

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

STATE OF WASHINGTON  
Respondent,  
v.

RAYNE DEE WELLS JR.; AKA  
D.J. WELLS; AKA MAX KADY  
Appellant Pro se

FILED  
STATE OF WASHINGTON  
2009 AUG -6 AM 11:06

ON APPEAL FROM THE SUPERIOR COURT OF THE  
STATE OF WASHINGTON, SKAGIT COUNTY

THE HONORABLE SUSAN K COOK, Judge

STATEMENT OF ADDITIONAL GROUNDS FOR  
REVIEW FOR APPELLANTS OPENING BRIEF.

Rayne Wells 07-31-09  
Rayne Dee Wells Jr. # 819131  
McNeil Island Corrections Center  
PO Box 881000 D-325/2  
Steilecoom, WA 98388

TABLE OF CONTENTS

A. ISSUES PRESENTED

B. QUESTIONS PRESENTED FOR DETERMINATION OF ISSUES

C. STATEMENT OF THE CASE

D. LAW AND ARGUMENT . . . . 1

1. THE DEFENDANT WAS DENIED HIS CONSTITUTIONAL RIGHT  
TO COUNSEL . . . . 1

(a) The defendant had a State and Federal right to counsel. . . 1

(b) The defendant had a statutorily created right to counsel. . . 1

(i) Washington states post conviction review history . . . . . 2

(ii) Right to counsel for CrR 7.8 Motion should be understood  
by analogy to other forms of available post conviction relief. . . 2

(c) The defendant was entitled to counsel once show cause  
hearing was ordered . . . . . 4

(d) The defendant, an unaided untrained layman was forced  
to face the equivalent of three prosecutors at show cause  
hearing . . . . . 5

(e) The court abused its discretion when it allowed counsel  
to withdraw and then failed to appoint new counsel. . . . . 5

STATEMENT OF  
ADDITIONAL  
GROUNDS

(i)

(f) Rights affected and prejudice to defendant by absence of a trained legal professional . . . . 6

2. THE STATE FAILED TO SHOW CAUSE WHY RELIEF SHOULD NOT HAVE BEEN GRANTED . . . . 7

(a) Cause was not shown why a new trial should not be granted for counsels failure to present Jill Grace at trial . . . . 7

(b) The state failed to show cause why relief should not be granted due to ineffective assistance of counsel for counsels failure to put on evidence which negated an element of the offense. . . . 8

(c) The state failed to show cause why relief should not be granted for prosecutorial misconduct issue of threats to defense witness Joshua Ryan Taylor . . . . 8

E. CONCLUSION AND APPROPRIATE REMEDY . . . . 9

F. APPENDIX OF ATTACHMENTS . . . . 11

A. ISSUES PRESENTED

1. THE DEFENDANT WAS DENIED HIS RIGHT TO COUNSEL WHETHER CONSTITUTIONAL OR STATUTORY
2. THE DEFENDANT WAS DENIED DUE PROCESS AT SHOW CAUSE WHERE HE FACED EQUIVALENT OF 3 PROSECUTERS WITH NO COUNSEL OR ADEQUATE LEGAL TRAINING
3. THE SHOW CAUSE HEARING WAS A CRITICAL STAGE
4. DEFENDANT'S COUNSEL WAS ERRONEOUSLY ALLOWED TO WITHDRAW.
5. DEFENSE COUNSEL ERRONEOUSLY DISCLOSED PRIVILEGED INFORMATION
6. STATE FAILED TO SHOW CAUSE TRIAL COURT ABUSED ITS DISCRETION IN DENYING MOTION.

7. THE DEFENDANT WAS ENTITLED TO RELIEF ON ALL GROUNDS.

B. QUESTIONS PRESENTED FOR DETERMINATION OF ISSUES

1. WHETHER ONCE SHOW CAUSE WAS ORDERED THE DEFENDANT WAS ENTITLED TO APPOINTMENT OF COUNSEL?
2. WHETHER COUNSEL WAS ERRONEOUSLY ALLOWED TO WITHDRAW?
3. WHY THE DEFENDANT SHOULD NOT HAVE BEEN ENTITLED TO

STATEMENT OF  
ADDITIONAL  
GROUNDS

COUNSEL FOR CrR 7.8 SHOW CAUSE WHEN HE WOULD HAVE BEEN SO IF FILED IN SAME COURT BUT TITLED HABEAS CORPUS ?

4. WHY DEFENDANT WOULD NOT BE ENTITLED TO COUNSEL WHEN IF COURT OF APPEALS MADE SAME INITIAL DETERMINATION HE WOULD HAVE BEEN?

