

**CERTIFICATE OF SERVICE**

I certify that I mailed

1 copies of Saa  
2 to Att. Glinski  
3 & Att. Kinnie  
4 10/23/08  
5 Date Signed

**ORIGINAL**

FILED  
COURT OF APPEALS  
DIVISION II

08 SEP 26 PM 12:48

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION TWO  
STATE OF WASHINGTON  
BY [Signature]  
DEPUTY

6 THE STATE OF WASHINGTON,

7 Respondent,

8 vs.

9 RODNEY STEVEN MITUNIEWICZ,

10 Appellant.

NO. 37543-5-II

ADDITIONAL GROUNDS

11 Additional Grounds No. 1: The FJ&S is invalid on its face to  
12 enforce Mituniewicz's non-compliance of community custody an SRA  
hearing actions strictures and principles of due process clause.

13 1). The FJ&S forfeited DOC's right to issue warrant or detain  
14 Mituniewicz for non-compliance of any conditions for community  
custody pursuant to RCW 9.94A.740?

15 2). The FJ&S forfeited DOC's right to hold any SRA hearing for  
16 Mituniewicz's non-compliance of community custody to impose any  
sanctions and punishments pursuant to RCW 9.94A.737?

17 The FJ&S is without SRA authorities and/or language for DOC to  
18 issue warrant/detain Mituniewicz's non-compliance of conditions  
19 for community custody and violations hearings. (CP, 30).

20 **invalid** (in-val-id), adj, 1. Not legally binding (an invalid  
contract). 2. Without basis in fact (invalid allegations).  
21 Black's Law Dictionary, (8th Ed.), at page 843.

22 **Due Process Clause**. The constitutional provision that  
23 prohibits the government from unfairly or arbitrarily  
depriving a person of life, liberty, or property. ....  
24 Black's Law Dictionary, (8th Ed.), at Page 539.

25 DATED: September 23, 2008,

Respectfully submitted,

26 cc: DPA Michael C. Kinne  
Attorney Catherine E. Glinski

[Signature]  
Rodney Steven Mituniewicz  
DOC# 912672, AHCC/MSU  
P.O. Box 1899  
Airway Height, WA 99001

**CERTIFICATE OF SERVICE**  
I certify that I mailed  
copies of SAG  
to Att. Glinicki  
& Att. Kinzie  
Debra C. P.  
Date 10/20/08 signed [Signature]

FILED  
COURT OF APPEALS  
DIVISION II

08 OCT 20 PM 12:49

STATE OF WASHINGTON  
BY Cm  
DEPUTY

COURT OF APPEAL  
DIVISION TWO  
FOR WASHINGTON STATE

THE STATE OF WASHINGTON,  
  
Plaintiff,  
  
vs.  
  
RODNEY STEVEN MITUNIEWICZ,  
  
Appellant.

Case No. 37543-5-II

STATEMENT OF ADDITIONAL  
GROUND FOR REVIEW

I. ADDITIONAL GROUND ONE

The defendant had been pathological intoxication oxycotins impairment during change of plea and sentencing No. 07-1-01711-9

II. AFFIDAVIT OF THE FACTS

I, Rodney Steven Mituniewicz, declare under the penalty of perjury under the law of the State of Washington that foregoing is true and correct to the best of my personal knowledge:

On February 13, 2008, at 10:27 a.m. Mituniewicz was absent from court for motion to continue and bail supervised release of violations do to MRSA infection quarantine. (RP, 32).

On February 16, 2008, at 00:12 a.m. Mituniewicz while under MRSA infection quarantine had been arrested without search from arresting officers; custody officers; or medical staff before placed in to the jail infirmery quarantine room, Mituniewicz did involuntary do to pathological intoxication oxycotins impairment brought about 200 pills a valid precscription. Warrant is served. (RP, 35).

