

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

NO. 36472-7-II

STATE OF WASHINGTON,

Respondent,

vs.

DOUGLAS EUGENE BAKER,

Appellant.

FILED
COURT OF APPEALS
DIVISION II
08 APR 28 AM 9:04
STATE OF WASHINGTON
BY DEPUTY

**RESPONDENT'S
RESPONSE TO ADDITIONAL GROUNDS FOR APPEAL**

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TABLE OF CONTENTS

	<u>Page(s)</u>
TABLE OF AUTHORITIES	ii
I. STATEMENT OF THE CASE	1
II. RESPONSE TO ASSIGNMENTS OF ERROR ...	1, 2, 3
A. The appellant’s assertions of a distinction between the corporate and constitutional state, and void corporate contract fail to state either a cogent or legal ground for relief .	
B. The appellant’s assertions of two constitutional criminal jurisdictions, to wit: Common Law and Maritime (Admiralty) Law, as controlling this Court’s jurisdiction and authority in this case fail to state either a cogent or legal ground for relief.	
C. The appellant’s assertions that the criminal complaint and proceedings in Jefferson County Superior Court, underlying his conviction, violated the Uniform Commercial Code fail to state either a cogent or legal ground for relief.	
D. The appellant’s assertions that the existence of the criminal proceedings in Jefferson County and the civil forfeiture proceedings in Clallam County constitute double jeopardy, and that he was under duress, fail to state either a cogent or legal ground for relief.	
E. The appellant’s assertions that under Common Law that his sovereign rights were violated and his sovereign name was misspelled fail to state either a cogent or legal ground for relief .	
III. CONCLUSION	4

TABLE OF AUTHORITIES

Cases	Pages
<i>State v. Codiga</i> , 162 Wn.2d 912, 175 P.3d 1082 (2008) . . .	3
<i>State v. Sullivan</i> , 143 Wn.2d 162, 19 P.3d 1012 (2001) . . .	3, 4
<i>State v. Huff</i> , 119 Wn. App. 367, 80 P.3d 633 (2003) . . .	2
<i>State v. Lynn</i> , 67 Wn. App. 339, 835 P.2d 251 (1992) . . .	2
 Statutes/Rules	
RAP 10.10(c).	2
RAP 10.10(f).	2
 Other	
<u>Freemen: Armageddon's Prophets of Hate and Terror</u> , P. Loginsky (3rd ed. 1999)..	4

I. IDENTITY OF PARTY

The State of Washington, Respondent, by and through its Attorney, Douglas E. Jensen, Senior Deputy and Special Deputy Prosecuting Attorney for Jefferson County, responds to appellant's *pro se* Additional Grounds for Review, pursuant to RAP 10.10(f) and the directive of this Court, dated February 13, 2008.

II. STATEMENT OF THE CASE

The Statement of the case as set out in the Brief of Respondent is sufficient for the purposes of the Respondents Response to the *pro se* ADDITIONAL GROUNDS FOR REVIEW (Revoking Unconscionable Contract!).

III. RESPONSE TO ADDITIONAL GROUNDS

- A. appellant's assertions of a distinction between the corporate and constitutional state, and void corporate contract fail to state either a cogent or legal ground for relief.**
- B. The appellant's assertions of two constitutional criminal jurisdictions, to wit: Common Law and Maritime (Admiralty) Law, as controlling this Court's jurisdiction and authority in this case fail to state either a cogent or legal ground for relief.**
- C. The appellant's assertions that the criminal complaint and proceedings in Jefferson County Superior Court, underlying his conviction, violated the Uniform Commercial Code fail to state either a cogent or legal ground for relief.**

- D. The appellant's assertions that the existence of the criminal proceedings in Jefferson County and the civil forfeiture proceedings in Clallam County constitute double jeopardy, and that he was under duress, fail to state either a cogent or legal ground for relief.**

- E. The appellant's assertions that under Common Law that his sovereign rights were violated and his sovereign name was misspelled fail to state either a cogent or legal ground for relief.**

For purposes of its responding to the Assignments of Error, the State would consolidate its arguments, as follows:

Appellant Douglas Baker's (Baker's) additional grounds for review fail to state either cogent or legal grounds for review. Although RAP 10.10(f) does not require a *pro se* appellant to reference the record or to cite legal authority, it does require the appellant to adequately and legally present the nature and occurrence of the errors asserted. RAP 10.10(c); see, e.g., *State v. Huff*, 119 Wn. App. 367, 80 P.3d 633 (2003).

As to appellant's unique perspectives on double jeopardy and duress in entry of plea, it is not sufficient when raising a constitutional issue for the first time on appeal to merely (conclusory) allege a constitutional violation. Baker appellant must first make a showing of how, in the context of his plea, his alleged constitutional rights were violated. *State v. Lynn*, 67 Wn. App. 339, 835 P.2d 251 (1992).