5. WHY THE COURT CAN TRANSFER A 7.8 TO THE COURT OF APPEALS AS A PRP OR REMAND A PRP TO SUPERIOR COURT AND A DEFENDANT BE ENTITLED TO COUNSEL BUT A DEFENDANT CAN BE DENIED COUNSEL AFTER A FINDING OF NON FRIVOLOUSNESS AND TEMERENESS IS MADE?

6. WHERE THE STATE HAS THE BURDEN TO "SHOW CAUSE" AND DOES NOT DO SO IS IT AN ABUSE OF DISCRETION NOT TO GRANT RELIEF?

7. WHERE ENTIRE CASE WAS BUILT UPON STATEMENTS OF TWO WITNESS/VICTIMS WAS IT CRUCIAL INEFFECTIVE ASSISTANCE NOT TO PRESENT IMPROBATION EVIDENCE ?

8. WAS IT INEFFECTIVE ASSISTANCE FOR COUNSEL TO FAIL TO PRESENT EVIDENCE WHICH NEGATED ELEMENTS OF THE OFFENSE?

STATEMENT OF  
ADDITIONAL  
GROUNDS

### C. STATEMENT OF THE CASE

The Defendant Rayne Dee Wells Jr. was charged with two counts of First Degree Assault and one count of First Degree Robbery on September 2nd 2003, Convictions for two counts of second degree assault and First Degree Robbery resulted. The Defendant was sentenced to 171 months consecutive to 50 months from Snohomish county plus 18 to 36 months of community custody. An appeal followed. State v. Wells, 133 Wn. App 1006, 2006 WL 1462788 (2006), and filed petition for review state v. Wells, 159 Wn.2d 1017, 157 P.3d 404 (2007) and writ of Cert. Cert denied 128 S.Ct 251, 169 L.Ed.2d 184 (2007). Remand for resentencing was ordered resentencing was completed. An appeal followed COA 60198-9-I Washington supreme court 82748-6, writ of Cert pending. The defendant filed a CrR 7.8 Motion in September of 2008, a show cause hearing was ordered and subsequently held October 24th 2008, this appeal followed.

This case was based and supported on the words, statements, testimony of Mathew Stein and Robert Shannon. All of these different statements reports and testimony have contradicted each other.

Stein testified at trial that: On 09-01-03 he was at home when contacted by Robert Shannon over the phone, whom was looking to buy marijuana. VRP 08-23-04 at 16-17; That he then contacted Josh Taylor and arranged to meet in Mt Vernon, he then traveled to Shannons house and picked him up before noon. VRP 08-23-04 at 17-19; They were trying to buy a quarter pound for \$1100, and that he already owed Taylor \$1000 but that this was not discussed on the phone when Stein ordered \$1100 worth of weed. VRP 08-23-04 at 19-20; It took 30, 35 minutes to get to Burlington and that they made no stops along the way, did not discuss how the transaction would take place VRP 08-23-04 at 20; Stein and Shannon arrived and met the defendant in Taylors place, that Stein and the defendant met at the defendants trunk VRP 08-23-04 at 24; that he did not see any

STATEMENT OF  
ADDITIONAL  
GROUNDS

(V)

drugs or anything to weigh drugs in the trunk VRP 08-23-04 at 25; that the defendant pulled a "small black handgun" from a small gift bag, "it was a #22 maybe a 32 at the most" VRP 08-23-04 at 26; ~~that~~ that the defendant put the gun in his stomach and he ran fast and "heard" the defendant walk up to Shannon. VRP 08-23-04 at 27-28; On cross examination Stein states that he was getting Shannon a quarter pound for 1100 and some change and receiving no money or marijuana for doing so VRP 08-24-04 at 23; that he can't read. VRP 08-24-04 at 25-28; that he didn't have a dollar and didn't know if Shannon did. VRP 08-24-04 at 33-34; that he wrote two inconsistent statements, one that he didn't know the defendant VRP 08-24-04 at 31-32, the other that the defendant had a 9mm, VRP 08-24-04 at 34-36; and that he has a conviction for crimes of moral turpitude VRP 08-24-04 at ~~18~~.

