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WASHINGTON COURT of APPEAL'S, DIVISION 1

FILED  
COURT OF APPEALS DIV. #1  
STATE OF WASHINGTON  
2010 JUL -6 PM 4:36

STATE of WASHINGTON )  
Respondent )  
Vs. )  
RUSSELL C. HOHF )  
Appellant )

No. # 63906-4-I  
STATEMENT OF  
ADDITIONAL  
GROUND'S  
FOR REVIEW

1 I Russell C. Hofh, have received and reviewed the opening Brief that's  
2 been prepared by my attorney.  
3 Summarized below are the additional ground's for review that have not been  
4 addressed in that brief.  
5 I understand the Court will review this Statement of Additioal Ground's for  
6 Review when my appeal is considered on the merit's.  
7 These Additional Ground's support the error's, which have been deliberately  
8 sought by the mean's of Prosecutorial Misconduct; A Malicious Prosecution....  
9 The Prosecutor's have taken a Vindictive Revenge to acheive this convition.  
10 An order to acheive this tainted convition, Prosecutor have deliberately  
11 denied the Defendant his U.S. Constitutional Right's guaranteed by the Fifth,  
12 Sixth, and Fourteenth Amendment's. That's Guaranteed All U.S.Citizen's.

Sign; Russell C. Hofh Page 1 of 45 Date; 6-29-80

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1 Title; Table of Context's.

(A)

2 Malicious Prosecution.

3 Prosecution has been of a Vindictive revenge, A mean's to acheive this  
4 tainted conviction. By the use of Solicit Perjured Testimony & the denial of  
5 the Defendant's right to act Pro Se, Self-Representation.

6 Prosecutor's denied Defendant his right of Compulsory Process, as well as his  
7 right to Equal Protection of the Law, Prosecution by way of a Kangaroo Court.

8

9 Investigation & Assailent's.

10 Defendant has been under Investigation for sexual assault, conducted by the  
11 Snohomish County Sheriff's Office, for untold year's. These alligation's have  
12 been initiated by the same family as that as the Plaintiff in this case.

13 Thus giving the Plaintiff the mean's & reason to hate & attack Defendant.

14 The Defendant had never met the Plaintiff prior to Plaintiff attacking him.

15 Plaintiff is the third Assailent to have attacked the Defendant, in which  
16 the Sheriff Deputy's allow & aid these attacker's. Prosecutor's deliberately  
17 suppressed this Indispensable Evidence form the Jury, Obstruction of Justice.

18

19 Pro Se with Standby Counsel.

20 Defendant knew his only chance at an acquittal, would be by acting Pro Se,  
21 Self-representation, in which the court's did allow, error'ed by not assigning  
22 that of "Standby Counsel", in accordance to Standard Law; 6-3.7. to assure the  
23 Defendant a reliance in his defense.

24

25

26

1 Title; Table of Context's.

(B)

2 Competent to Stand Trial Process.

3 State & Court error'ed by taking Defendant "Back into Custody" & then later  
4 at a differant time revoking his Bail, All for the mean's of a mental  
5 evaluation,"Which the Defendant already made arrangment's with a Doctor".  
6 Defendant had'nt broken any condition's of release,Judge was aware of all.

7  
8 Equal Protection Clause; Suppressing My Voice.

9 Prosecutor Helene Blume denying the Defendant his right to be heard.

10  
11 Material Exculpatory Eyewitness.

12 There is this "Eyewitness", that the Defendant did all that he could do, to  
13 see that this "Eyewitness", be brought to court to testify.  
14 Yet not one in authority would do a thing to see this "Eyewitness" be found.  
15 This "Eyewitness",prove's that Plaintiff story is Solicit Perjured Testimony.

16  
17 Compulsory Process.

18 Prosecutor's deliberately suppressed exculpatory Material Witness.  
19 By denying the defense to cross-examine Material Witness, Prosecutor's where  
20 able to Solicit Perjured Testimony. There is this "Eyewitness", Exonirate.

21  
22 Plaintiff Perjured Testimony; (Totally Inconceivable).

23 Plaintiff state's Defendant walked up to a complete stranger,who is not even  
24 on his property,& with no word's spoken,& no confrontion what so ever,& Yet  
25 for no reason what so ever, just shot the Plaintiff. Then goes on to say as he  
26 turn to run away, that the Defendant just kept on shooting;"The Man is Evil".

1 Title; Table of Context's.

(C)

2 Judge's & Court's Error's.

3 The Judge's throughout this whole case never seen to the Defendant's requests  
4 or motion's, completely avoiding Defendant' concern's, Defendant constantly  
5 brought out the fact there is this eyewitness & he continued to assert his  
6 right to act Pro Se, Judge would not hear of any of this.

7  
8 Dangerous Behavior.

9 Prosecutor Ms.Blume, in her Malice Decite, Try's to convince the Judge that  
10 the Defendant is Dangerous. Yet she unable to offer any proof what so ever.

11  
12 Pretrial Release.

13 Ms.Blume, misuse of the competent to stand trial process. Defendant was out  
14 on posted bail bond. He had not violated any of his condition's of his release  
15 Defendant had made an appointment for out patient mental examination.  
16 Yet Ms.Blume convinced Judge Wynne to revoke the Defendant's bail and have  
17 him taken into custody for a 15-day stay at W/S/H, for mental evaluation.

18  
19 Solicited Perjured Testimony.

20 Plaintiff testimony is totally inconcievable, one would have to be insane to  
21 have done what the Plaintiff has testified Defendant had done to.

22 By the fact that the Prosecutor's suppression of this material witness, who  
23 could have proven that Plaintiff testimony was of perjury, had gave way to  
24 allowing Plaintiff to perjure himself, thus the solicitation of perjured  
25 testimony. Prosecutor's literly asked Plaintiff to perjure himself.

26

1 Title; Table of Context's. (D)

2 Returned to Pretrial Release Status.

3 Defendant was out on Posted bail, violated none of his condition's of his  
4 release. Prosecutor had the Judge revoke Defendant's bail & taken back into  
5 custody for mental evaluation. According to A.B.A. Standard Rule 7-4.3,  
6 immediately upon completion of the examination the Defendant should be return  
7 to pretrial release status. Defendant has not been release since.

8

9 Re-enter of Plea.

10 Defendant was found to be incompetent to stand trial, and any statement he  
11 would have made prior to being found competent, would of been found void.

12 As well should be found void Defendant's Plea of not quilty.

13 Only after Doctor's seen Defendant to be medicated, did the Doctor's find  
14 the Defendant to be competent enough to be able to stand trial. Though the  
15 Defendant then should of been able to enter a new Plea, Which he did not.

16

17 Bail.

18 Defendant had posted a bail bond, he had never violated any of his condition  
19 of release. At the hearing of March-14-08, Judge State'd he won't raise the  
20 Defendant's bail, The Defendant was then taken into custody, and only after  
21 the Defendant found himself in jail, did the Defendant find that his bail had  
22 been raised to a million dollar's. Defendant was not present at this hearing  
23 when Judge Wynne gone ahead and raise the Defndant's bail.

24

25

26

1 Title; Summarize Statement. \_\_\_\_\_

(A)

2 This Indictment is sought completely by the mean's of Malicious Prosecution.

3 The Prosecutor's have conducted themself throughout this case to a degree of  
4 vindictive revenge. A retaliation for the hatred they have for the Defendant.

5 Throughout the case transcript's, one can easly see the Prosecutor's Malice  
6 attitude taken toward the Defendant,her Abuse of process & Breach of Duty.

7 The Defendant show's in this brief quote's & statement's taken from the case  
8 transcript's of Ms.Blume's contempt she has for the Court's, through continuous  
9 deceitful manner she use's to discribe the Defendant, literally to coerce.

10 Ms.Blume's use of Abuse of process, has translated her Prosecution into a  
11 mean's of Obstruction of Justice, sought revenge by Malicious Prosecution.

12 Snohomish County Sheriff & that of the Prosecutor's have taken step's in  
13 retaliation for the fact that they have not been able to acheive a tainted

14 conviction on other alligation's brought forth by the same family as the  
15 Plaintiff in this case,that of false alligation of sexual assault they seek.

16 Thus the only mean's possible to retaliate aganist those alligation's be to  
17 deny the Defendant his right's to obtain a fair trial in this case here.

18 The Prosecutor's have set forth denying the Defendant his constitutional  
19 right's of the Sixth Amendment, the right to represent one's self at trial.

20 Denied the Defendant the right of the Confrontation Clause; to crossexamine  
21 material exculpatory eyewitness, as well the right to Compulsory Process that  
22 to subpoena this Material Exculpatory Eyewitness, value favorable the defense.

23 As well denied the Defendant the right to Equal Protection Clause, the right  
24 to be heard, Hence thus this assured the Prosecutor a tainted conviction.

25 By no mean's is one who is perceived as a sexual assailent going to receive  
26 a fair trial, And only By Defendant acting as Pro Se, could he stand a chance

1 Title; Summarize Statement.

(B)

2 The Error the State has made and my Appellant Attorney has not addressed in  
3 her brief is that the State has made a deliberate attempt at Prosecutorial  
4 Misconduct, literally a Vindictive Malicious Prosecution. A Revengeful Act...

5 State Prosecutor's have sought and achieved this tainted conviction complete  
6 through the mean's of revenge, Defendant has been "railroaded" into prison.

7 The Plaintiff is the third assailant to come down to the Defendant's place  
8 and attack him, The Sheriff's have aid'ed each one of these assailant's.

9 The other two case's, have been documented by police report's, of which now  
10 the Sheriff's say these case's have been purged from there file's.

11 There has been an on going Criminal Investigation into sexual assault, which  
12 has been going on now for untold year's, in which the Plaintiff family has  
13 initiated. Thus the Plaintiff family has made me fully aware of Investigation.

