C 12-11-2014 MOTION TO DISCHARGE OF COUNSEL
- 55D 12-11-2014 STIP&OR RET EXHBTS UNOPND DEPOSTNS
- 55E 12-11-2014 JURY NOTE
- 55F 12-11-2014 ORDER FOR PAYMENT WITNESS EXPENSES
- 56 12-12-2014 NOTICE OF HEARING
- 57 01-20-2015 STATEMENT OF PROSECUTING ATTORNEY
- 58 01-22-2015 SENTENCING HEARING
- 59 01-22-2015 FELONY JUDGMENT AND SENTENCE
- 60 01-22-2015 STATEMENT OF PROSECUTING ATTORNEY
- 61 01-22-2015 NOTICE INELIGIBLE POSSESS FIREARM
- 62 01-22-2015 COPY
- 63 01-22-2015 COURT NOTICE RIGHT OF APPEAL
- 64 01-26-2015 AFFIDAVIT/DCLR/CERT OF SERVICE
- 65 01-26-2015 MOTION PROCEED IN FORMA PAUPERIS
- 66 01-26-2015 ORDER TO PROCEED IN FORMA PAUPERIS
- 67 01-26-2015 NOTICE OF APPEAL TO COURT OF APPEAL

App. 4, Pg. 2/3

8-7-15

<input type="checkbox"/>	68	<input checked="" type="checkbox"/>	01-28-2015	ABSTRACT OF COURT RECORD TO DOL
<input type="checkbox"/>	69		02-02-2015	WAIVER 30 DAY DELAY
<input type="checkbox"/>	70	<input checked="" type="checkbox"/>	03-19-2015	DESIGNATION OF CLERK'S PAPERS 73035-5-I / WILK - WAP
<input type="checkbox"/>	71	<input checked="" type="checkbox"/>	03-20-2015	INDEX CLKS PPRS PGS 1-167
<input type="checkbox"/>	72	<input checked="" type="checkbox"/>	03-20-2015	NOTICE OF WITHDRAWAL OF ATTORNEY
<input type="checkbox"/>	73		04-13-2015	MOTION FOR INDIGENCY /SUPPL
<input type="checkbox"/>	74		04-13-2015	ORDER OF INDIGENCY /SUPPLEMENTAL
<input type="checkbox"/>	75		04-15-2015	CLKS PPRS PGS 1-167
<input type="checkbox"/>	76	<input checked="" type="checkbox"/>	07-14-2015	DESIGNATION OF CLERK'S PAPERS SUPP 73035-5-I/ LECHICH-WAP-EXH ONLY
<input type="checkbox"/>	77	<input checked="" type="checkbox"/>	07-17-2015	INDEX CLKS PPRS PGS 1-3
<input type="checkbox"/>	78	<input checked="" type="checkbox"/>	08-03-2015	REQUEST RE RESTITUTION/PA
<input type="checkbox"/>	79	<input checked="" type="checkbox"/>	08-05-2015	CLKS PPRS PGS 1-3

App. 4, Pg. 3/3

FILED

2014 DEC 11 AM 8:13

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

State of Washington

Plaintiff

vs.

Allen Bumanglag

Defendant

NO. 14-1-01541-7

[x] SEA

2014 SEP -3 PM 12:32

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON

Motion for Discharge of Counsel

attached.

App. 5, pg. 1/2

Superior Court of Washington

12-8-14

state of Washington
VS
Allan Bumarglas

Case # 14-1-01541-7SEA
motion of discharge
counsel

I have absolutely no faith or confidence in A-C-A law firm to represent me or provide proper assistance of counsel

my attorney Gary Davis failed to show up some time for my court dates he never came to see me to discuss my case, in he don't want to give me my discovery He want me to plead guilty to charges I did not do doesn't listen to information I give him.

Please Help me I need a new law yer, please Help me

Thank u
God Bless u
sincerely

Allan Bumarglas

1 defendant and searching him incident to arrest, the officers located the following items in the
2 defendant's wallet: the defendant's Social Security Number (SSN) with the last four digits
3 obscured, a piece of paper bearing the SSN of Labinot Hassani, and a Chase bank deposit ticket
4 belonging to Larina Cooper.