On February 19, 2008, at 11:09 a.m. Mituniewicz had been under pathological intoxication oxycotins impairment no mental recall of court appearance. (RP, 36-37)

On February 29, 2008, at 09:14 a.m. Mituniewicz had been under pathological intoxication oxycotins impairment no mental recall of court appearance. (RP, 38-49).

### III. ARGUMENT

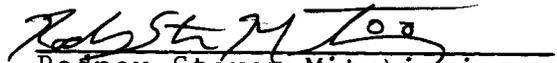
Original information PCS-Oxycotins by Jail Inmate Rodney Steven Mituniewicz on or about March 3, 2008, charged under RCW 9.94.041(2) attached as Exhibit and incorporated by reference as if fully set forth herein by a signature evidence.

### IV. CONCLUSION

Barbarity judgment and sentencing while Mituniewicz had been under pathological intoxication oxycotins impairment mental status. Robinson v. California, 370 U.S. 660, 82 S.Ct. 1417, 8 L.Ed.2d 758 (1962).

Thank You, for your consideration in this appeal.

Respectfully submitted this October 16, 2008.

  
Rodney Steven Mituniewicz  
DOC# 912672, C-5-C-10-1  
Airway Height Corr. Ctr.  
P.O. Box 1899  
Airway Heigh, WA 99001-1899

Affidavit pursuant to 28 U.S.C. § 1746, Dickerson v. Wainwright, 626 F.2d 1184 (1980); Affidavit sworn as true and correct under penalty of perjury and has full force of law and does not have to be verified by Notary Public.

**COPY**

MAR 0 2008

**ORIGINAL FILED**

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

STATE OF WASHINGTON,

Plaintiff,

v.

RODNEY STEVEN MITUNIEWICZ

Defendant.

**INFORMATION**

No. 08-1-00366-3

(CCSO 08-3310)

COMES NOW the Prosecuting Attorney for Clark County, Washington, and does by this inform the Court that the above-named defendant is guilty of the crime(s) committed as follows, to wit:

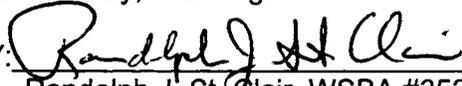
**COUNT 01 - POSSESSION OF A CONTROLLED SUBSTANCE BY PRISONERS OR JAIL INMATE - 9.94.041**

That he, RODNEY STEVEN MITUNIEWICZ, in the County of Clark, State of Washington, on or about March 3, 2008, who was confined in a county or local correctional institution, while in the institution or while being conveyed to or from the institution, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, did knowingly possess or have under his or her control any narcotic drug or controlled substance; contrary to Revised Code of Washington 9.94.041(2).

And that the defendant did commit the foregoing offense while in a county jail or state correction facility as that term is defined in RCW 9.94A.533(5), to-wit: Clark County Jail. [JAIL]

ARTHUR D. CURTIS  
Prosecuting Attorney in and for  
Clark County, Washington

Date: March 5, 2008

BY:   
Randolph J. St. Clair, WSBA #35235  
Deputy Prosecuting Attorney

<b>DEFENDANT: RODNEY STEVEN MITUNIEWICZ</b>			
<b>RACE: W</b>	<b>SEX: M</b>	<b>DOB: 3/13/1948</b>	
<b>DOL: MITUNRS522DL WA</b>		<b>SID: WA10916802</b>	
<b>HGT: 510</b>	<b>WGT: 270</b>	<b>EYES: BLU</b>	<b>HAIR: BRO</b>
<b>WA DOC: 912672</b>		<b>FBI: 692887F</b>	
<b>LAST KNOWN ADDRESS(ES):</b>			
<b>CCSO FUND 1015</b>			

INFORMATION - 1  
KD

**EXHIBIT**

CLARK COUNTY PROSECUTING ATTORNEY  
1013 FRANKLIN STREET  
PO BOX 5000  
VANCOUVER, WASHINGTON 98666-5000  
(360) 397-2261