14 The Sheriff's has deied me Equal Protection of the Law, & won't protect me.

15 This "Investigation & Assailant's", amount's to Indispensable Evidence, that  
16 the Prosecutor's have deliberately "Suppressed", from the Jury, knowledge the  
17 Jury was intitled to know. State believe's I'am quilty of this sexual assault.

18 Plaintiff family has initiated this investigation into sexual assault, thus  
19 giving the Plaintiff a reason to have a hatred for and attacking Defendant.

20 The Plaintiff & Defendant had never met prior to the day of attack, though  
21 as the case discovery will show the Plaintiff knew the Defendant well.

22 Plaintiff hatred for the Defendant had just been recently enhanced, by the  
23 fact that the Sheriff Detective's had just reopen this investigation, and  
24 had just conducted an interview at the Plaintiff house with many of the  
25 family member in attendence, laterally provoking Plaintiff to confront me.

26 Plaintiff testimony is inconceivable, and solicited "Perjured Testimony".

1 Title, Malicious Prosecution.

(A)

2 Prosecutor MsBlume file'd #4 Motion's to the Court's ( of which Pro Se  
3 Defendant never received ) on 1-30-08, just #6 day's after Defendant became  
4 acting Pro Se. It's of the Defendant's assured belief these #4 Motion where  
5 file'd for the sole purpose to over burden the Defendant with the complication  
6 of the legal process. Defendant who is only trying to see he receive's a fair  
7 trial by defending himself acting Pro Se, is now fighting a Prosecution who's  
8 main concern's seem to be in denying Defendant Due Process & a Fair Trial.

9 The fact that Ms.Blume file'd these #4 Motion's within #6 day's from the  
10 time Defendant became Pro Se representative, show's an Abuse of Process.

11 These #4 Motion's should of made Ms.Blume aware that the Defendant was of  
12 the need of assistance of standby counsel ( which had not been assigned him)

13 Ms.Blume is a Professional an one of the highly sought county Prosecutor's,  
14 by the clear attempt to over burden the Defendant with these Motion's, of  
15 which themself show comtemt for the Defendant, Ms.Blume knowenly assert's

16 a Malicious Abuse of the Legal Process; a Negligence Breach of Duty, Comtempt

17 P.g. #118 of the competency hearing transcript's of 10-14-08, Ms.Blume had  
18 state'd how I had quoted saying that "Snohomish County was out to get Me".

19 The leading Detective in the case had sat in at the Prosecutor's bench, just  
20 right next to the Prosecutor, throughout the whole trial, for the sole purpose  
21 to intimidate the Defendant & make it understood to him that they got him.

22 This Detective was fully aware that of the on going investation into sexual  
23 assault allegation brought on by the Plaintiff's family, in which this  
24 detective seem assured to see that this Evidentiary Fact's of this on going  
25 investigation be suppressed from the Jury, as well the continous conflict  
26 between the Defendant & Snohomish Country & the Sheriff's office.

1 Title; Malicious Prosecution.

(B)

2 These #4 motion's where file'd a month and a half after the Defendant was  
3 out on Bail, and just #6-day's after Defendant had become of self-represent.

4 The Prosecutor failed to see that the Defendant received any copy's of such  
5 motion's,( As well my standby counsel didn't receive any such copy's either)

6 By Law Standard 6-3.7,Defendant acting as Pro Se, must be appointed that of  
7 standby counsel, to aid the accused, even over objection's of the accused,

8 To be denying the Defendant that of assistance, then over burden him to the  
9 point that he is not able to work the Justice system in order to defend him  
10 self, is an Malicious abuse of the legal process, if there ever was one.

11 Ms.Blume sought the abuse of the mental eval; process for the sole purpose  
12 to my Bail was revoked and have me confine'd back in the county Jail, of  
13 which she manage'd. This way I could not act Pro Se, and see to my defense.

14 Page #118 at the competency hearing, Ms.Blume state's that, because I made  
15 an attempt on checking the credentail's of my counsel, by going up to Mount  
16 Vernon, & ask around about her, that it was around this time that Mr.Hohf  
17 had competency issue's,Ms.Blume's admit's that it was issue's with counsel ,  
18 Ms.Armstrong that raise'd concern's that Defendant had competency issue's.

19 Truth is in fact that Ms.Blume try'ed to raise competency issue's with the  
20 court on 1-30-08,the date she set those #4 Motion's, Well before she ever  
21 was aware of Armstrong,So one can clearly see the abuse of Ms.Blume's attempt  
22 in the use of the mental eval; competency to stand trial process,for Deceit.

23 Model rule's of Professional Conduct §; 3.3 (A) (1), (A lawyer shall not  
24 knowingly...make a false statement of material fact or law to tribunal).

25 Ms.Blume has stated lie's throughout this whole case, she show's complete  
26 contempt for the Defendant & the court's,By all right's she's to be disbarred.

1 Title; Malicious Prosecution.

(6)

2 With this page the Defendant will show & prove that the state willingly  
3 commit's to the "Abuse of Process", use of legal process for improper purpose.

4 The Prosecutor has taken step's to abuse the competency to stand trial  
5 mental evaluation process, in order to gain information, & confinement.

6 From the day of arraignment, "Nov-5-07", Prosecutor Bridges made an attempt to  
7 keep the Defendant from his constitutional right's, by trying to deny him his  
8 right to self-representation. Mr. Bridge's state'd during this arraignment  
9 hearing, right after the Defendant made request to act Pro Se, Stateing he  
10 was aware of some information that the Defendant may have some mental issues  
11 that may prohibit him from representing himself effectively; Bad Faith.

12 Mr. Bridge's only bring this mental health issue up after Defendant state's  
13 he wanted to act Pro Se. Had Mr. Bridge's believed there was any mental issue  
14 preventing the Defendant from making any rational decision concerning his  
15 ability to comprehend, then these concern's of his should of been brought  
16 forth with Motion stating there was a need for mental evaluation before any  
17 proceeding of Plea or Bail had set forth. This IS an Abuse of Process.

18 Hearing on 2-14-08, Judge Wynne state'd, there is an on going Motion of the  
19 competency of Mr. Hohf, ( Motion set by Ms. Blume on 1-30-08, "1 of 4 set forth")  
20 Wynne state's we are not prepared to go forward on that today is the under  
21 standing; Counsel Armstrong; At this point I'am not seeing enough evidence for  
22 me to send him to W/S/H. Blume file'd Motion's on 1-30-08, "New condition's  
23 of release, D.N.A. request, A 15-day stay at W/S/H, and Motion for review of  
24 ProSe." This Motion's where filed just 6-day's after the ominous hearing of  
25 1-24-08, the date the Defendant finally manage to become ProSe. "Reason Being"  
26 Believe this Motion's where file'd to over burden the Defendant, "Bad Faith"

1 Title; Malicious Prosecution.

(D)

2 On P.g. #118 of the Competency hearing of 10-14-08, Ms.Blume quote's me to  
3 say, "I couldn't get a Fair Trial in Snohomish County", The fact she knew I  
4 believed this quote & the on going conflict I been having with my attorney's  
5 the numerous motion's I've file'd, the continous correspondence with the  
6 Judge, the fact that I had stated in open court time & time againe about this  
7 missing eyewitness, plus the obvious attempt's & falure's at trying to be  
8 acting Pro Se, Now what kind of "Red Flag's", would the state need to see that  
9 there are some serious issue's in the Defendant think's that his not receiving  
10 a "FAIR TRIAL", A Prosecutor has the responsibility of a Minister of Justice  
11 and not simply that of advocate. Ms.Blume on P.g.#72 & #73, of Trial trying  
12 to convince the Jury through a letter I had written titled; Defendant's state-  
13 ment to the charge", of which I had written accurately to just what took place  
14 when the Plaintiff came down to my place and he managed to get himself shot.  
15 The only thing that is differant to that declaration & my actual tesimony is  
16 the fact I had not written in the fact that I shot the Plaintiff in self-  
17 defense, nor did I say he attacked me. By no mean's did I lead on one to  
18 believe in any way, or did I insinuate otherwise. Though Ms.Blume thought to  
19 try to convince the Jury that cause the Defendant had wrote a very intelligent  
20 letter,(which she quote), A letter that did not self incriminate the Defendant  
21 nor quote to who was at fault, a letter meant for the purpose to state the fact  
22 Thus Ms.Blume took it apoud herself to show the Jury I had made contradicting  
23 statement's stateing to the Jury that I had made up differant story's, as well  
24 In closing arguement's Prosecutor Val Shapiro state'd to the Jury that the  
25 Defendant made up two differant story's, I've made one testimony and all other  
26 statement's I've made correspond to that testimony, which is of the truth.

1 Title; Investigation and Assailent's.

(A)

2 Defendant been aware that he was under investigation for sexual assault of  
3 which is being conducted by the Snohomish County Sheriff's Department.

4 This false alligation's have been initiated by the same family as the  
5 Plaintiff in the case at hand. Information deliberately suppressed from Jury.

6 The Prosecution and the Sheriff's office knew that the Defendant had been  
7 under this investigation for untold year's, which Plaintiff was fully aware.

8 Prosecution is well aware the Defendant is not guilty of such alligation's.

9 Though the Sheriff deputy's continue to harass the Defendant over these false  
10 alligation's, and the Sheriff refuse's to give him equal protection of the Law

11 There happen's to be Appox; 10 to 20, time's in the past 10 year's that the  
12 Sheriff deputy's have been out to the Defendant's residence on false charge's

13 yet not one time have they been able to knock open my door & trump up charge's

14 With all this corruption going on from the residence of the Defendant's place  
15 going on for year's on end, Prosecution was fully aware Defendant had problems

16 Yet denied the Jury of such indispensable evidence so absolutely vital here.

17 By the concealment of such Relevant evidence, of alligatio's, as well as the  
18 continuous harassment, the Jury had no real possible understanding to just

19 what could have caused this alleged crime to happen in the first place.