5 That evening the Bellevue Police Department executed a search warrant on the defendant's
6 residence. The defendant's bedroom was located in a small building separate from the primary
7 residence and the door to his room was padlocked. Inside the defendant's room, officers located the
8 defendant's backpack which included the following: items showing the defendant's dominion and
9 control, a Homestreet Bank loan payment slip belonging to Katherine Panhorst, First Security Bank
10 documents belonging to Ronald Svik, IRS and income withholding documents belonging to Scott
11 Lau, an Alaska USA credit union check belonging to Michael Ronda and Amy Vore, and Harry
12 Winnier's insurance documents, US Bank Visa account documents and a hand written note with
13 Winnier's personal information.

14 The following day, a search warrant was executed on the stolen Honda. Inside the
15 defendant's orange backpack, officers located items showing the defendant's dominion and control
16 over his bag and the vehicle registration for the stolen Honda in the name of Nathan Riss.

17 18 V. PRETRIAL RULINGS

19 No substantive pretrial rulings have been made in this matter.

20 VI. EVIDENTIARY ISSUES

21 The State requests a pre-trial hearing before the jury is impaneled for the purpose of
22 obtaining rulings from the court various outstanding pre-trial issues. The State reserves the right to
23 make additional motions should they become necessary during the course of the trial.

P R O C E E D I N G S

DECEMBER 8, 2014

1
2
3
4 THE COURT: Please be seated.

5 Do you want to put the case on the record?

6 MS. GRIEVE: Thank you. Good morning. We are back
7 on the record, your Honor, with State of Washington
8 versus Allen Bumanglag, Cause No. 14-C-01541-7 SEA.
9 Lindsey Grieve for the State. Mr. Davis represents the
10 defendant who is present in custody along with an
11 interpreter.

12 THE COURT: Excellent. Thank you.

13 Sir, do you want to put your name on the record?

14 THE DEFENDANT: Can I say something? I want to
15 change my lawyer because he doesn't give me my
16 discovery, the police reports, I don't get everything.
17 I don't know what's going on right now for me.

18 THE COURT: Okay. Well, first of all, if you want
19 to change your lawyer, I'm going to send you back
20 upstairs. You can do the motion in front of the
21 presiding judge. 1201 is who handles those motions.

22 So, sir, if you want -- Mr. Davis, has that kind of
23 motion been heard before?

24 MR. DAVIS: It has, your Honor, and it was denied.

25 THE COURT: I assume, since you're still here.

App. 7, pg. 1/1

1 MR. DAVIS: Right.

2 THE COURT: When did that occur?

3 MR. DAVIS: That occurred -- I don't have the exact
4 date with me because I don't have the red file that I
5 typically write those notes in.

6 THE COURT: Okay.

7 MR. DAVIS: They're in that file. I have my trial
8 notebook here, but that motion was made some time ago.

9 THE COURT: Okay.

10 MR. DAVIS: And there was a motion to provide him
11 redacted discovery, but that was not granted either
12 because that was left to the attorney in order to
13 provide -- he's had the opportunity to review the
14 information that I have with him while we were in
15 custody, review all of the information that I had by
16 reading it to him. He understood all of that, and so
17 that's where we are at this point.

18 THE COURT: Okay. First, what I'd like to do is put
19 the interpreter's name on the record.

20 INTERPRETER: Yes, ma'am. My name is Angelo Abella,
21 A-n-g-e-l-o space A-b-e-l-l-a.

22 THE COURT: Okay.

23 INTERPRETER: To interpret from Tagalog this
24 morning, language of the Philippines.

25 THE COURT: All right. And obviously you speak some

App. 8, pg. 11

1 of this case?

2 INTERPRETER: No, I do not.

3 THE COURT: Okay. Good enough.

4 So, sir, it sounds like the presiding judge has
5 already heard this motion. I'm not going to hear it
6 again, so we're going to continue and we're going to
7 proceed.

8 Let's start with the motions, right? So I have read
9 the trial memorandum and I have read the defense trial
10 memorandum. Let's start with the State's. I've read
11 the State's and the defense. It appears that there
12 aren't that many pretrial issues, but ...