Robert Shannon testified that: He walked to Stein's house to get weed for his dad's P.T.S.D. VRP 08-24-04 at 67; that he in fact does not even know if his dad is alive VRP 08-24-04 at 82-83. That he had \$86 in his wallet and \$900 in his shoe, VRP 08-24-04 at 72. He knew he had this amount because they stopped along the way VRP 08-24-04 at 91; that he was buying a quarter pound for \$850 VRP 08-24-04 at 90-91; That after meeting with the defendant Stein and the defendant met at the trunk, he heard a scuffle next thing he knew the defendant had a gun to his head VRP 08-24-04 at 86-88; Shannon claims the defendant all while holding a gun to his head or chest took keys, his wallet (depending which version you believe of his) - looking through it taking money and giving it back, a phone and patting him down then punching him in the face, VRP 08-24-04 at 75-~~76~~ 77; and that he had only \$86 taken but never showed police any money VRP 08-24-04 at 91. That he had a knife VRP 08-24-04 at 103 and believed Stein was involved in robbery VRP 08-24-04 at 100.

STATEMENT OF  
ADDITIONAL  
GROUNDS

The defendant filed a CrR 7.8 motion, show cause was ordered and took place 10-24-08. The defendant was represented by Kelli Armstrong Smith until late September until she withdrew. The defendant proceeded unrepresented. The day of hearing he was served with documents alleged to be interview summaries of Jim Grace (The authenticity of these documents and their validity is contested herein). The defendant objected to these documents being provided to the state VRP 10-24-08 at 3-5. The defendant was required to cross examine his own trial counsel and prosecutor. The court denied the defendant's motion.

#### D. LAW AND ARGUMENT (SUPPLEMENTAL)

★★ The Court shifted the burden to the defendant at show cause. when the court issued the order to show cause that indicated that the defendant's issues had merit and he was entitled to relief. then at show cause treated the hearing as if the defendant failed to make a further showing. VRP 10-24-08 at 9; 10-24-08 at 61, 64-65, and 66. And treated the hearing as some sort of initial hearing on a PRP. ★★

D.

LAW AND ARGUMENT

1. THE DEFENDANT WAS DENIED HIS CONSTITUTIONAL RIGHT TO COUNSEL.

(a.) The Defendant had a State and Federal constitutional right to counsel.

The right to counsel under the 6th and 14th Amendments to the United States Constitution attaches at the initiation of adversarial criminal proceedings. State v. Corn, 95 Wn. App. 41, 975 P.2d 520 (1999). The purpose of the 6th Amendment guarantee of assistance of counsel to criminal defendants is to ensure that accused does not suffer adverse judgment or lose benefit of procedural protection because of ignorance of law. State v. Tinkham, 74 Wn. App. 102, 871 P.2d 1127, remanded 80 Wn. App. 1048 (1994). The constitutional right to counsel is provided by: U.S.C.A. VI AMEND; WASH. CONST ART I § 22 and also implied by the equal protection and due process provisions. U.S.C.A. V AMEND; U.S.C.A. XIV AMEND; WASH. CONST. ART. I § 3; and, WASH CONST. ART I § 22. The Constitutional right to counsel is categorical requirement necessary to give substance to other constitutional procedural protections afforded criminal defendants. State v. Ponce, 93 Wn.2d 533, 611 P.2d 407 (1980).

(b.) The Defendant had a statutorily created right to counsel.

CrR 3.1(b)(2) provides: "A lawyer shall be provided at every stage of the proceedings, including sentencing, appeal, and post conviction review..." CrR 3.1(b)(2)

"With respect to the right to counsel for post conviction review, we have imposed a limitation that requires, as in the case of PRP's, for the

STATEMENT OF  
ADDITIONAL  
GROUNDS

Chief Judge of the Court of Appeals, and in the case of CrR 7.8 Motions for the superior court Judge, to initially determine whether the petition or motion establishes grounds for relief. If it does not establish grounds for relief, the Judge may dismiss the petition or deny the motion without a hearing on the merits. If it does establish grounds for relief, counsel may be provided if not already available." State v. Robinson, 153 Wn.2d 699, 698, 107 P.3d 90 (2005).

(i) Washington states post conviction review history.

Post Conviction relief in Washington has its origins in the states Habeas Corpus remedy. WASH. CONST. ART. 4 § 4. Which was amended in 1947 to expand post conviction relief. RCW 7.36.130 (1). Habeas Corpus is still available pursuant to RCW 7.36.

"In an effort to achieve a unified, systematic and expeditious procedure for post conviction relief, this court promulgated CrR 7.7." (Effective July 1973) In re Hagler, 97 Wn.2d 818, 650 P.2d 1103 (1982). In 1976 the rule was reformulated in RAP. 16.3-16.15 to provide post conviction relief by Personal Restraint Petition. Hagler at 823.