20 Nor is there any realistic reasoning in the verdict, to show for conviction.

21 Sheriff's self-incriminating act's toward Defendant in themself were enough  
22 to alert them that when after the Defendant made the 911 call the day before

23 the shooting, that they should of responded immediately, Just like they always  
24 have numerous time's with 3 or 4 Sheriff deputy's, over time & time again.

25 At the very least the deputy's have responded 10 time's to call's other's

26 have made regarding the Defendant, each time 3 or 4 Deputy's will show up.

1 Title; Investitagtion and Assaillent's

(B)

2 All this alligation's & false charge's, the numerous respond's to the house  
3 of the Defendant's, all these would be documented, some very well known cases

4 One case, in appox; 2000, A man by the name of Keith Hoeye came down to my  
5 place and attacked me (a man I didn't know), I end up really hurting him bad  
6 yet he didn't go to the hospital, he end up taking a shot at me from 15 feet  
7 away with a 44 MAGNUM, I call 911 and they responded, though they would not  
8 come up to my house and take a report. I end up taking a firend of mine a  
9 Terry Kemptcm, and we both go down to the North Precinct Snohomish Sheriff's  
10 that night and the depuy's took a report, plus photo's of myself, as well  
11 came out to my residence to take a look around, took evidence of a radio of  
12 which the assaillent left behide plus a shirt with his D.N.A., all over it.

13 Nothing more ever came of this incident, Sheriff would not press charges.

14 This Keith Hoeye was the son of my nabor of had killed my two dog's.

15 Another nabor of who I had never met before, of whom had lived out there  
16 for about 3 year's, though now moved. Never having any altercation before  
17 with him what so ever, now try's to hit me head on with his pick-up truck,  
18 I was out on the main road with my dirt bike, state's I was riding to fast  
19 for his like's, ( so he try's to run me over ), at the time I didn't try to  
20 make a police report, (wouldn't do me any good anyhow), now a few month's  
21 later, a guy who had been renting a small unit from the guy who tryed to run  
22 me over, he is now out front of my place causing problem's, and which he call  
23 the cop's, they come out with 4 deputy's, and try to knock my door open, not.  
24 The next day I end up calling ~~911~~ Sheriff to try to make a report about the  
25 guy who tryed to run me over, the Deputy Sheriff would not lessen to me and  
26 just hung up on me, I call back 10 time's, Sheriff's wouldn't take my report.

1 Title; Pro Se with Standby Counsel.

(A)

2 The Court's error in not allowing Defendant to act Pro Se, with standby.

3 Defendant insisted from day of arraignment that he needed to act as Pro Se.

4 From this day on to just before trial the Defendant continued this request  
5 to act Pro Se. There was a time Defendant was acting Pro Se, about a month.

6 (though never had the court's assign him the assistance of standby counsel)

7 Judge Wynne, on Feb-7-08, had talk the Defendant into assigned counsel,  
8 even though the Judge was assured by the Defendant that he needed be Pro Se.

9 For the Defendant made it a point that he had no trust in lawyer's.

10 Judge Wynne error by not allowing Defendant the opportunity to act Pro Se  
11 with court appointed standby counsel, which he is entitled to by Law.

12 Defendant believe's he has been denied his constitutional right's of Law.

13 That of the Six Amendment to self-representation with assigned standby.

14 Hearing on Feb-14-08, Defendant accepted court appointed counsel of Kelli  
15 Armstrong, though both Defendant & Ms.Armstrong assured the Judge that the  
16 Defendant wanted to continue acting Pro Se, and that Ms.Armstrong was to act  
17 as court assign assistant standby counsel, which was of Defendant's right's.

18 WASH; 1967, Defendant's right's to insist on defending himself and on the  
19 necessity of his having trust & confidence in his counsel when asserted  
20 during trial must be balanced with desirability of having orderly proceeding

21 State Vs Bullock, 431 P.2d 195, 71 Wash.2d 886 WASH.App 1982

22 If the court has doubt relating to ability of Defendant to make knowing &  
23 intelligent waiver of counsel, that doubt should be resolved by appointing  
24 counsel to represent the Defendant whether the appointment be in full,  
25 ordinary attorney-client capacity, or on a standby consulting basis.

26 State Vs. Chavis, 644 P.2d 1202, 31 WASH.App 784 (Constitutional Right).

1 Title; Pro Se with Standby Counsel. (B)

2 Court's error'ed by not appointing the Defendant ( who was acting Pro Se )  
3 that of standby counsel, in accordance with Standard Law; 6-3.7,"Standby".

4 WASH, PAC 12-Standby Counsel must be appointed even over the objection's by  
5 the accused to aid the accused if and when he request's help, and to be  
6 available to represent the accused in the event that termination of the  
7 Defendant's self-representation become's necessary,(17). A trial court may  
8 upon a proper showing, order standby counsel to do any or all the following;

9 (1) Any duties logically necessary adequate Pro Se Defense.

10 The Court in any case should consider the appointment of "Standby Counsel",  
11 By Law, Standby Counsel,in accordance to Standard Law; 6-3.7,to assist.

12 (17) State Vs. Jessup, 31 Wn.App. 304, 641 P.2d 1185 (1982).

13 Trial Judge affirmative duty to advise Defendant,The right of Standby counsel

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1 Title; Competent to Stand Trial Process.

(A)

2 Defendant was illegally confined, & Bail revoked, for mental evaluation.

3 As of Standard Law 7-4.3; Pretrial release of a Defendant pending competency  
4 examination. (A) A Defendant otherwise entitled to pretrial release should not be  
5 involuntarily confined or taken into custody solely because the issue of the  
6 Defendant's competence to stand trial has been raised and an evaluation has  
7 been ordered, unless confinement is necessary for any personal examination  
8 that may be necessary for the evaluation process.

9 (B) If a Defendant has been released from custody under any pretrial  
10 provision, the court may order the Defendant to appear at a designated time  
11 and place for outpatient examination and such appearance may be made a condi-  
12 tion of pretrial release. (C) If the Court determines that a Defendant of  
13 pretrial release, refuses to appear for examination, or that adequate exami-  
14 nation is impossible without confinement of the Defendant, the court may  
15 order that the Defendant be involuntarily confined until examination is made

16 (D) If a Defendant who is on pretrial release is subsequently involuntarily  
17 confined or otherwise taken into custody for examination, such confinement  
18 should be in the least restrictive setting & for the minimum amount of time  
19 necessary to complete the examination. Immediately upon completion of the  
20 examination the Defendant should be returned to pretrial release status.

21 (E) A Defendant otherwise entitled to judicial determination of eligibility  
22 for pretrial release should not have the determination postponed because of  
23 the pendency of proceedings to determine competence to stand trial.

24 Defendant posted Bail, didn't break any rules of release, attended all  
25 court hearings, had abided all court orders, never was disruptive in court,  
26 Defendant has no violated criminal history, no history of mental illness.

1 Title; Competent to Stand Trial Process. (B)

2 State Error'ed, by denying Defendant his own choice of Doctor for Evaluation.

3 Defendant was released on posted Bail, violated no condition's of release,

4 never showed any sign's of disruptive behavior during any court hearing,

5 attended all court hearing's, abided all court order's, had complete belief

6 of counsel that Defendant showed no sign of mental illness, was competent.

7 Defendant had made arrangment's with a Dr. Shelton of Sedro Woolly Hospital

8 who is a Psychologist, an appointment set for 4-10-08, for Dr. Shelton to

9 conduct his own examination for mental competency to stand trial.

10 Defendant filed Motion to the court on Mar-3-08, showing he made appointment

11 with Dr. Shelton, 435 George Hopper RD Burlington, WA 98233; 877-259-6665.

12 An appointment for mental evaluation to take place on 4-10-08, all was aware

13 Defendant stated in open court at the hearing where Judge Wynne ordered the

14 Defendant to a 15-day stay at W/S/H, for mental evaluation; that Defendant

15 had this Dr. Shelton appointment already made, & proving he was acting Pro Se.

16 R.C.W. 10.77.020-Right's of Person under this chapter (2), whenever anybody

17 is subjected to an examination pursuant to any provision of this chapter, he

18 or she may retain an expert or professional person to perform an examination

19 in his or her behalf. In the case of a person who is indigent, the court shall

20 upon his or her request assist the person in obtaining an expert or profess-

21 ional person to perform a examination or participate in the hearing on his or

22 her behalf. An expert or professional person obtained by a indigent person

23 pursuant to the provision of this chapter shall be comensated for his or her

24 service's out of the fund's of the department in an amount determined by the

25 secretary to be fair & reasonable. State Error'ed by having the Defendant

26 bail revoked & put back into custody, for he had his own appointment made.

1 Title; Competent to Stand Trial Process.

(C)

2 State Error'ed, by conducting evaluation for mental competency in the jail.

3 Defendant's counsel never agreed with Prosecutor to have a evaluation for  
4 mental competency to take place in the county jail setting.

5 For one the Defendant had made arrangements for his own Psychologist, a  
6 Dr.Shelton, from Sedro Woolly Hospital, for this mental evaluation prior to  
7 the hearing of 3-14-08, As well Defendant's counsel a MS.ARMSTRONG, stated  
8 at this hearing that in the past she has conducted evaluation's in her own  
9 office, & on Feb,14-08 hearing, in front of the same Judge,Counsel stated  
10 she saw no sign's of mental illness in the Defendant.

11 Never had the Defendant or his counsel ever agreed to the Prosecutor's  
12 request to have the Defendant confined, or have the Prosecutor's professional  
13 do the examination, or ever agree to the evaluation to take place in the jail  
14 Defendant was out on Bail,violated no rule's of release, had his own Doctor  
15 for this mental evaluation,was acting Pro Se, on his own account.

