State of Washington.
Vs.
Francisco Javier Millan.

FILED
COURT OF APPEALS
2012 27 AM 9:53
STATE OF WASHINGTON
BY

Superior Court
No. 07-01-01782-01
Court of Appeals.
No. 37172-3-11

"Shell Casing."

In the begining of my trial Ms, Goodman or Mr, Burneburg did not know anything about a shell casing. There was no report about the shell casing belonging to the weapon.
I came to find out that at the last minute they send it for testing. The detective send the casing on the date of my "trial." Not me or my lawyer Mr, Burneburg knew about this.
The 'Omnibus' order to do "D.N.A, testing", but my lawyer Mr, Burneburg was tould he couldnt do any.

If the shell casing did not go to the 'gun' it is 'unfairly prejudicial.' It is more 'prejudicial then probative' in this case.
In my trial, they tould us 'Mr, Burneburg and Me,' that they wasnt going to bring up ~~about~~ the shell casing. But the 'Jury' herd about it anyway.

That right there it's against the law.

Rule 404'b' was violated in my case. Now "Objection" was tould when Ms, Wiley mention the shell casing to the 'Jury'.

That was really wrong. They didn't had to bring it up in "trial."

That right there should of been a miss "trial." These are things that bother me in my "trial." The way they talk about the shell casing and how they were bringing it up in my trial.

"Finger Prints"

As we all know and herd in my 'trial.' No finger prints of mine was found. Not on pistol, gun clip, single shell, and the hair didn't belong to me.

They never ever did any finger prints test on my x-wife. Didn't even bother to do any on her. They "The court" didn't let my lawyer Mr, Burneburg do any D.N.A, testing at all. The State didn't do any of it either.

Like I said before. The "Omnibus" order is that we are allow to do D.N.A, testing in my case. But the "court" did not let my lawyer Mr, Burneburg do any in my case.

The pistol and the maganzing was produce by Ms Wiley

It was fumed in the superglue chamber. But before she fumed the pistol or the maganzing, she recovered a trace evidence. It was the piece of hair that did not belong to me. And it wasn't analyze or D.N.A, tested. The court or the State Of Washington, didn't do any testing on the trace evidence.
Ms, Wiley wrote in her reports that, she didn't find anything on me. That all the prints belong to someone else. All the test that were made on me were negative.

They still hold that against me. I think and belive that, because they couldn't find a victum they blame me for the weapon and everything that came with it.

It was explaying what was a trace mask by Ms, Wiley. She explaying in court that if a person never ever touch something, it will not have yours finger prints. In other words my prints weren't on the weapon, maganzing and single shell casing.

Now Ms, Martin said the same thing. Ms, Martin been an expert did comparison in my prints. But like I said. She didn't find anything on me either. She even pulled my case file and didn't find any finger "prints," in my name. ~~file~~ "file" My file was clean with finger prints. I am not the criminal thou think I am.

She has been working for the police department for about 18 years.

Ms Martin also did a report on my case. But hers was a laten fingersprints report. It was a report that was never filed out. It was a report that talk about my prints weren't on any of the items. The report was writen on the same date the comparison was made, May 14th 2007. But was filed out on August 3rd, 2007. She had this on file for tree month, and reported out when I was been charge for Unlawful possession of a firearm in the first degre.

The prints weren't reported on time. It could of help so much if it was reported on time. It was unbelivable how she wasn't ask from the state to do any comparisons on nobody else.

Even been a scientific certainty that the prints weren't mined on the weapon or the maganzing. She was never ask to do it on anyone else.

No prints, no trace marks at all in the weapon, or maganzing, and single shell was found on my name. But was charge with it anyway.

These are things that I couldn't understand how they found me guilty in court. When they had all the prove that nothing belong to me and still was found "Guilty."

"Witnesses"

When the witnesses list was done Ms, Goodman in the date of my "trial" wants to add two Officers that didn't had anything to do with the 'gun' case. I couldn't belive the judge gave her the okay to do something like that in court. When that affected me a lot.

From the first date of my trial, I do belive Ms, Goodman had her way in court.

Anyway my mother was in court. My x-wife came latter. I do belive my x-wife came to speak up in my trial. But didn't had a chanse to. First, because when she was in the hall way, she was seen by the two officers that arrested me in April 1, 2002.

Secon, because she lie to Ms, Goodman about her last name and her first one. This hapen on reaces time.

Third, because my lawyer Mr, Burneburg for some reason tould her to live. So she san out of court, but she did lived a note to be read or show to the judge in court. I just dont understand till this date, why Mr, Burneburg didnt do so. The note is still in the posetion of my lawyer Mr, Burneburg.

Anyway it was ask for clarification on the two extra witnesses to be dismis.

But they didn't get dismis because like I said early, Ms Goodman got her way in court.

By the way, in court officer Chipp couldn't even remember the date he and officer Caber pulled me over. In court was said by officer Chipp, that he and officer Caber pulled over next to the reporting parties vehicle. He said they were in the curb, and they pulled inside the lane of travel. That right there was officer Chipp statement in court.

