

Transferred to  
Appeal  
34763-6

FILED  
KITSAP COUNTY CLERK  
2006 APR 14 AM 11:11  
DAVID W. PETERSON

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DAVID W. PETERSON

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**SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KITSAP**

STATE OF WASHINGTON,  
  
Plaintiff,  
  
vs.  
  
CHARRITA NOBLE,  
  
Defendant.

NO. 04-1-01967-1  
  
**ORDER TRANSFERRING  
DEFENDANT'S MOTION FOR  
MODIFICATION OF SENTENCE AS A  
PERSONAL RESTRAINT PETITION AS  
AUTHORIZED BY CrR 7.8(c)(2)**  
  
**34763-6**

THIS MATTER having come before the under-signed judge of the above-entitled Court, upon the Defendant's Motion for Modification of Sentence, the Court, having considered the motion and authority submitted by the Defendant, and having further addressed the various aspects of CrR 7.8(c)(2), it is hereby

**ORDERED** that the Defendant's Motion for Modification of Sentence shall be transferred to the Court of Appeals for consideration as a personal restraint petition as authorized by CrR 7.8(c)(2), and

**ORDERED** that pursuant to RAP 15.2, the defendant is found to be indigent.

Dated this 14 day of April 2006

Judge Anna M. Laurie

STATE OF WASHINGTON ss)  
COUNTY OF KITSAP

I, DAVID W. PETERSON, Clerk of the above-entitled County do hereby certify that the foregoing instrument is a true and exact copy of the original filed in my office.

Witness my hand and seal of office on this 14th day of April 2006  
DAVID W. PETERSON, COUNTY CLERK  
*Patricia Crofton*  
Clerk

ORDER

**JUDGE ANNA M. LAURIE**  
Kitsap County Superior Court  
614 Division Street  
Port Orchard, WA 98366



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

THE STATE OF WASHINGTON,  
Plaintiff,

v.

CHARRITA NOBLE,  
Petitioner,

)  
) NO: 04-1-01967-1  
) C.O.A. 34410-6-II  
)

) MEMORANDUM OF LAW IN SUPPORT  
) OF MOTION AND AFFIDAVIT FOR  
) PETITIONER'S RELEASE ON BAIL  
) PENDING APPEAL  
)

) PURSUANT TO: RCW 10.73.040  
)

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MEMORANDUM OF LAW

This Memorandum of Law is based on the Washington State Laws, RCW 10.73.040, and is read as follows: RCW 10.73.040, Bail Pending Appeal. In all criminal actions, except capital cases in which the proof of guilt is clear or the presumption great, upon an appeal being taken from a judgment of conviction, the court in which the judgment was rendered, or a judge thereof, must, by an order entered in the journal required of the appellant; and the appellant shall be committed until a bond to the state of Washington in the sum so fixed be executed on his/her behalf by at least two sureties possessing the qualifications required, and stand to and abide by the judgment or orders of the appellate court, and any judgment and order of the superior court that may be rendered or made in pursuance thereof. If the appellant be already at large on bail, his sureties shall be liable to the amount

of their bond, in the same manner and upon the same conditions as if they had executed the bond prescribed by this section; but the court may by order require a new bond in a larger amount or with new sureties, and may commit the appellant until the order be complied with.

THE STATE OF WASHINGTON )  
COUNTY OF PIERCE )

AFFIDAVIT IN SUPPORT OF MOTION  
FOR BAIL PENDING APPEAL

I, Charrita Noble declare under penalty of perjury under the laws of the State of Washington that the following is a true and accurate statement.

I am appealing my conviction on this cause. I have excellent grounds for appeal. The only thing established at trial was my presence, no encouragement, no participation. In re Wilson, 91 Wn.2d 487, 588 P.2d 1161, clearly states that mere presence is not enough to convict as an accomplice. Likewise, State v. Amezola, 49 Wn.App. 78, 741 P.2d 1024, and State v. Cote, 123 Wn.App. 546, 96 P.3d 410, both cover the issues of sufficiency of the evidence, and constructive possession, as do their like cases, with the totality of the circumstances and in the light most favorable to the prosecution where appropriate, and they entirely uphold the case at bar.

I was also sentenced incorrectly. I was identified by my booking photo. There are many solid grounds for me to appeal. Given that I may be out before this case is resolved, this Court may very well be keeping my rights from further violation, in keeping me wrongly imprisoned.

I will abide by any conditions the Court may impose, and provide any surety required. I ask the Court to grant me a reasonable appeal bond, and I thank the Court for its consideration.

Dated: 5/11/08

Charrita Noble  
Signature

Charrita Noble 807808  
Print Name DOC

Washington Corrections Center  
for Women  
9601 Bujacich Rd. NW  
Gig Harbor, WA 98332-8300

THE STATE OF WASHINGTON )  
COUNTY OF PIERCE )

I certify that I know or have satisfactory evidence that  
Charrita Noble is the individual that appeared before me,  
and said individual acknowledged it to be her free and voluntary act  
for the use and purposes of this instrument.

Dated: 05-01-2008

Luan H. Vu  
Luan H. Vu  
NOTARY PUBLIC IN AND FOR WASHINGTON  
RESIDING IN: OLYMPIA  
MY COMMISSION EXPIRES: 02-10-2010



FILED  
KITSAP COUNTY CLERK  
MAY 08 2006  
DAVID W. PETERSON

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

THE STATE OF WASHINGTON,  
Plaintiff,  
  
v.  
  
CHARRITA NOBLE,  
Petitioner,

)  
)  
) NO: 94-1-01967-1  
) C.O.A. 34410-6-II  
)  
) ORDER OF RELEASE OF PETITIONER/  
) PRISONER  
) PENDING OUTCOME OF APPEAL

TO: THE PROSECUTING ATTORNEY OF: KITSAP COUNTY  
TO: THE CLERK: KITSAP COUNTY  
TO: WASHINGTON CORRECTIONS CENTER FOR WOMEN, RECORDS DEPARTMENT

YOU ARE HEREBY REQUESTED AND COMMANDED, to release the  
above Named Petitioner (Prisoner) now in your custody, because:

- ( ) Said Petitioner has posted good and sufficient bond in the office of the Clerk of the Court.
- ( ) Said Petitioner is entitled to be released on his/her own recognizance.
- ( ) The remainder of the said Petitioner's prison/jail sentence has been suspended by the Court on this date.
- ( ) Court case completed.

Dated: \_\_\_\_\_  
Judge/Court Commissioner