16 Mental evaluation did'nt take place untill one month had past while sitting  
17 in the county jail, Counsel never agreed with any of the State's request.

18 R.C.W. 10.77.060, Doubt as to Competency - Examination , Bail, - report.

19 Upon agreement of the party's, the court may designate one expert or profe -  
20 ssional person to conduct the examination and report on the mental condition  
21 of the Defendant. For purpose of the examination, the court may order the  
22 Defendant committed to a hospital or other suitably secure pullic or private  
23 mental health facility for a period of time necessary to complete the exami -  
24 nation, but not to exceed 15-day's from the time of admission to the facility.

25 If the Defendant is being held in jail or other detention facility, upon  
26 agreement,Court may direct the examination be conducted at the Jail.

1 Title; Competent to Stand Trial Process.

(D)

2 State Error'ed by confining me a month in jail before mental evaluation.

3 State Motion for Competency Hearing of 3-14-08, Judge Wynne presiding.

4 Prosecutor Ms.Blume ask Judge Wynne to revoke the Defendant's Bail and have  
5 him confined in the county jail awaiting a 15-day stay at W/S/H, for a mental  
6 evaluation, "Competency to stand trial;" of which Judge Wynne acknowledged.

7 This confinement into the county jail was not acceptable by the Defendant's  
8 counsel, who had stated that in the past there has been evaluation's taken  
9 place in her own office. Defendant had made arrangment prior to 3-14-08,

10 competency hearing, with a Doctor Shelton at Sedro Woolly Hospital on 4-10-08.

11 Defendant filed Motion for all would be aware that he made this appointment

12 Defendant was out on Bail, had not broken any condition's of release,came

13 to all court hearing,had never been desruptive at any hearing, has no violate

14 criminal history, gave no reason to revoke Defendant's Bail & confined him.

15 The Defendant was in the county jail for one month awaiting a Dr.Gleyzer to

16 come from W/S/H, inorder to take a mental evaluation concerning competency.

17 R.C.W. 10.77.220, Incarceration in corrtional institution or facility

18 prohibited-Exception's; No person confined pursuant to this chapter shall be

19 incarcerated in a state, correctional insyitution or facility; PROVIDED,

20 that nothing here in shall prohibit confinement in a mental health facility

21 located wholly within a correctional institution. Confinement in a county

22 jail or other local facility while awaiting either placement in a treatment

23 program or court hearing pursuant to this chapter for no more then (7-DAYS)

24 (1982 c 112 § 3; 1974 ex.sc 198 § 17; 1973 1st ex.s.c 117 § 22)

25 State Error'ed by confining Defendant for over a month in the county jail

26 awaiting evaluation, In which this time had caused him to be incompetent.

1 Title; Competent to Stand Trial Process.

(E)

2 Involuntary use of Drug's. State error'ed by use of Sell V. U.S. as Rule.

3 The State's use of the Sell Vs. U.S. citation was misleading & misuse'd,

4 Sell Vs. U.S., 156L. Ed .2d 197 (2003)

5 To order involuntary antipsychotic drug's, court must find (1) offense is a

6 serious crime against a person or property, looking at fact's of individual

7 case and whether or not Defendant will be civilly committed, (2) Drug's would

8 be substancially likely to render Defendant competent & side effect's are

9 unlikely to interfere significantly with Defendant's ability to assist counsel

10 (3) less intrusive treatment are unlikely to achieve the same result, and

11 (4) The administration of drug's is in the patient's best medical interest,

12 Riggins Vs. Nevada, 118 L.Ed .2d 479 (1992), Washington Vs. Harper,108 L.Ed

13 .2d 178 (1990), State Vs. Hernandez-Ramirez, 129 wn.App.504(2005); 7.-2.

14  
15 This is the Defendant's response to the State use of the Sell V. U.S., Rule.

16 (1) The shooting was not a serious crime, for it was of self-defense, and

17 all one would have to do to determine that would be to look at the fact's.

18 (2) It was never a certainly that the use of medication's would make the

19 Defendant competent (thus stated by the expert witnesses,Doctor's)

20 (3) By listening to the Defendant's concern's (that of his request to be

21 Pro Se, & his motion's to subpoena missing witness), Thus would of made the

22 Defendant competent in his Counsel, then there would of been no need for any

23 concern what so ever of whether Defendant was compețent or not,or paranoia.

24 (4) The use of drug's did not help the Defendant what so ever, for the

25 Defendant continued to file motion's, proving he was just as paranoia as he

26 had been. Forceing Defendant medication's, is a violation of Due Process.

1 Title; Equal Protection Clause, Suppressing My Voice. (A)  
2 State's indulgence in Malicious Prosecution by denying the Defendant his  
3 right to the Fourteenth Amendment, that prohibit's state's from denying people  
4 equal protection of the law's. Prosecutor Helene Blume suppressing from the  
5 court's the Defendant's right to be heard, in order keep truth from the Jury.  
6 The following page consist of excerpt's that have been taken from the case  
7 transcript's of the competency hearing of 2-14-08 & 10-14-08, these excerpt's  
8 show the unethical Malice behavior Ms. Blume conduct herself toward Defendant.  
9 Ms. Blume continue's her quest to convince the Judge Defendant should'nt be  
10 heard during any of the hearing's either by the Defendant filing Motion's or  
11 by argueing his issue's; Page #26 of the 10-14-08, hearing, Ms. Blume state's  
12 to objecting that Judge Kurtz should invite Defedant to give his imput, His  
13 represented by counsel and she should'nt have to deal with both me and my  
14 attorney, as long as he has counsel, that motion's and argument's be made by  
15 counsel. Page #25 of 10-14-08, hearing; Ms. Blume state's, The Court's have  
16 alaway's rule'd that represented Defendant's can't bring forth their motion's  
17 Page #16, Blume make's the point that she disagree's with Defendant's counsel,  
18 Ms. Armstrong stateing the solution would be to allow Defendant to represent  
19 himself with standby counsel, Ms. Blume state's she would anticipate the same  
20 distrustful conflict between Defendant and standby counsel.  
21 Page #114 Ms. Blume question's Judge Kurtz on whether or not Defendant should  
22 have the right to be like a third attorney in that he be allowed to speak in  
23 defense of himself, then if so Defendant should have to be under oath.  
24 Page #120, Ms. Blume showing I should'nt be able to file any Motion's or be  
25 writing the Judge any more letter's to voice my objection's, Denying my voice.  
26 Clearly Ms. Blume attempt at the Obstrcution of Justice, Denial of Due Proces

1 Title; Material Exculpatory Eyewitness,

(A)

2 The content's of this page relate's to the issue of Material Witness, of  
3 which has been suppressed by the Prosecutor's Abuse of Process.

4 This Material Witness, who happen's to be a nabor of mine, had seen the  
5 alleged victim & I together at the same time the allege crime was to happen.

6 This Eyewitness, had he been given a chance to make a declaration, could  
7 exonerate the Defendant, and confirm the testimony of the Defendant's, of,  
8 which Defendant made in an affidavit filed on 11-3-08, are one and the same.

9 This affidavit state's, "Eyewitness drove by the Defendant's place heading  
10 home, and within second's the Plaintiff now drive's by following eyewitness!"

11 The Defendant making an attempt to turn his tractor around, an order he  
12 could return the tractor back up to his house, now just about had ran into  
13 this eyewitness, thus second's later, Plaintiff just about run's into tractor

14 Had this Eyewitness ever been ginvn the opportunity to testify, then the  
15 state would of seen they had no ground's to Prosecute this indictment.

16 By not allowing the testimony of this Eyewitness, By suppressing this  
17 Eyewitness, had given the Prosecutor's the mean's to solicit perjured, false  
18 testimony, Prosecutor's where fully aware of this exculpatory eyewitness.

19 The Plaintiff had testified that the Defendant had been standing in the  
20 road, picking up gun shell caseing's ( in order to convince the Jury) that (1)  
21 the Defendant was trying to cover up the crime scen,& (2) that the Defendant  
22 had shot at the Plaintiff numerous time's, Trying to make Defendant look evil

23 This Eyewitness is of Material value, though this eyewitness did not see to  
24 just what took place there at the scen, nor was he around at the time of the  
25 incident, though what this eyewitness would of seen was the fact that the  
26 Defendant was not standing in road with shell casing, But on his tractor.



1 Title; Material Exculpatory Eyewitness.

(C)

2 This page contain's quote's & statement's taken from case transcript's, in  
3 reference to the numerous time's the Defendant made attempt's to bring to the  
4 attention the fact that there is this material witness and nothing is being  
5 done by either my attorney's, prosecutor or that of the Judge, for disclosure

6 Defendant has on numerous time's accused the Prosecutor's to have deliberate  
7 suppressed this Material witness, statement's he has made in open court.

8 On page #18 from 10-14-08, hearing, the Defendant made statement in open  
9 court that the Prosecution deliberately removed this eyewitness from the case  
10 discovery, Yet not so much as a remark coming from Ms.Blume, to rebuke this.

11 Defendant filed Affidavit on 10-23-08, "Statement to the Charge of Assault;"

12 In this Affidavit the Defendant goes into detail of just who this eyewitness  
13 is and just what he could of saw, Yet still no one care's to question such.

14 Defendant file's on 11-3-08, a letter to presiding Judge Kurtz,(page 3 of 5)  
15 defendant goes into detail of just what this eyewitness should of seen.

16 Yet again accusing the State of deliberate removeal of this eyewitness.

17 Page #1 of #5, of this letter, I'am stating my counsel need's to find this  
18 eyewitness, still nothing. I filed Motion on 11-5-08, Motion for Mistrial,

19 on the ground's, Prosecutor has suppressed exculpatory material witness.