CR 60 was amended effective September 26th 1972. In 1979, the Supreme Court held that CR 60(b) applied to the vacation of judgments or orders in criminal cases. State v. Scott, 92 Wn.2d 209, 595 P.2d 549 (1979). The drafting subcommittee applied CR 60 to criminal cases in criminal rules in 1986.

(ii) Right to Counsel for CrR 7.8 Motion should be understood by analogy to other forms of available post conviction relief.

"The plain language of a court rule controls where it is unambiguous." Robinson, at 693. Under the guidelines for court rule interpretation CrR 3.1(b)(2) must be examined in context with the entire rule, as well as related rules. Rest. Dev., Inc. v. Cananwill, Inc., 150 Wn.2d 674, 682 80 P.3d 598 (2003).

The similarities of Superior Court Habeas Corpus, CrR 7.8 Motions for Relief from Judgment and PRP's cannot be ignored. Both 7.8 Motions and Habeas Corpus petitions face on initial consideration where they can be dismissed, transferred to the Court of Appeals as a PRP or be deemed to be non frivolous and not time barred and ordered to show cause hearing. CrR 7.8(c); 13 Wash. Practice § 5003 at 480; and, Hunton v. Kincheloe, 54 Wn. App 643, 774 P.2d 1271 (1989).

The great writ of antiquity Habeas Corpus is governed by statute not court rule. "This statute (Rcw 7.36.250) and Rcw 10.01.110... are sufficiently broad to authorize appointment of Counsel," Honroe v. Wash. board of prison terms and paroles, 77 Wn.2d 660, 466 P.2d 485 (1970).

RAP 16.15(a). "The provisions of CrR 3.1 apply to a personal restraint petition transferred to the superior court." RAP 16.15(a).

Personal restraint procedures contain similar provisions as both CrR 7.8 Motion and Habeas Corpus rules and statutes. The chief Judge makes an initial determination and either dismisses the petition, transfers it to the superior court (at which time CrR 3.1 applies) or determines that a panel of Judges can decide the petition on the merits. RAP 16.11(b).

"Collateral attack" means any form of post conviction relief other than direct appeal. Collateral attack includes but is not limited to Habeas Corpus, PRP, Motion to Vacate, Motion for new trial, Motion for arrest from Judgment and Motion to withdraw plea of guilt, Rcw 10.73.090(2). The consensus amongst all of the forms of collateral attack is that once a Judge has determined that the motion or petition is not time barred or frivolous the right to counsel under CrR 3.1 is available and in some circumstances required.

The Defendant could have received the same procedure under Rcw

STATEMENT OF  
ADDITIONAL  
GROUNDS

7.36 in the same court, and under RCW 7.36.250 and RCW 10.01.110, and relying on the rule of lenity ( In re Hopkins, 137 Wn.2d 897, 901, 976 p.2d 616 (1999)) would have been constitutionally entitled to counsel. Also if the court would have transferred the motion to the Court of Appeals as a PRP, and the chief judge would have come to the same conclusion that the superior court judge did, the defendant would have been entitled to counsel, either in the court of appeals or on remand in the superior court. RAP 16.15 (g) and (h). Similarly, the defendant could have filed the same motion in the court of Appeals as a PRP and been appointed counsel after a finding that the petition was not frivolous.

Under any of the above scenarios to deny that a defendant is entitled to counsel under CrR 7.8 after an initial finding that the motion is not frivolous or time barred would be contrary to the rule makers intent and a violation of equal protection or would render CrR 7.8 useless, as defendants would decline to seek review under a rule which affords less protection than its superior court and Appellate Court counterparts (Habeas Corpus and PRPs).  
The trial court twice referenced defendants 7.8 Motion as a PRP. VRP 10-24-08 at 3 and 61.

(C.) The Defendant was entitled to counsel once show cause hearing was ordered.

In post conviction proceedings only if the court deems issues are non frivolous will counsel be appointed RCW 10.73.150 (4); State V. Mahone, 98 Wn. App. 342, 346-47, 989 P.2d 583 (1999). Implicit in the trial courts decision to hold a hearing is a finding that sufficient facts were alleged to warrant a hearing. State V. Harell, 80 Wn. App. 802, 804, 911 P.2d 1034 (1996). In State V. Winston, Winston appealed relying on Mahone and Harell and contended that the trial courts decision to schedule a hearing similarly implied a determination that he had alleged facts sufficient to establish grounds for relief. Once this happens Winston argued the hearing becomes a critical stage under Harell, requiring appointment of counsel as a matter of constitutional right. The court concluded that there was no record of the trial court having issued a show cause order to the state. State V. Winston,

105 Wn. App 318, 324-25, 19 P.3d 495(2001).

The defendant's case is similar but distinguishable from that of Winstens, in that, the trial court ordered a show cause hearing. Attachment A. The court determined that the defendant's motion had merit and was not time barred and ordered the state to show cause. The state in preparation for show cause proclaimed its intent to call defendant's trial counsel, and counsel for the state at trial, at the show cause hearing. At this point the show cause hearing became a critical stage of the proceeding and the right to counsel attached.