13 MS. GRIEVE: Your Honor, just to address before we
14 move on the defendant's motion for new counsel. Would
15 the court also be finding at this time that this would
16 be an untimely motion as we've been assigned out for
17 trial?

18 THE COURT: Yes, it's untimely, and I will say I've
19 known Gary Davis for many years. He has been a Public
20 Defender for, I dare say, 25, 30 --

21 MR. DAVIS: More, yeah.

22 THE COURT: -- more than 30 years. He's been in
23 front of me many times. He's a very good lawyer. I
24 have no doubt that you'll be represented well. And
25 these are handled on the 12th floor. Once they're

App. 9, pg. 1/1

1 assigned to me for trial, I presume -- and since Mr.
2 Davis has represented that this has been heard, I'm not
3 going to hear it again.

4 MS. GRIEVE: Thank you, your Honor.

5 THE COURT: Okay. So let's move on with the
6 motions.

7 My understanding is that there is a stipulation for
8 the 3.5; is that correct?

9 MR. DAVIS: That's correct, your Honor.

10 THE COURT: Okay. Do we have a written stipulation
11 with the defendant's signature?

12 MR. DAVIS: We do.

13 THE COURT: Okay.

14 MS. GRIEVE: Did the defendant sign off on it?

15 MR. DAVIS: He did.

16 MS. GRIEVE: Okay.

17 Your Honor, defense counsel is indicating that I
18 received a signed stipulation. I'm not finding it now,
19 but I do have an extra stipulation for defense counsel
20 and the defendant to review. And I think it's worth
21 putting on the record that the one statement that the
22 State would be offering is probably one that defense
23 counsel and the defendant would want into evidence
24 anyway as it's a statement that could go either way.

25 Just the facts in brief are after the defendant and

App. 10, pg. 1/1

1 involved in this. We're not sure of the amount of
2 restitution. That's still being determined at this
3 point. If I could confer with him to see whether -

4 THE COURT: Sure.

5 MS. GRIEVE: And, your Honor, while defense counsel
6 is doing that, I have the certified copies of the
7 defendant's priors that I'd like to hand up. I don't
8 believe there's any dispute that he scores as an 11
9 when he comes in, but we should make that a part of the
10 record.

11 THE COURT: And you want to file these, I presume?

12 MS. GRIEVE: Yes.

13 MR. DAVIS: Mr. Bumanglag has indicated he'll waive
14 his presence should the restitution hearing be
15 necessary.

16 THE COURT: And the prosecutor handed up the
17 certified copies. There's no dispute on the offender
18 score, correct?

19 MR. DAVIS: There is no dispute.

20 THE COURT: Okay. Sir, you have the right to speak
21 at your own sentencing. Is there anything you'd like
22 me to know?

23 THE DEFENDANT: Yeah. I want my discovery and the
24 police report because I --

25 THE COURT: I'm sorry, I couldn't understand you.

App-11, pg. 1/1

1 THE DEFENDANT: I need my police report and
2 discovery.

3 THE COURT: Okay. And, Mr. Davis, you received
4 that; did you not?

5 MR. DAVIS: I received all the discovery necessary
6 for the trial, reviewed a lot of that with Mr.
7 Bumanglag during the course of my representation with
8 him and prior to trial.

9 For Mr. Bumanglag's awareness is that the appeal
10 process -- he's indicated to me he wishes to appeal the
11 conviction, and I have prepared the paperwork for that.
12 I've handed up the paperwork involving the order to
13 file these in forma pauperis on his behalf so that
14 essentially waives the filing fee so he can proceed in
15 that fashion.

16 There's an agency that handles your appeal so you
17 won't have to worry about the discovery. They'll have
18 access to all of that as well as all of the court
19 proceedings. So they will be in contact with you
20 regarding that, so that's how that works.

21 THE DEFENDANT: I know, but if I stay in prison, I
22 want to appeal it so I can --

23 THE COURT: I'll let the two of you talk about that
24 between yourselves, all right?

25 I am ready to impose a sentence. Count I, 29

App. 12, pg. 1/1