20 Filed on 10-22-08, Letter to Judge Kurtz, stating this eyewitness is a nabor  
21 his statement could prove Plaintiff story is a lie, I saw eyewitness myself.

22 Filed on 11-3-08, Motion to have eyewitness statement stricken from the State

23 Another letter to Judge Kurtz, requesting this material witness be located.

24 Dated 10-16-08, Page #6 in transcript's, refering to myself in court stating

25 that this eyewitness is missing. P.g. #18,Myself stating State has removed

26 eyewitness.Missing witness, allowed Solicition of Perjured Testimony.

1 Title; Compulsory Process.

(A)

2 State has denied the Defendant his Constitutional Right to the Compulsory  
3 Process. In the present time of this statement the Defendant has hired a  
4 Private Investigator to seek out and interview this material witness.

5 Prosecutor's code of Professional Responsibility is to ensure the Defendant  
6 receive's a fair trial, by such mean's as the Compulsory Process; Subpoena.

7 The Defendant requested several time's through filed letter's & Motion's,  
8 the subpoena and locating this material exculpatory eyewitness; to no avail.

9 Had the Defendant's right't to subpoena eyewitness been granted, then the  
10 Jury may have had a chance to hear the fact's, and the truth exonerate him.

11 Plaintiff credibility as a witness was therefore an important issue to the  
12 case and evidence of any understanding or agreement as to a future prosecution  
13 would be revelant to his credibility and the Jury was entitled to know.

14 On the theory that depriving a Defendant of accuess to evidence that might  
15 establish his innocence, is just as a suppression as if the evidence existed  
16 and the Prosecution withheld it., Suppression from the Jury material witness.

17 This material witness is a nabor of mine, Mostlikely a firend of Plaintiff,  
18 The court's have the power to have this witness arrested and confind, shall  
19 this witness not cooperate, Judge error in not see that witness was subponia.

20 Court's may also require Prosecutor to provide defense with other assistanse  
21 or aid in locating informant's who might provide favorable evidence to them.

22 Prosecutor is forbidden to obstruct the legitmate effort's of a Defendant  
23 to obtain exculpatory evidence. Prosecutor's duty extend's well beyond his  
24 actual knowledge, As in Agur case make's clear; Prosecutor is requied not only  
25 to disclose of information he know's, but also that information he should of.

26 State not looking into request for material witness; Obstrution of Justice.

1 Title; Plaintiff Perjured Testimony.

(A)

2 The Plaintiff state;s he drove down to the Defendant's residence to just talk  
3 to him, ask him why it is the Defendant's mad all the time, (this isn't true)  
4 Though he & I have never met prior to this incident, I had no idea who he was  
5 yet the Plaintiff knew just who it is that I was to him. He knew me well.  
6 He say's he parked his truck just past the Defendant's driveway, of which  
7 extend's 300 feet from house to main drive, state's he stood there waiting for  
8 the Defendant to drive his tractor out to met him standing there, an unknown.  
9 ( what ever made him think that I would drive my tractor all the way down to  
10 the end of my driveway some 300 feet to talk to some complete stranger, since  
11 just the day before I had a problem with the guy's brother, what now I'am to  
12 go out of my way to confront someone else that's standing down there, no way.)  
13 Plaintiff state's that I drove my tractor out past my gate'd entrance, stoped  
14 within 20feet of him, got off my tractor,yet no word's had been spoken between  
15 us,no confrontation what so ever, no idea who he is what so ever,we never met.  
16 Plaintiff believe's he saw the Defendant start to pull a gun out of his  
17 pockit, state's that he then put his hand's up, & surcasticlly state'd to the  
18 Defendant,"You don't need a gun" or "You don't need to shoot", then state's  
19 that the Defendant shot him from between ten or three feet away, state's he  
20 had the gun pointed at my face, now Plaintiff state's,"after I got my last  
21 word's out, he shot" He did'nt say a word to me, I turn around & ran, say's  
22 I was still firing as he was turned away, think's I must of shot him again  
23 because of a graze under his chin, ( how did a bullit hit him under the chin  
24 if he was turned away),State's he got a good burn mark under his chin.  
25 Wonder, when would he had notice this burn mark, as he is laying there in  
26 his truck dying, or day's later at the hospital, laying in his gurney.

1 Title; Plaintiff Perjured Testimony.

(B)

2 Well the thing to do would be to ask his Doctor all about this burn mark.

3 Plaintiff state's that when he got home from the Hospital, that his family  
4 had found the shirt he was waring the day of the shooting, and held on to it.

5 (This shirt of which had been laying around for a complete month, had been  
6 cut off the Plaintiff, as he state's, had been soaked in blood, now is laying  
7 around decaying, latterly a bio-hazard. Yet this family for some unknown  
8 reason keep's this mass of heap sick mess for the Plaintiff when he arrive's.)

9 Now the Plaintiff state's that this heap of sick decaying bio-hazard mess,  
10 he is capable to determine that from a couple of hole's in this shirt, that  
11 the Defendant must of shot at him a couple of more time's; Inconceivable.

12 The Plaintiff now is trying to convince the Jury that the Defendant is so  
13 evil, that he would shot the Plaintiff in the back as he's running away.

14 Plaintiff get's this notion from a couple hole's he found in this cut up  
15 mass of decaying bio-hazard sick mess of the so call shirt he had been waring

16 Wonder where this mass of decaying bio-hazard sick mess had been the past  
17 month, maybe kept in the freezer, just laying on the ground, what on the porch

18 Now this Plaintiff, with his genius ability, beyond that of the Snohomish  
19 County Detective's, with this genius ability he could determine for the Jury

20 that the Defendant must of shot at him a few more time's, cause of these hole's

21 Yet these high ranking Detective's, 5 of them having a whole month to find  
22 this mass of decaying bio-hazard sick mess of a cut up rag, some how missed it

23 Then the Plaintiff state's that after his family held on to bio-hazard mess  
24 for a month, though never giving the Detective's a chance to see it, out of

25 stupidity, "got rid of it", Though try's to convince the Jury that the Defendant

26 is so evil that he would shot him in the back as he turn's to run away.

1     Title; Judge & Court's Error's. (A)

2     Defendant is under the belief that there has been an error by the Court's

3     so sufficiency that it constitute's that of a Miscarriage of Justice.

4     Error's made by Trial Judge Krese, Thorpe, Wynne, & Kurtz.

5     From the day of his arrignment, the Defendant had sought on acting Pro Se.

6     The Defendant assured himself in the belief that acting as Pro Se, would be

7     his only chance to exonerate himself. Though from the day of arrignment the

8     court Judge's trye'd to convince the Defendant that representing one's self

9     was not a good idea. Throughout the whole time this case (of a year & half),

10    has dragged on the Defendant had insisted that he needed to act Pro Se.

11    At the arrignment Judge Krese had insisted that I not act Pro Se, & assigned

12    the Defendant the Counsel of Public Defender Rob O'Neal, to the objection's

13    of the Defendant, the Defendant insisting that he was still acting as Pro Se.

14    Defendant hadn't been aware that with the title of being that of Pro Se,

15    come's with it by Law, Standby Counsel, in accordance to Law Standard 6-3.7.

16    Hence this Law been enforced then all involved could of been assured that

17    the process of trial court proceeding could have gone accourdly & smoothly.

18    And the Defendant's need to act Pro Se, would been backup by that of Counsel.

19    Defendant had dismissed that of O'Neal, & replaced him by the hired attorney

20    David Gehrke, of which had lasted about a month, & then Defendant fired that

21    of Mr.Gehrke, and gone back to his belief that he needed to be acting Pro Se.

22    This had all transpired by 1-24-08, 71-day's into the case. On this date the

23    Judge Thorpe, agreed with the Defendant & assign him acting that of Pro Se.

24    (though errore'd by not assigning the Defendant assistance of "Standby").

25    Come the date of Feb-7-08, Judge Wynne talked the Defendant out of being

26    Pro Se, of which he had been acting as, and assigned him full time Counsel.

1 Title; Judge & Court's Error's.

(B)

2 The Hearing of Feb-14-08 in front of Judge Wynne, the Defendant and his  
3 newly court appointed counsel Kelli Armstrong-Smith, assured the Judge that  
4 the Defendant was still acting as Pro Se, and Ms.Armstrong was that of  
5 standby.Judge Wynne would not agree me & my counsel's demand's that I was  
6 acting as Pro Se, & and as Ms.Armstrong stated, she was acting as "standby".

7 Now Judge Wynne state's that untill he hear's motion otherwise, that Counsel  
8 would be that of Ms.Armstrong.So I file'd Motion's dismissing Mr.Armstrong,  
9 as well motion's to proceed as acting Pro Se, as requested by Judge Wynne.

10 Come the Hearing of 3-14-08, Counsel had withdrawn, & Defendant confined.

11 For the next 8-month's Defendant continued to file motion's & letter's to  
12 Judge requesting that he be able to represent himself,to no respond,s.

13 On 10-14-08, hearing in front of Judge Kurtz,(P.g.25) Judge state's that he  
14 think's we are going to have what sound's like a full-blown hearing concerning  
15 a number of these issue's & they are related, state's, so I think I will wait  
16 and hear from the Defendant at that time. Though this hearing did'nt happen.

17 Come 10-23-08, I state'd in open court that the state had removed eyewitness  
18 and again I state'd this in open court on 10-27-08,that witness been removed.

19 P.g.#42 of 10-14-08, transcript's, Judge Kurtz recognizes my motion's, as  
20 well indicate's so does the Prosecutor, though nothing is ever done about them  
21 10-31-08, file'd letter to Judge Kurtz, that I was acting Pro Se, with that  
22 of co,counsel, & if I put my life in the hand's of these freak's , my life  
23 would be over. Nov-12-08, P.g. 35, Judge Kurtz state's that there are a number  
24 of issue's that Mr.Hohf has file'd & they need to be addressed; Never does.

