

FILED
SUPREME COURT
STATE OF WASHINGTON
2 11/12/2019 1:34 PM
BY SUSAN L. CARLSON
3 CLERK

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7 IN THE SUPREME COURT OF THE STATE OF WASHINGTON
8

9 JOHN PATRICK BLACKMON,
10
11 Appellant,

12 v.

13 JENNIFER BLACKMON (nka
14 JACOBSEN), IVY BLACKMON (nka
15 JACOBSEN),

16 Respondent,

17 STEVEN B. SHEA, TODD C.
18 NICHOLS, WILLIAM W. MITCHELL,

19 Defendant.
20
21

CAUSE NO. 97852-2
COURT OF APPEALS
NO. 79141-9-1

MOTION FOR DISCRETIONARY
REVIEW

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24 1. IDENTITY OF MOVING PARTY.
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26 JOHN PATRICK BLACKMON, appellant herein, asks this Court for the relief
27 designated in Part 2
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1 2. STATEMENT OF RELIEF SOUGHT.

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3 Appellant asks this court to grant discretionary review of the court's decision
4 denying his motion to modify the clerk's ruling to dismiss his appeal in Snohomish
5 County Superior Court case no. 14-2-07726-1, a divorce action which occurred while
6 appellant was in custody on Snohomish County Superior Court case no. 12-1-00219-8.
7 The court's decision was filed on October 14, 2019. This petition for discretionary review
8 is timely. Appellant timely his notice of appeal and filed a statement of arrangements.
9 He also made arrangements through a third party to order and pay for the transcription of
10 the proceedings. Appellant is in the Department of Corrections and has limited ability to
11 contact directly the court reporting firm that is producing the transcripts of the
12 proceedings. Although he and his family have paid for the reproduction of the
13 transcripts, the court reporting firm not only has not produced them but now avoids
14 contact with the incarcerated appellant. He is denied access to justice by the court
15 reporting firm, the effect of which has been to cause Division One to dismiss his appeal
16 of his divorce trial. Appellant believes that there are meritorious issues for review from
17 that trial and he is unable to proceed with his direct appeal, through no fault of his own.
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1 3. GROUND FOR RELIEF AND ARGUMENT.

2 A. THIS COURT SHOULD ACCEPT DISCRETIONARY REVIEW IN THIS CASE
3 WHERE THE CASE PRESENTS AN ISSUE OF SUBSTANTIAL PUBLIC
4 INTEREST THAT SHOULD BE DETERMINED BY THE SUPREME COURT.
5 RAP 13.4(b)(4).

6 RAP 13.4(b)(4) provides that a petition for review will be accepted by the Supreme
7 Court “if the petition involves an issue of substantial public interest that should be
8 determined by the Supreme Court.”

9
10 In this time of mass incarceration, more individuals are locked up during important
11 life events. Statistics from the National Bureau of Prisons report that in 1992
12 approximately 300,000 individuals were incarcerated in the United States versus
13 2,300,000 in 2014. As with defendant Blackmon, many of these individuals undoubtedly
14 are litigants in such matters as divorce hearings.

15
16 In this case, Blackmon attempted to participate in his divorce trial from prison. He
17 wanted to file a direct appeal. He studied and read the Rules of Appellate Procedure. He
18 eventually was able to file clerk’s papers and perfect that portion of the record as required
19 by RAP 9.1(c). Blackmon through a family member in Maryland contacted the
20 individual who transcribes the court proceedings. That individual was paid to transcribe
21 the entire proceedings as required by RAP 9.2. The individual never filed the transcripts
22 with the court or provided a copy to Blackmon. The defendant who has been
23 incarcerated throughout, and the family member had numerous contacts with the court
24 reporting firm, without success. They did what they were required to do – that is, ordered
25 the transcripts and paid for them, but the court reporting firm did nothing.
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1 After the commissioner dismissed the case, Blackmon in his motion for reconsideration
2 asked the appellate court to consider the imposition of sanctions on the court reporter as
3 permitted by RAP 18.9 for violation of the rules regarding preparation and filing of the
4 transcript. The appellate court did not mention that request in its ruling and Blackmon
5 renews it.
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7

8 This is an appeal from a divorce case. The parties' worldly goods were divided up
9 and other important issues were decided. Blackmon was awarded some physical property
10 which he has been unable to claim because he is incarcerated. He has issues he wants to
11 contest.
12

13 Blackmon has complied with the RAP to the best of his ability. He has lost his ability
14 to pursue his direct appeal because a court reporter apparently decided to take his money
15 and not do the work. This is reprehensible and contrary to the goals of the appellate
16 process.
17

18 Blackmon's petition for discretionary review should be granted so that this Court can
19 set forth guidelines and expectations for in-mates who pursue civil appeals and who
20 deserve their day in court as Washington citizens.
21

22 It is well-established that the RAP will be liberally interpreted to promote justice
23 and facilitate the decision of cases on the merits. RAP 1.2 Further, the RAP embody the
24 philosophy that cases and issues will not be determined on the basis of compliance or
25 noncompliance with the rules "except in compelling circumstances where justice
26 demands."
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1 4. CONCLUSION.

2 For the reasons set forth above, Blackmon respectfully asks this court to reinstate his direct
3 appeal.

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5 DATED this 12TH day of November, 2019

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7 /s/ Barbara Corey
8 BARBARA COREY, WSBA#11778
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24 CERTIFICATE OF SERVICE:

25 I declare under penalty of perjury under the laws of the
26 State of Washington that the following is a true and correct:
27 That on this date, I delivered via the filing portal, copies to
all registered parties.

28 11/12/19 /s/ William Dummitt
29 Legal Assistant
william@bcoreylaw.com
30
31

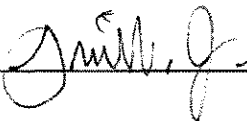
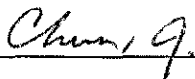

APPENDIX A

THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

JOHN P. BLACKMON,)	
)	No. 79141-9-I
Appellant,)	
)	
v.)	
)	ORDER DENYING
JENNIFER BLACKMON (nka)	MOTION TO MODIFY
JACOBSEN), IVY BLACKMON)	
(nka JACOBSEN),)	
)	
Respondent,)	
)	
STEVEN B. SHEA, TODD C.)	
NICHOLS, WILLIAM W. MITCHELL,)	
)	
Defendants.)	
_____)	

The appellant, John Blackmon, moves to modify the court administrator/clerk's August 15, 2019 ruling dismissing his appeal. The respondents have filed a response, and Blackmon's counsel has filed a "Motion for Reconsideration" in support of the motion to modify. We have considered the motion under RAP 17.7 and have determined that it should be denied. Now, therefore, it is hereby

ORDERED that the motion to modify is denied.

	
_____	_____
	

BARBARA COREY, ATTORNEY AT LAW

November 12, 2019 - 1:34 PM

Filing Motion for Discretionary Review of Court of Appeals

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: Case Initiation
Appellate Court Case Title: John Blackmon, Appellant v. Jennifer Blackmon nka Jacobsen, Respondent (791419)

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