In addition, Baker does not assert that he did not he did not understand and accept the plea, or knowingly execute the pleas form or its attached documents; nor does he assert that he did not orally state a plea of ‘guilty’, or that assure the court and respective counsel that he had reviewed the form and understood it; nor does he assert that that he did not sign the plea form as “Doug Baker”¹. CP 3-13. See, *State v. Codiga*, 162 Wn.2d 912, 175 P.3d 1082 (2008).

The remainder of Baker’s appellate claims and arguments are loosely based upon co-mingling of the Uniform Commercial Code (U.C.C.), admiralty or maritime law, and the jurisdiction of the Superior Courts of this State, as well as assertions as to the “corporate” nature of the criminal proceedings before the trial court under Common Law. Baker does not cite to applicable statutes, rules or case law in his argument, which have periodically emerged in the courts of this State for more than a decade.²

¹ Interestingly, it was only after tender of this appeal that the appellant’s signature has metamorphosed to “Mr.: Douglas-Eugene: Baker”, as presented in his Additional Grounds for Review. See, e.g., CP 3-13 [J&S]; CP 14-15 [NTC of APL]. Notably, such signatories are not new to Washington State or its courts.

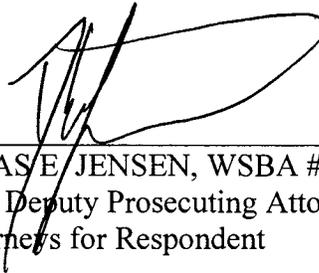
² See, e.g., *State v. Sullivan*, 143 Wn.2d 162, 166-7, 19 P.3d 1012 (2001)(“On September 9, 1997, Respondent Kelly Russell Sullivan, a/k/a Kelly Russell., Sullivan, Clerk's Papers at 79. (Respondent identifies himself as

As detailed in Respondent's Brief, Baker has only belatedly challenged the ancillary, money-portion of his criminal case, and now attempts links that monetary challenge to a myriad of inapplicable, 'contract-related' challenges to his criminal conviction.

III. CONCLUSION

Based upon the foregoing arguments and authorities, the State respectfully requests that Baker's conviction and sentence be upheld.

DATED this 25th day of April, 2008.



DOUGLAS E. JENSEN, WSBA #20127
Special Deputy Prosecuting Attorney
Of attorneys for Respondent

"Demandant . . . Kelly Russell, Sullivan.") was stopped by Bremerton Police Officers Johnson and Olsen for a traffic infraction. [FN Omitted] Respondent asked both officers to complete "public servant questionnaires" which he handed to them. [FN Omitted] When the officers refused, he asked for a supervisor. Sergeant Fuller of the Bremerton Police Department came to the scene. [FN Omitted] Respondent claimed the officers were extorting him into entering a contract in violation of U.C.C. 3-501 [commercial paper], with reference to 42 U.S.C. §§ 1986, 1985, 1983 to violation of individual rights by government action], and 18 U.S.C. §§ 141 and 142 [repealed July 1, 1944]. [FN Omitted]" ; and see, Freemen: Armageddon's Prophets of Hate and Terror, P. Loginsky (3rd ed. 1999).

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DIVISION II

STATE OF WASHINGTON,
Respondent,

NO. 36472-7-II

vs.

AFFIDAVIT OF SERVICE BY MAIL

DOUGLAS EUGENE BAKER,
Appellant.

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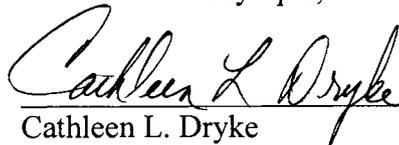
STATE OF WASHINGTON)
: ss.
County of Clallam)

The undersigned, being first duly sworn, on oath deposes and says:

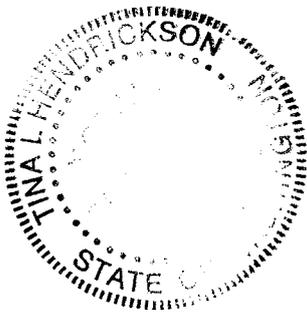
That the affiant is a citizen of the United States and over the age of eighteen years; that on the ___th day of April, 2008, affiant deposited in the mail of the United States of America a properly stamped and addressed envelope containing a copy of the Respondent's Response to Additional Grounds for Review, addressed as follows:

Mr. David C. Ponzoha, Clerk
Court of Appeals, Division II
950 Broadway, Suite 300
Tacoma, WA 98402-4454

Jodi Backlund, Esq.
Backlund & Mistry
203 Fourth Ave. East, Suite 404
Olympia, WA 98501-1189


Cathleen L. Dryke

SUBSCRIBED AND SWORN TO before me this 25th day of April, 2008.




(PRINTED NAME:) Tina L. Hendrickson
NOTARY PUBLIC in and for the State of Washington
Residing at Port Angeles, Washington
My commission expires: 12-15-11

AFFIDAVIT OF SERVICE