25 P.g.#18, of 10-14-08, hearing, I'am stateing in open court that there is an  
26 eyewitness issue, though yet still nothing is done, Miscarriage of Justice.

1 Title; Judge & Court's Error's.

(C)

2 Judge Kurtz error'ed by stating Defendant has no right to appeal competency  
3 hearing decision the Judge made on 10-14-08. Judge Kurtz stating that the  
4 competency hearing is of a preliminary hearing. Yet from this hearing of  
5 10-14-08, Judge Kurtz make's the final decision whether or not the Defendant  
6 is competent, in which Judge Kurtz state's, He find's the Defendant to be  
7 incompetent. Judge Kurtz refering to this competency hearing as being of  
8 preliminary discision, thus allowing the Rule's of evidence to "Not Apply".

9 This hearing of 10-14-08, was to determine whether or not Defendant is com-  
10 petent or not, this hearing was not to determine whether or not to send the  
11 Defendant to W/S/H, in order the Doctor's ther could make that determination.

12 ( preliminary; is something that precede's or introduce's the main business)

13 Only after Judge Kurtz found Defendant to be incompetent, then did the Judge  
14 order Defendant to a 90-day stay at W/S/H, and then be force'd mediation's on  
15 him for competency restoration. In determining the Defendant incompetence,

16 Judge Kurtz use's Defendant's own pleading's, (His file'd letter's & motion's)

17 as the Judge's main mean's of evidence to prove Defenant to be incompetent,

18 ( considering them Supplemental ). The Judge state's that the Rule's of

19 Evidence does not apply in quote , preliminary determination,s, thus state's

20 also that the Defendant has no right to appeal this preliminary discision.

21 R.C.W. Rule 10.77.230 Appellate Review. Either party may seek Appellate

22 Review of the Judgement of any hearing held pursuant to the provision's of

23 this Chapter, (1988 c 202 § 16; 1974 ex. s.c 198 § 18; 1973 1st. ex. s.c.

24 117 § 23), Had this been of a preliminary hearing, then the determination into

25 whether or not the Defendant was competent could only be considered that of

26 preliminary evidence, thus not enough to justify the legal action in question

1 Title; Judge & Court's Error's.

(D)

2 Judge Wynne errored on Feb-14-08, by not allowing Defendant to represent  
3 himself as acting Pro Se counsel with the assistance of Ms. Armstrong, as being  
4 of standby counsel for the Defendant, of which both Defendant & counsel had  
5 agreed upon, and as well requested at this hearing of Feb-14-08.

6 Defendant had been acting as Pro Se self-representation at the hearing of  
7 Feb-7-08, and at this hearing the Defendant presumed to be of the need of  
8 some assistance of counsel, in determining some legal determination's, thus  
9 had the Defendant been assigned the assistance of standby, of which he was  
10 legally entitled too, then the Defendant would of continued acting as Pro Se.  
11 Defendant had assured the Court, of his belief that the only way he was going  
12 to receive a fair trial, was through the means of self-representation, Pro Se.

13 Though as well it was very apparent that the Defendant had not the ability  
14 to be of a functioning legal attorney, the need of assistant counsel; obvious

15 At that hearing of Feb-7-08, Judge Wynne became aware of the fact that the  
16 Defendant was struggling with the idea of being Pro Se, & that of the need  
17 of counsel, Defendant already having been taken for \$15,000, by a lawyer  
18 whose last words to him was, "prison awaits you", Had no trust of any lawyer.

19 Defendant had no doubt that what he wanted was to represent himself, Pro Se.

20 State set motion for hearing on Feb-7-08, "Reconsider Defendant acting Pro Se  
21 in which Judge Wynne ruled to "reserved order", and set to revisit this motion  
22 on Feb-14-08, as well now Judge Wynne assigned Defendant full-time counsel of  
23 a Kelli Armstrong. Come Feb-14-08, Defendant as well as his newly appointed  
24 counsel is requesting Judge Wynne, that Defendant continue acting as Pro Se,  
25 with Ms. Armstrong as standby counsel. Judge Wynne denied this request, stating  
26 He would only hear this on new Motion, By Law he should of assigned Standby.

1 Title; Dangerous Behavior.

(A)

2 These page's show the Malicious Prosecution attempt taken by Ms.Blume to  
3 try to convince the trial court Judge that the Defendant is dangerous.

4 These page's compile excerpt's taken from transcript's of competency hearing  
5 of 2-14-08 & 10-14-08,Where as Ms.Blume continue's to lie & add faleshood's.  
6 Defendant will be able to combat these with contrdiction's of his own.

7 Page #118 Ms.Blume state's that my behavior accurately describe's me as of  
8 "Stalking" type behavior, All because I had gone up to Mt.Vernon in Skagit  
9 County to see for myselfwhether or not my court appointed counsel really was  
10 from where it is she state'd she came from, Of which she is not from there.

11 So because I had gone to seek out my assign counsel credential's, and found  
12 she to be an impostor and complained to Judge Wynne about this fact 2-14-08,  
13 thus brand's me a "Stalker"(My advise would be to check counsel's credential)

14 Ms.Blume took this quote "Stalker" From her expert witness, a Dr.Gleyzer's  
15 evaluation report from 4-18-08,Which my own counsel Armstrong described me as

16 Ms.Blume thought to take advantage of this "Stalker" quote inorder to once  
17 again deceive the court in her Malice plan to make me look like I'am dangerous

18 Page #116 Blume state's that everytime I came to court, the court had to  
19 have exter security,odd, for I never even had a none argument with any gaurd

20 Throughout my two & half year's of confinement, ther's is no sign what so  
21 ever that I have any behavioral problem's,Ms.Blume continue's to lie,Bad Faith

22 Ms.Blume state's,that the attorney I hired, Mr.Gehrke,did'nt come to the  
23 court without a bodyguard. Though the truth is that who he had brought along

24 with him was an investigator,that he wanted me to hire,I had nothing of Gehrke

25 Page #116 she say's that I would of been threaten Mr.Gehrke at his office,

26 Never been to his office, which Mr.Gehrke has stated in open court.

1 Title; Dangerous Behavior.

(B)

2 This another page showing Prosecutor Ms. Blume's abuse of Malice Bad Faith,  
3 in her attempt to convince the Judge Kurtz that the Defendant is dangerous.

4 Though Ms. Blume offer's no evidentiary fact supporting to such allegation.

5 Yet the Defendant continue's to be able to contradict to Blume's abuse.

6 Page #16 & #17, of 10-14-08, hearing, Ms. Blume state's that everytime she  
7 tried to get anything accomplished at the hearing's, that the Defendant was  
8 so disruptive & tangential, that she was'nt able to get anything done.

9 ( THE DEFENDANT HAS NEVER BEEN DISRUPTIVE WHAT SO EVER: "ANYWHERE".)

10 Throughout all these transcript's there is no sign what so ever that the  
11 Defendant has shown any sort of disruptive behavior problem's, in court at all.

12 Ms. Blume state's, during the competency hearing of 2-14-08, Judge Wynne saw  
13 that Defendant was so disruptive, in 3-14-08, when she did a Motion for a 15  
14 day stay at W/S/H, for an mental evaluation, and have the Defendant put back  
15 into custody, that Judge Wynne had immediately agreed; Blume's Malice Deceit.

16 Ms. Blume took advantage of the fact my counsel entered a Motion to withdraw  
17 the very same day Ms. Blume seek to revoke my Bail, & have me confined for this  
18 15-day stay at W/S/H, for mental evaluation, of which took place at the  
19 county jail a month later on 4-18-08, (illegally); For I had been out on bail.

20 So Ms. Blume see my counsel withdraw's, and take's advantage of the situation.

21 Judge Wynne did'nt immediately agree, He saw no other reasoning.

22 As well tried to raise my Bail to a million, though Judge Wynne said he  
23 would not do so, and stated he would keep Bail at the set amount, Yet somehow  
24 after I was put into custody and taken away, only after being in jail did I  
25 find out bail was now set at a million dollars. At Jan-17, hearing Blume tried  
26 to have a bench order for my arrest, cause I was 23 minute's late for hearing.

1 Title; Pretrial Release. (A)  
2 State Error; By having Defendant taken into custody & raising Bail amount.  
3 Prosecutor Ms.Blume violated her Breach of Duty in her Abuse of the compet-  
4 ent to stand trial process.Ms.Blume unethical behavior in convincing Judge  
5 Wynne on March-14-08, to revoke the Defendant's Bail, raise Bail to One  
6 Million Dollar's, & take Defendant back into custody for mental evaluation.  
7 Ms.Blume stating Defendant is incompetent to stand trial.  
8 Defendant was out of custody on posted Bail Bond, he had not violated any of  
9 the condition's of release, he **not** broken any state law's,Defendant had a  
10 legal place to reside. Defendant would check in each week with his Bail Bonds  
11 person, a Gail Brandon,who happen's to be the President of the Bondsman Asso-  
12 ciation, Defendant has never shown to be of any danger to the community, all  
13 evidence in the case show's Defendant act'ed in self-defense, never has the  
14 Defendant shown to be disruptive during any of the court hearing's, as all  
15 this can be substantiated by any & all the Court Transcript's.  
16 Defendant had already made an appointment for mental evaluation with a Doc-  
17 tor Shelton of Hospital Drive Complex in Sedro Woolley, to take place on  
18 April-10-08. Defendant file'd motion on March-7-08, for Continuance, Stating  
19 trial should be set for a future date, for the need of this mental evaluation  
20 American Bar Association Standard Rule 7-4.3 Pretrial Release of a Defendant  
21 Pending Competence Examination. (A) A Defendant otherwise entitled to pre-  
22 trial release should not be involuntarily confined or taken into custody  
23 solely because the issue of the Defendant's competence to stand trial arise's  
24 and an evaluation has been ordered, unless confinement is necessary for any  
25 personal examination that maybe necessary for the evaluation process.  
26 The Kangaroo Court & State's contempt, enhanced Defendant's incompetence.