"Critical stage," for which an accused has a right to counsel, is one in which there exists the possibility an accused could be prejudiced in the defense of his case; it is one in which an accused's rights may be lost, defenses waived, privileges claimed or waived in which the outcome of the case is substantially affected." State v. Durnell, 558 P.2d 252, 16 Wn. App 500, rev. denied, 188 Wn.2d 1012 (1976); Mempa v. Rhay, 88 S.Ct 254, 389 U.S. 128, 19 L.Ed.2d 336 (1967).

(d.) The Defendant an unaided untrained layman was forced to face the equivalent of three prosecutors at show cause hearing.

The defendant's trial counsel acted at show cause hearing as an adverse party. Counsel first turned over confidential materials and met and discussed his representation of the defendant with the state. VRP 10-24-08 at 5-6. Then gave adverse testimony. VRP 10-24-08 at 10-45.

Then the attorney for the state at trial testified only to matters helpful to the state. VRP 10-24-08 at 55, 56 and 57.

(e.) The Court abused its discretion when it allowed counsel to withdraw and then failed to appoint new counsel.

The Defendant received counsel and was represented on his CrR 7.8 motion until 09-22-09. Attachment B. The court abused its discretion when

STATEMENT OF  
ADDITIONAL  
GROUNDS

it allowed the withdraw without reason or good cause and behind the defendant's back and then failed to appoint new counsel when it ordered the state to show cause.

CrR 3.1(e) "Whenever a criminal cause has been set for trial, no lawyer shall be [REDACTED] allowed to withdraw from said cause, except upon written consent of the court, for good and sufficient reason shown." CrR 3.1(e).

(f.) Rights affected and prejudice to defendant by absence of an aided legal professional's assistance.

(i.) Appellant's opening brief page 9 raises issue relating to trial counsel's post conviction disclosure of privileged documents used by the state at show cause. Had the defendant had the benefit of counsel these documents may not have been so loosely disclosed and definitely wouldn't have been used at show cause hearing.

(ii.) The defendant could have called witnesses with knowledge about the issues i.e., Jill Grace; Josh Taylor; and Gregory von Moos. But without benefit of legal advice the defendant did not receive the due process which he was entitled to at this hearing. Attachment C.

(iii.) A trained legal professional may have been able to more effectively argue the state's lack of cause, failure to show cause.

(iv.) Counsel would have objected to impeachment of Taylor whom was not a testifying witness, ER 609. VRP 10-24-08 at 58.

(v.) The defendant's issues could have been more properly outlined in supplemental motion included related issues not presented and they could have been more properly presented at show cause.

(vi.) Any other failures of the defendant can be explained by his 9th grade education and lack of any legal training whatsoever.

(vii.) A lawyer would have required authentication of Jill Grace phone interviews or would have objected to their use at hearing.

2. THE STATE FAILED TO SHOW CAUSE WHY RELIEF SHOULD NOT HAVE BEEN GRANTED.

(a) Cause was not shown why a new trial should not be granted for counsels failure to present Jill Grace at trial.

Independent, disinterested witness Jill Grace provided several statements to police (verbal and written) which support the defendants position at trial, that he did not point or aim a firearm at anyone. Def. CrR 7.8 Motion P. 7. There is absolutely no way what stein and shannon testified to, could be true if Grace told the truth in her police statements. VRP 10-24-08 at 20-25; VRP 08-23-04 at 27-28; VRP 08-24-04 at 70-76; VRP 08-24-04 at 86-88. Graces testimony would have impeached stein and shannon on many levels and this is extremely important where the entire case was built upon their fabrications. Graces testimony would have negated the firearm element of First Degree Robbery and created reasonable doubt.