Now officer "Caber" did say a whole different statement in court. His statement was that when they arived around the area. The reporting parties were honking their horn, flashing lights, pointing out that the car was up the road. But their was lots of cars up the road. It could of been any car but I was behind, and I was the one that got pulled over. So I guess I had to be the one huh.

What I couldn't understand about the reporting parties was, that they did said when the 911 call was made over a domistic vilance. They said they were behind me. But like officer Chipp and Carber said, they were in the curb inside the lane of travel. So they couldn't see my car moving. My license plates weren't right either.

Anyway they both gave different statements in the court of law.

The reporting parties didnt even show up to court. I belive the reason pass that was because, they gave a false statement to the law.

The main thing that bothes me about the court in my trial, was how they allow officer Vanzuyt to speak up in this case. He didn't had nothing to do with what hapen on April 1, 2007. But Ms, Goodman just wanted to bring up the vehicle. The one I was driving when I was pulled over on April 1, 2007. But officer Vanzuyt said in court that when he arived the date of March 12, 2007 to arrest me. I was like 50 feets away from the vehicle. Thats what officer Vanzuyt said in court.

There was lots of misunderstanding in my trial with the witnesses. Things I didnt like, couldnt belived, it was said and disagree with in trial.

"Pulled Over"

As I was getting pulled over. I didnt make no movement at all. Officer Chipp and Cober said it in court.

As I got pulled over, I got put in the back of the officer car.

Officer Caber said in court that when he walk my way to put me behind the police vehicle he didn't see no weapon.

He was giving me my right's and his partner when to talk to the reporting vehicle. But officer Chipp and Caber lot eyes of my x-wife. When officer Caber was done reading my right's he turn around didn't see his partner. He was nowhere to be seen. Officer Caber said in court. So for a while no one was paying no attention to my x-wife. But officer Caber saw her to close to the print door. It was open and he just tould her to step back off the vehicle. Then officer Chipp show up and ask her a few question's.
When officer Caber was done with me, he when back to the vehicle. He walk the same direction. But this time when he walk the same direction, he did see a weapon. He said he saw a pistol in point view. He also said in court that someone could of put it there after the car was stop.
Officer Chipp and Caber said, that I didn't reach to my back at all, to put the weapon there.

Anyway the phone call wasn't over a pistol or any weapon. Someone reported a domistic vilance, but the "Jury" never ever knew about that.

They thought it was over the pistol not the D.V.
The reason they thought that, was because it was never ever mention in court.
The domistic vilance was drop, when they found out there was no case on it. But they had a case over a weapon that didn't belong to me. A weapon that I think it was going to be use against me.

I belive I had an unfair trial in the court of law. Base on these things that were use against me. The false statements, not finding no fingerprints on me. Not on pistol, magazing, single shell, and on the piece of hair that was found, that wasn't mined. The way the reports were made. One holding back for 3 month. Reports that said everything on it that prints weren't mined. Proper and people that work for the police department fumed and super-glue the evidence and came negative on my prints. How it was never ever been D.N.A, tested. Didn't allow us to do any of it. My x-wife was never ever fingerprinted. How rules were broken in my case. How the state of Washington didn't ask for other people to get fingerprinted. How the gun was seen the seconed time officer Cobes walk my direction. Everything was hold against me, because I had a criminal record before. Not only that but

I do want an Appeal base on a fact that I didn't understand the crime I was convicted of, because I wasn't able to have an interpertes. That my sentencing for in any other time why I was in court.

And if I had that apportunity I would of understood the chargest against me. I would of prepare better for my trial.

There for I am facing my Appeal on the fact that I had minimum knolge to what was hapening to me in court.

English is my second lenguage, and I hope to have a fair Appeal in court.

I hope it is not like my trial. Not letting me have a fair one in the court of law.

Cencirly

Francisco Javier Millan.

Francisco Millan

Marks, Debbie

From: Ponzoha, David
Sent: Tuesday, January 27, 2009 8:17 AM
To: Marks, Debbie
Subject: FW: State v. Millan, COA 37172-3-II

lmkwyad. there are two e-mails. dp

-----Original Message-----
From: Coa2Filings
Sent: Monday, January 26, 2009 4:07 PM
To: Div-2 Electronic Filing Managers
Subject: FW: State v. Millan, COA 37172-3-II

From: karavocat[SMTP:KARAVOCAT@AOL.COM]
Sent: Monday, January 26, 2009 4:04:01 PM
To: Coa2Filings
Subject: State v. Millan, COA 37172-3-II
Auto forwarded by a Rule

January 26, 2009

To whom it may concern:

Attached please find Mr. Millan's Statement, to be filed in his case.

I am filing the declaration of service separately and it will follow.

Thank you,

Kathryn Russell Selk
WSBA 23879
Russell Selk Law Office
1037 NE 65th Street, Box 135
Seattle, WA. 98115
206-782-3353

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