1 Title; Solicited Perjured Testimony.

(A)

2 Prosecutor Ms.Blume's deliberate attempt at Prosecutorial Misconduct, is  
3 more apparent here then at any time throughout all these proceeding.

4 For the Defendant had made numerous attempt's to bring forth the fact that  
5 there was of a material exculpatory eyewitness, who could contradict Prose-  
6 cutor's key witness testimony. Defendant had file'd motion's & lette's  
7 numerous time's, stating there is this material witness & nothing is being  
8 done about it. Defendant now has even hired his own private investigator,  
9 who has located & interviewed this eyewitness, though this material witness  
10 has stated that he had'nt seen anything that took place that day, could just  
11 be that this eyewitness just does'nt realize just what it is that he had seen

12 This eyewitness statement to the truth of just what it is that I know he had  
13 to of seen, could & should, parallel to that of which Defendant stated to in  
14 Defendant's 10-23-08, file'd affidavit,"Statement to the Charge of Assault".

15 Ms.Blume was fully aware of Defendant's file'd affidavit, for during the  
16 trial Ms.Blume state'd that the Defendant had written it well.

17 Ms.Blume the Prosecutor in this crimial case shall under Rule 3.8, Special  
18 Responsibilities of a Prosecutor; (d) make timely disclosure to the defense  
19 of all evidence or information known to the Prosecutor that tend' to negate  
20 the guilt of the accused or mitigate's the offense; She knew of this witness.

21 Mooney Vs. Holohan; & Tassin Vs. Cain; ( or even though not soliciting  
22 false testimony, allow's it to go uncorrected, Failure to "investigate"  
23 apparently false testimony also violates Due Process).What constitutes  
24 perjured testimony to require corrective intervention by a Prosecutor; A  
25 witness testimony that can be contradicted by some other witness.

26 State's case is Plaintiff's testimony, this eyewitness dissolve's their case

1 Title; Solicit Perjured Testimony.

(A)

2 State's Error; allowing Defendant to stand trial on an indictment which she  
3 know's is base'd on prejured testimony. A Prosecutor's failure to investigate  
4 apparently false testimony, also violate's one's Due Process. Rule 3.8 Non-  
5 disclosure of favorable evidence, perjured testimony;Hence Due Process is  
6 violated when a Prosecutor permit's a Defendant to stand trial on a indictment  
7 which Prosecutor know's is base'd on perjured material testimony.

8 The Prosecutor concealling the knowledge from the jury, that of anything  
9 this eyewitness may contribute, is suppression of materiality from this case.

10 Prosecutor's by contrast do not have the luxury of hindsight in making such  
11 judgement's as to material of certain evidence; Thus, if a Prosecutor is  
12 uncertain whether false testimony would be found by a reviewing court, to be  
13 important as to require reversal of conviction, then the Prosecutor probably  
14 should resolve his doubt's in favor of disclosure, (investigate of perjury).

15 The Supreme Court established for the first time the principle that a Prose-  
16 cutor deliberate use of perjured testimony to obtain a conviction violate's  
17 one's Due Process and denies Defendant a fair trial.(Constitutional Right).

18 The Court wrote, deliberate deception of the Court & Jury by the presentation  
19 of testimony known to be perjured is inconsistent with the rudimentary demand  
20 of justice. Pyle Vs.Kansas & Alcorta Vs. Texas; Court broadened this principl  
21 to include as, "Prosecutorial Misconduct", Court's look to whether depriving  
22 the defense of the knowledge of such impeaching evidence could have affected  
23 the jury's perception of the witness's credibility. When a witness's credibili-  
24 lity is critical and has not other wise been significantly impaired.

25 A factor is the importance of the false testimony when viewed against the  
26 full back drop of the government's case.Attempted Solicit Perjured Testimony.

1 Title; Returned to Pretrial Release Status. (A)

2 State Error, by not returning Defendant to the status of release on posted  
3 bail bond, of which Defendant's status was prior to be taken back into cust-  
4 ody for competency exaimation. A.B.A. Standard Rule 7-4.3

5 On March-14-08, A competent to stand trial hearing took place with Judge  
6 Wynne presiding, Judge Wynne took the State's position and agreed and had the  
7 Defendant taken back into custody & put into the county jail, with the under-  
8 standing & court order to have the State then send the Defendant to W/S/H,

9 for a 15-day stay for mental evaluation, ( Defendant was to be evaluated, not  
10 examined ),The Defendant had not broken ANY of his condition's of his release  
11 R.C.W. Law's state that a mental evaluation must be conducted at a Hospital,

12 or at the least restrictive setting,for no more than a 15-day stay & it's  
13 either A.B.A Standard Rule OR R.C.W. Law, that state's that the Defendant  
14 must only be kept for no more then 7-day's, awaiting this evaluation (in Jail)

15 ( I believe keeping the accused any longer, may cause one's incompetency ).  
16 A.B.A Standard Rule 7-4.3; Immediately upon completion of the examination  
17 the Defendant should be returned to pretrial release status;Yet to be released

18 During this hearing on March-14-08, Judge Wynne stated that he would not  
19 raise the Defendant's Bail, though only after the Defendant was taken back  
20 into custody did the Defendant find out that his Bail had been raised too

21 One Million Dollors.R.C.W. Law 10.77.060, state's that if the Defendant is  
22 being held in Jail, only upon agreement of the party's, can the Court direct  
23 that the mental examination be conducted in the Jail. Never did the Defendant  
24 Counsel ever agree to this, for defense Counsel quote's; that in the past

25 these evaluation's have been conducted in her office. Defendant was in Jail  
26 for over a month before Dr.Gleyzer from W/S/H. came to examine the Defendant.

1 Title; Re-enter of Plea. (A)  
2 Plea; Defendant was found incompetent to stand trial, And all statement's  
3 that the Defendant made prior to being found competent, thus where to be void.  
4 Which by A.B.A Standard Law 7-4.12; Defense motion's proceeding while  
5 Defendant remains incompetent. Would mean Defendant's plea would be void.  
6 Court's and W/S/H, Doctor's did not find Defendant to be competent, unless  
7 Defendant was taking Psychotic medication's. After the Defendant was found  
8 to be competent, then the Court's should of had the Defendant enter new Plea.  
9 By this Error the Defendant could come back at a later date and state that  
10 now he believe at the time of the crime, he believe's it's temporary insanity  
11 Thus should of had the option of a N.G.I. Plea. The Stand Law 7-4.12;  
12 rejects a premise that no proceedings of any kind can take place during a  
13 time of mental incompetence, whether or not a Defendant could benefit from  
14 the early completion. Although that may have been the operative premise in  
15 common law criminal procedure. From the mid-seventeenth century, the common law  
16 rule was that criminal Defendant's could not be required to plead to an  
17 indictment or stand trial if they were mentally disordered enough enabling to  
18 develop a "rational" defense. Slovenko, The Developing Law on Competency to  
19 Stand Trial, 5 J. Psychiatry & L. 165, 166 (1977).  
20 The Defendant should had the right to explore other obtion's involing plea's  
21 available to him, though never had the mention of other Plea's been a obtion.  
22 Dueing the Defendant's arraignment, the Prosecutor himself states he believe  
23 the Defendant had some mental issue's. Though the Defendant himself will always  
24 stand by his belief that he was competent throughout the whole proceeding,  
25 The Court's must be assured that indeed the Defendant was making the rational  
26 choice, Or that Defendant could not use this incompetency as mean's of abuse.

1 Title; Bail. (A)

2 Court's Error by revoking Defendant's Bail, Without Defendant being present.

3 Due Process of Law require's that an opporunity to be heard be provided the  
4 non-moving party before the amount of a bail bond can be adjusted, (4).

5 (4), Before the Court may enter an order revoking release or forfeiting bail  
6 the court must hold a hearing. Release maybe revoked only if the violation  
7 is shown by clear and convincing evidence, (5).

8 (4), State Vs. Holland, 7 Wn. App. 676, 501 P.2d 1243 (1972).

9 (5), State Vs. Trickel, 16 Wn. App. 18, 553 P.2d 139 (1976),

10 (A Defendant bail maybe revoked and confinement ordered during trial, even  
11 without a hearing, under the inherent discretionary power of the Court, to  
12 control it's own proceeding,(Defendant was not present,when Bail was revoked)

13 On March-14-08,A hearing concerning Defendant's competency was being heard,  
14 with Judge Wynne presiding.Prosecutor Ms.Blume motion the court to have the  
15 Defendant taken back into custody, (Defendant was out on posted Bail Bond),  
16 to have Defendant confined into the county jail inorder an mental evaluation  
17 take place, (which took place in a jail setting),This evaluation end up being  
18 ordered for a 15-day stay at W/S/H,"Competency to Stand Trial",evaluation.

19 The State request the court revoke the Defendant's Bail,& confine him.

20 Defendant had not violated any of his condition's of his release.

21 Judge Wynne agreed with the Prosecutor, and had the Defendant taken into  
22 custody, though against the protest of the Defendant's Counsel.

23 Though one thing Judge Wynne did not agree upon with the Prosecutor, was to  
24 raise the amount of Bail the Prosecutor was seeking,(asking for #1 Million)

25 Judge Wynne stated he would keep Bail amount where it had been set, Yet only  
26 after Defendant had been confine,had Defendant's Bail amount been raised.