At show cause hearing the state put on evidence through testimony of Glen Hoff whom was the defendants trial counsel VRP 10-24-08 at 10-45. Hoff testified that he read discovery and determined that there were two important witnesses, Jill Grace and the passenger of the defendants vehicle, VRP 10-24-08 at 12; that Grace was an independent unbiased witness, VRP 10-24-08 at 19. But that he made a tactical decision not to call Grace VRP 10-24-08 at 20; that Grace was believed to have seen everything after stein ran VRP 10-24-08 at 23-25; that according to stein and shannon immediately proceeding steins running the defendant placed the gun to shannons head or chest throughout until he departed VRP 10-24-08 at 25; and that he believed that the reason Grace had changed her position was so she wouldn't have to leave her sick child's bedside, VRP 10-24-08 at 20-21.

Counsel had a duty imposed by the Rules of Professional conduct to provide competent representation and abide by the defendants decisions, RPC 1.1, 1.2(a). The

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW.

defendant asserted that he was innocent of the offense for which he was accused. Therefore counsel had a duty to put on a witness "With no kind of ax to grind" VRP. 10-24-08 at 19, whom claimed to have seen the altercation. The defendant asserted that he wanted brace to testify, counsel failed to put on any witnesses aside from the defendant.

Counsel further had a duty to employ such skill and knowledge as will render the trial a reliable adversarial testing process. From a due process standpoint, the adversarial testing process requires the state to prove every element of the crime beyond a reasonable doubt State v. Davis, 141 Wn.2d 798, 899, 10 P.3d 977 (2000). It follows that defense counsel had a basic duty to protect the defendant's due process rights by challenging the state's failure to prove an essential element of the charged crime. State v. Lopez, 107 Wn. App. 270, 275, 27 P.3d 237, 240 (2001). Defense counsel has a related obligation to put on evidence which negates an element of the offense.

Furthermore, the state relied on evidence and testimony about evidence which was illegally obtained unauthenticated hearsay within hearsay within hearsay and the witness had no personal knowledge thereof. ER 602 and ER 901. No proof was ever required or provided that defendant had ever previously viewed the documents VRP 10-24-08 at 6-8.

(b) The state failed to show cause why relief should not be granted due to ineffective assistance of counsel for counsel's failure to put on evidence which negated an element of the offense.

See Appellants opening Brief Page 15-17; CrR 7.8 Motion Page 9; and Reply to states response to CrR 7.8 Motion Page 3-5.

(c) The state failed to show cause why relief should not be granted for prosecutorial misconduct issue of threats to defense witness Joshua Taylor.

The defendant asserted a violation of compulsory process by prosecuting

STATEMENT OF  
ADDITIONAL  
GROUNDS

attorney Thomas E. Seguire threatens to Joshua Taylor (key defense witness) if he was to testify he would be prosecuted. CrR 7.8 Motion page 12 ; Reply to States response to CrR 7.8 Motion Page 11 ; U.S. v. Golding, 168 F.3d 700, 702-04 (4th Cir 1999). At show cause hearing Seguire testified that there was a conversation between himself and Taylor. VRP 10-24-08 at 49, that Taylor had written a statement and that was the reason he (Seguire) contacted Taylor in the hallway before his testimony, "to see if it would be consistent with his statement." VRP 10-24-08 at 50. The state asks Mr. Seguire "was it your intent to threaten Mr. Taylor in any way by informing him of this, the fact that he could be incriminating himself, ..." "With respect to Mr Taylor were you, was it your intent to threaten him by giving him the information about the facts that he could be incriminating himself." VRP 10-24-08 at 52. Then Mr. Seguire Negates his entire testimony on direct by admitting that he was mistaken and there was no statement from Taylor. VRP 10-24-08 at 55. Mr. Seguire's testimony was flippant and dishonest and provided no cause for the court not to grant the requested relief. Furthermore, the state clearly acted in bad faith in interfering with defense witnesses but failing to apply the same standard to the same factual circumstances to the states witnesses VRP 10-24-08 at 54-57; VRP 08-25-04 at 268.

### E. CONCLUSION AND APPROPRIATE REMEDY

The states entire case was built and supported on the words of Robert Shannon and Mathew Stein. These gentlemen have continuously been found to be untruthful and inconsistent throughout. The defendant was denied the right to present a defense completely. Witness Jill Grace who saw the whole thing had pressing family issues, and witness Joshua Taylor was threatened, another witness was not called. These issues made it to the

STATEMENT OF  
ADDITIONAL  
GROUNDS

court of Appeals but were not considered because they relied on evidence outside the record. These issues were considered in post conviction proceeding under CrR 7.8 in Skagit county superior deemed non frivolous and reviewed, the court ordered a show cause hearing. The state failed to show cause.