1 Title; Citation's

(A)

2 Defendant's right to act Pro Se.

3 WASH.App, 1979. No per se rule exist's to prohibit a Defendant from constitu-  
4 tionally waiving his prior asserted right to counsel.State Vs. Pierce,597 P.2d  
5 1383, 23 wash app. 664, cause remanded 618 P.2d 62 94 wash 2d 345.

6 A Defendant has a constitutional right to waive his right to counsel, State  
7 Vs. Pierce, P.2d 1383, 23, wash, app. 644 cause remanded. 618 P.2d 62, 94  
8 wash, 2d 345

9 Defendant's right to Pro Se defense cannot be abridged by court, U.S.C.A.  
10 Const. Amend. 6 west's RCWA Const. Art. 1 & 22 as amended by amend 10 State  
11 Vs. Hoff, 644 P.2d 763, 31 wash. app. 809 review denied, certiorari dismissed  
12 103 S.ct 583, 459 U.S. 1093, 74 L.Ed .2d 942

13 WASH. 1967, Defendant's right to insist on defending himself, and on the  
14 necessity of his having trust & confidence in his counsel when aserted during  
15 trial must be balanced with desirability of having orderly proceeding, State  
16 Vs. Bullock, 431 P.2d 195, 71 wash .2d 886

17 State Vs. Vermillon, 66 wn. App. 332, 832 P.2d 95 (1992)(the right to pro-  
18 ceed Pro Se and the right to assistance of counsel are mutually exclusive)  
19 State Vs. Vermillon, 112 wn. App. 844, 51 P.3d 188 (2002)  
20 (repeated request's to proceed Pro Se improperly denied;)

21 That Defendant lacked necessary skill and Judgement O secure himself a fair  
22 trial were untenable ground's

1 Title; Citation's (B)

2 Pro SE or Competency

3 State Vs. Ortiz, 104 Wn .2d 479 (1985)

4 An ability to choose among alternative defenses is not a test for competency  
5 to stand trial, distinguishing, State Vs. Jone's, 99 Wn .2d 735 (1983); Accord  
6 State Vs. Hahn, 106 Wn .2d 885, 893-4 (1986) State Vs. Minnix, 63 Wn. App.494  
7 (1991), State Vs. Benn, 120 Wn .2d 631, 662 (1993)

8 Competency.

9 Riggins Vs. Nevada, 118 L .Ed .2d 479 (1992); Involuntary antipsychotic drugs  
10 maybe administered to a pretrial detainee only where court find's that med's  
11 was medically appropriate &, considering less intrusive alternatives,  
12 essential for Defendant's own saftety or the safety of other's, Washington  
13 Vs. Harper, 108 L .Ed .2d 178 (1990), Sell Vs. U.S., 156 L .Ed .2d 197 2003;  
14 State maybe able to justify medically appropriate involuntarry treatment by  
15 establishing that it could not obtain an adjudication of Defendant's quilt or  
16 innocence by less intrusive mean's (dicta) See State Vs. Hernandez-Ramirez,  
17 129 Wn. App. 504 (2005); 7-2

18 Missing Witness- State Vs. Dickamore, 22 Wn. App. 851 (1979), To get a  
19 missing witness instruction testimony of uncalled witness must be important  
20 and necessary, not merely, trivial or cumulative;III

21 Missing Witness- State Vs. Mark, 34 Wn. App. 349 (1983); Missing witness  
22 instruction should not be given unless defense establishes circumstances  
23 creating a reasonable probability that State failed to call the witness  
24 because his testimony would have damaged the State's case Wright Vs. Safeway-  
25 Store's; 7 Wn .2d 341 (1941), State Vs. Davis, 73 Wn .2d 271 (1968); II

26

1 Title; Conclusion.

(A)

2 The State's Prosecutor, Ms.Blume sought, contrived & achieved this tainted  
3 conviction through the vendictive mean's of Prosecutorial Misconduct.

4 There is no reasonable explanation to bring forth this indictment, for all  
5 evidence in this case clearly indicates,Defendant acted in self-defense.

6 State's Primary piece of evidence is the Plaintiff himself, of whom the  
7 State use's as their key witness,& his testimony as the substantial evidence.

8 State offer's no other evidence as mean's of corroborating evidence.

9 All other evidence presented, is strickly use'd as immflamitory purpose's.

10 Plaintiff testimony is completely inconcievable, and one cannot imagine it's  
11 possiable there could be another case on the State's books that could compare

12 For anyone to have attempted such an assault, they would have to have a  
13 showing of some very serious mental illness, Doctor's examination of Defend-  
14 ant clearly show's there is no sign of any serious mental illness.

15 Defendant had been established at the same residence for 28 year's and shows  
16 there is no real history of any criminal or dangerous behavior.

17 Throughout Ms.Blume's Prosecution there is this showing of negligent Breach  
18 of duty, a Malice disregard to such risk, with such conscious indifference

19 to the consequence,it's as if she has a desire for such Intrinsic Fraudulent,  
20 Malicious Prosecution. For Ms.Blume's deliberate act of the suppression from

21 the Jury, of such vital Indispensable evidence as this Investigation into  
22 this alleged sexual assault, of which the Plaintiff's own family has initiate

23 thus of which give's Plaintiff enough reasoning to hate & attack the Defendant

24 The Lead Detictive in the case, sat at the Prosecutor's bench throughout the  
25 whole trial, though never does he offer the fact's to the Jury that there has

26 been other's who have attacked & assaulted the Defendant; His revengeful act.

1 Title; Conclusion.

(B)

2 State Prosecutor, Ms. Blume achieved this tainted conviction by keeping her  
3 focus on being able to suppress Defendant from presenting his case issues.

4 Defendant had made an attempt to assert his right of self-representation,  
5 acting as Pro Se, from the day of his arraignment, though he was denied so.

6 State Prosecutor, Mr. Bridge, only after seeing Defendant wanted to act Pro Se,  
7 in his Bad Faith attempt to then try to convince the Judge that the Defendant  
8 has some mental issues enabling him to act as Pro Se, this is an Abuse of  
9 process in an attempt to misuse of the Incompetence Process, as a mechanism  
10 to remove from society Defendant's against whom state has a weak case.

11 Defendant's own counsel stated on Feb-14-08, & then on Oct-14-08, that what  
12 the Defendant needed was to act as Pro Se, with her as standby counsel.

13 Had Judge Wynne appointed Defendant assistant counsel on Feb-7-08, hearing,  
14 in accordance to Standard Law 6-3.7, Standby Counsel, this would have assured the  
15 court that Defendant was competent in his belief, that his getting Fair Trial

16 Ms. Blume continues her Malicious Prosecution, as she rebukes Defendant's  
17 counsel recommendation, in that the answer would be to allow the Defendant to  
18 act as Pro Se, with her as Standby counsel. Thus acting as Pro Se, would have

19 allowed the Defendant to see that this missing witness be brought forth, whose  
20 statement is now tainted. Prosecutor's constitutional obligation is to assist  
21 Defendant in locating any exculpatory material witness. With the suppression  
22 of this eyewitness, this allowed the Solicitation of Perjured Testimony.

23 Throughout the whole case transcript's, Ms. Blume Malicious Prosecution is  
24 clearly viewed in her attempt to deny the Defendant to the Equal Protection  
25 clause & compulsory Process, as well her Malice deceit in trying to convince  
26 the Judge that the Defendant behavior is Dangerous, (though offer's no proof).

1 Title; Conclusion.

(C)

2 With the belief that the Defendant is guilty of this elegend sexual assault,  
3 of which such allegation's been initiate by the same family as the Plaintiff  
4 in this case, then no one was going to see that the Defendant would recieve  
5 any sort of a fair trial, for in doing so would mean that the Plaintiff, who  
6 has a wife & kid's to depend on him, would most likely end up in Jail,himself

7 Anyone who care'd could have shown that Plaintiff testimony was completely  
8 inconcievable, and of pure perjury. Defendant's own counsel did next to  
9 nothing , in his attempt too cross-examine the Plaintiff,to find any truth's.

10 Throughout the whole case procedure, there is next to nothing done favoring  
11 the Defendant, resulting into such a Kangaroo court room.

12 The Prosecutor's are 100%, guilty at railroading the Defendant into prison,  
13 by their Vindictive Revengeful,Bad Faith,Malicious Prosecution.

14 The Doctor's at W/S/H, had diagnosis the Defendant to have a paranoia  
15 personality disorder. I say that of anyone who is being railroaded into prison  
16 better find himself to be paranioid,if not then for sure he's mentally ill.

17 Only by the mean's of Defendant acting as Pro Se with standby counsel would  
18 he recieve any sort of a fair trial, of which Defendant knew this from day #1

19 All U.S. citizen's deserve a chance at a fair trial, I had no chance at all.

20 This is all the Defendant had ask for,Yet Defendant voice had been suppressed

21 The fact that now this eyewitness statement is now tainted, for he must not  
22 want to see the Plaitiff go to prison for prejury, a new trial would be

23 hampered. Though the Defendant is still confindent that by the mean's of act  
24 Pro Se,he is sure that he able to prove that the Plaintiff testimony is false

25 Prosecution use of Plaintiff testimony, allowed Plaintiff to perjure himself

26 The decsion should be reversed,with prejudice,for its tainted from the start

**DECLARATION OF FILING AND MAILING OR DELIVERY**

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the below date, the original of the document **Appellant's Pro Se Statement of Additional Grounds for Review** to which this declaration is affixed/attached, was filed in the **Court of Appeals – Division One** under **Case No. 63906-4-I** and a true copy was mailed with first-class postage prepaid or otherwise caused to be delivered to each attorney or party or record for  respondent **Mary Kathleen Webber - Snohomish County Prosecuting Attorney**,  appellant and/or  other party, at the regular office or residence or drop-off box at the prosecutor's office.

  
MARIA ARRANZA RILEY, Legal Assistant  
Washington Appellate Project

Date: July 6, 2010

  
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