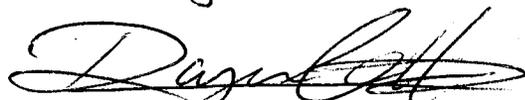
The defendant was improperly required to face two prosecutors and an adverse testifying trial counsel without counsel which he was entitled.

In Appellants opening brief, counsel suggests that new trial should be ordered to all counts or as to one or outright dismissed. The new trial or dismissal solely to assault count does not provide effective relief as the evidence would have affected the proceedings as a whole. The jury could easily have assumed if Stein had information Shannon did as well.

In light of all the facts the appellant respectfully requests dismissal outright on all counts or new trial on all counts with instructions to the court that it may not rely on illegally obtained evidence or the fruit therefrom.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF WASHINGTON  
THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Respectfully submitted this the  
3rd day of August 2009



Royce Dee Wells Jr. #819131  
Po Box 881000 D 32512  
Steilacoom WA  
98388

STATEMENT OF  
ADDITIONAL  
GROUNDS

APPENDIX OF ATTACHMENTS

Attachment A IS A TRUE AND CORRECT COPY OF AN ORDER ISSUED BY SUSAN K COOK ORDERING THE STATE TO APPEAR AND SHOW CAUSE. IT IS 1 PAGE

ATTACHMENT B IS A TRUE AND CORRECT COPY OF A 'NOTICE OF INTENT TO WITHDRAW' FILED BY KELLI ARMSTRONG AND A LETTER FILED SIMULTANEOUSLY WITH THE JAEL 2 PAGES.

ATTACHMENT C IS A TRUE AND CORRECT COPY OF THE AFFIDAVIT OF GREGORY VON MOOS

I DECLARE THE FOREGOING IS TRUE AND CORRECT UNDER THE LAW OF WASHINGTON AND PENALTY OF PERJURY

 08-03-09

Rayne Dee Wells Jr. #819131  
MECC D 325/2  
PO Box 881000  
steilec00m WA  
98388

STATEMENT OF  
ADDITIONAL  
GROUNDS

ATTACHMENT A



Skagit County Superior Court

FILED  
SKAGIT COUNTY COURT  
SKAGIT COUNTY WA

2008 SEP 26 AM 11:55

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Mount Vernon, WA 98273

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DAVE NEEDY  
JUDGE, DEPARTMENT NO. 4

G. BRIAN PAXTON  
COURT COMMISSIONER

DELILAH M. GEORGE  
COURT ADMINISTRATOR

September 26, 2008

Mr. Erik Pedersen  
Senior Deputy Prosecutor  
605 South Third Street  
Mount Vernon, WA 98273

Mr. Rayne Dee Wells, Jr.  
600 South Third Street  
Mount Vernon, WA 98273

Re: State of WA v. Rayne Dee Wells, Jr.  
Cause #03-1-00690-3

Dear Mr. Pedersen and Mr. Wells,

I have now reviewed the materials filed in connection with this CrR 7.8 motion. A show cause hearing appears appropriate at this time. Please be ready to set a date for the show cause hearing at the review on October 2, 2008.

Sincerely,

SUSAN K. COOK  
Superior Court Judge

SKC/hs

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**ATTACHMENT B**

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SKAGIT COUNTY, WA  
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1  
2  
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5  
6 IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON,  
7 COUNTY OF SKAGIT

9 STATE OF WAHSINGTON

10 Plaintiff,

11 vs.

12 RAYNE WELLS

13 Defendant

Case No. 03-1-00690-3

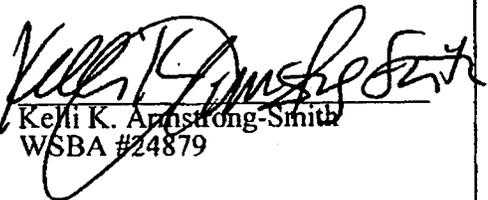
NOTICE OF INTENT TO  
WITHDRAW

14  
15 TO: Clerk of Court  
16 County Prosecutor

17  
18 COMES NOW, Kelli K. Armstrong-Smith, attorney of record in the above captioned  
19 case and pursuant to court rules gives notice of her intent to withdraw as attorney of record for  
20 the above named Defendant. Withdrawal shall take effect without court order 10-days after  
21 filing of this notice if no written objection is serviced prior to the 10-day expiration.

22 The last known address for the defendant is: SKAGIT COUNTY JAIL

23 DATED this 27<sup>th</sup> day of Sept., 2008.

24  
25   
26 Kelli K. Armstrong-Smith  
WSBA #24879

27  
28 Withdrawal - 1

ORIGINAL

ARMSTRONG-SMITH LAW OFFICE  
P.O. Box 13443  
Mill Creek, WA 98082  
425-787-1242  
425-787-1353 Fax

129

# ARMSTRONG-SMITH LAW OFFICE



Kelli K. Armstrong-Smith  
David W. Smith, Paralegal

To: The Skagit County Jail  
From: Kelli Armstrong-Smith

September 22, 2008

This packet is a set of documents Rayne Wells needs to represent himself. I am no longer his attorney and have filed notice of withdrawal. The matters remaining for Rayne are matters that he does not have an automatic right to have an attorney at public expense. He is pro se at this point and will probably remain that way. He has court this Thursday and needs these documents for that hearing.

If you have any questions please do not hesitate to call.

Sincerely,

Kelli Armstrong-Smith  
Attorney at Law

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Mill Creek Office  
16300 Mill Creek Blvd., Ste 115-A  
Mill Creek, WA 98012  
425-787-1242



Mailing Address  
P.O. Box 13443  
Mill Creek, WA 98082  
425-787-1353 Fax



Skagit County Office  
325 Pine Street, Suite G  
Mount Vernon, WA 98273  
360-540-1968

ATTACHMENT C

To Whom It May Concern,

I Gregory J. Von Moos was contacted by Rayne D. Wells Jr. to say what at happened during his trial on or around August 24<sup>th</sup>, 2004 in Skagit County Superior Court in Mount Vernon, WA. A gentleman by the name of Josh Taylor (who was to testify on behalf of Mr. wells) was waiting in the hall way outside the court room, when he was approached by Tom Seguine (who was the prosecuting attorney at the time of the trial) and was asked if he was Josh Taylor. Mr. Taylor said that he was. At which point Mr. Seguine stated that if he was to testify he would to the best of ability prosecute Mr. Taylor to the fullest extent of the law. On over hearing this I mentioned it to Mr. Wells Mother who told me to let the defense attorney Glen Hoff to know about it.

When Mr. Hoff was told about this, it was told to Judge Susan Cook, so when Mr. Taylor was called to the stand he was advised that he should talk to an attorney. At which point he went out into the hall and spoke with someone and then returned to the court room and to the witness stand. At this point he was asked his name which Mr. Taylor replied to the court who he was. He was then asked another question in which he replied that he was taking the 5<sup>th</sup>.

If Mr. Taylor was not threatened to be prosecuted by Mr. Seguine for testifying in behalf of Mr. Wells, I believe that he may had been able to shed more light on the case and could have possibly helped in Mr. Wells defense.

If you have any questions or would like to discuss this with me, I can be reached at (360)421-7329 or you could write me at P.O. Box 2093 Mount Vernon, WA. 98273

Gregory J. Von Moos



State of Washington

County of Skagit

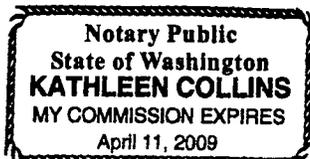
I certify that I know or have satisfactory evidence that Gregory J. Von Moos is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the purposes mentioned in this instrument.

Dated: 3/25/09

Koole  
(Signature)

(Seal or stamp)

Notary  
Title



My appointment expires 4-11-2009

CERTIFICATE OF SERVICE BY MAIL

This is to certify and state under the penalty of perjury under the laws of the State of Washington that I have mailed a true and correct copy of the following documents(s):

1 STATEMENT OF ADDITIONAL GROUNDS 3 ATTACHMENTS  
1 MOTION TO COMPELL STATE TO RESPOND 1 MOTION FOR  
REVIEW OF 54997-9-E UNDER 62609-4-I

By depositing in the United States mail, marked *Legal Mail*, postage prepaid, on this 3rd day of August, 2009 to the following: \_\_\_\_\_

COURT OF Appeals Div 1 600 University ave ONE UNION SQ SEATTLE WA 98101	SLAGET CO PROSECUTOR 605 S. 3rd Mount Vernon WA 98273
---	--

FILED  
CLERK OF COURT  
STATE OF WASHINGTON  
AUG 3 2009  
AM 11:06

Respectfully Submitted,

Signature

Raynie Dee Wells Jr

Print Name

D.O.C.# 819131 Unit # D Cell # 325/2

MICC PO Box 881000

Stellecoom WA 98388

Clallam Bay Corrections Center

1830 Eagle Crest Way

Clallam Bay, WA 98326