

NO. 38186-9-II

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

STATE OF WASHINGTON,

Respondent,

v.

BRIAN DAVID MATTHEWS,

Appellant.

STATE OF WASHINGTON
BY *sm*
COUNTY OF PIERCE
SUPERIOR COURT

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR PIERCE COUNTY

The Honorable Ronald E. Culpepper, Judge

BRIEF OF APPELLANT

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TABLE OF CONTENTS

TABLE OF CONTENTS I

A. ASSIGNMENTS OF ERROR 1

 ISSUE PERTAINING TO ASSIGNMENTS OF ERROR 1

B. STATEMENT OF THE CASE..... 2

C. ARGUMENT..... 13

 BY ORDERING MATTHEWS’S PLEA WITHDRAWN AND HIS
 JUDGMENT AND SENTENCE VACATED WITHOUT AFFORDING
 HIM THE OPPORTUNITY TO CHOOSE THE REMEDY FOR HIS
 INVOLUNTARY PLEA, THE COURT DENIED MATTHEW’S DUE
 PROCESS. 13

D. CONCLUSION 19

TABLE OF AUTHORITIES

Washington Cases

<u>In re Frampton</u> , 45 Wn. App. 554, 726 P.2d 486 (1986).....	14
<u>In re Matthews</u> , 128 Wn. App. 267, 115 P.3d 1043 (2005).....	2
<u>In re McCarthy</u> , 161 Wn.2d 234, 164 P.3d 1283 (2007)	14
<u>In re Messmer</u> , 52 Wn.2d 510, 326 P.2d 1004 (1958).....	14
<u>In re Pers. Restraint of Fonseca</u> , 132 Wn. App. 464, 132 P.3d 154 (2006)	13
<u>State v. Henderson</u> , 99 Wn. App. 369, 993 P.2d 928 (2000).....	13
<u>State v. Mendoza</u> , 157 Wn.2d 582, 141 P.3d 49 (2006).....	13
<u>State v. Miller</u> , 110 Wn.2d 528, 756 P.2d 122 (1988).....	13
<u>State v. Pillatos</u> , 159 Wn.2d 459, 150 P.3d 1130 (2007).....	2
<u>State v. Shineman</u> , 94 Wn. App. 57, 971 P.2d 94 (1999).....	13
<u>State v. Tourtellotte</u> , 88 Wn.2d 579, 564 P.2d 799 (1977).....	13
<u>State v. Turley</u> , 149 Wn.2d 395, 69 P.3d 338 (2003)	13
<u>State v. Walsh</u> , 143 Wn.2d 1, 17 P.3d 591 (2001).....	13

Federal Cases

<u>Blakely v. Washington</u> , 542 U.S. 296, 124 S.Ct. 2531, 2536, 159 L.Ed.2d 403(2004).....	2
<u>Hamdi v. Rumsfeld</u> , 542 U.S. 507, 124 S.Ct. 2633, 159 L. Ed. 2d 578 (2004).....	14
<u>Mathews v. Eldridge</u> , 424 U.S. 319, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976)	15
<u>Wilkinson v. Austin</u> , 545 U.S. 209, 125 S.Ct. 2384, 162 L.Ed.2d 174 (2005).....	14

Other Cases

Kinney v. State, 974 S.W.2d 296 (Tex.App.-San Antonio,1998)..... 16

Statutes

RCW 9.94A.537..... 2

Rules

CrR 4.2(f)..... 13

CrR 7.8..... 13

Constitutional Provisions

U.S. Const., Amend. XIV 14

Wash. Const., art. I § 3..... 14

A. ASSIGMENTS OF ERROR

1. The lower court erred in finding appellant has never requested any remedy other than withdrawal of his plea. CP 137 (Finding of Fact 1, Order Re: Withdrawal of Guilty Plea entered July 17, 2008).¹

2. The lower court erred in finding appellant exercised his option to withdraw his plea on April 4, 2008. CP 138 (Finding of Fact 7).

3. The lower court erred in finding appellant affirmed that he had withdrawn his plea. CP 138 (Finding of Fact 8).

4. The lower court erred in finding appellant withdrew his guilty plea on April 4, 2008. CP 138 (Finding of Fact 11).

5. The lower court erred in finding appellant's plea is withdrawn. CP 138 (Finding of Fact 12).

6. The court denied appellant due process by ordering his plea withdrawn and his judgment and sentence vacated without affording him an opportunity to elect the remedy for his involuntary plea.

Issue pertaining to assignments of error

This Court granted appellant's personal restraint petition, holding he was entitled to relief because he entered his guilty plea under a misunderstanding of the correct sentence range. On remand, the lower court set a date for a new trial and proceeded as though the plea had been

¹ A copy of the court's order and findings is attached to this brief as an appendix.

withdrawn. When appellant indicated he did not want to withdraw his plea, the court entered orders over his objection withdrawing the plea and vacating the judgment and sentence. Where appellant was never afforded an opportunity to elect his remedy for the involuntary plea, was his right to due process violated?

B. STATEMENT OF THE CASE

In 1999, appellant Brian David Matthews pleaded guilty to first- and third-degree assault of a child, and the court imposed an exceptional sentence of 250 months. In 2005, Matthews's exceptional sentence was vacated as required by Blakely², and a standard range sentence was imposed. See In re Matthews, 128 Wn. App. 267, 275, 115 P.3d 1043 (2005).

In 2006, Matthews filed personal restraint petition seeking to withdraw his guilty plea due to a misunderstanding in the standard range. CP 16.³ In 2007, the Washington Supreme Court decided State v. Pillatos, 159 Wn.2d 459, 474, 150 P.3d 1130 (2007), in which it held that it was not unconstitutional to empanel a jury to decide aggravating factors for crimes that were committed pre-Blakely. The Legislature also enacted RCW 9.94A.537, which allows trial courts to empanel juries to decide

² Blakely v. Washington, 542 U.S. 296, 124 S.Ct. 2531, 2536, 159 L.Ed.2d 403(2004).

³ Matthews's previous motions to withdraw his plea had been denied. See Matthews, 128 Wn. App. 267.

aggravating factors in cases that were previously decided. On February 5, 2008, this Court granted Matthews's personal restraint petition, holding he was entitled to withdraw his plea and remanding to the trial court for further proceedings. CP 16-17.

The certificate of finality, entered on March 17, 2008, included the following order: "The sentencing court or criminal presiding judge is to place this matter on the next available motion calendar for action consistent with the opinion." CP 18-19. That same day, the Pierce County Superior Court issued an order scheduling a hearing on April 4, 2008, to set a new trial date. Supp. CP (Order for Hearing, filed 3/17/08).

In a letter dated March 18, 2008, Matthews informed the court that he had prevailed on appeal and "will be returning to Pierce County forthwith to withdraw the unconstitutional guilty pleas in the above entitled matter." Supp. CP (Letter from Defendant, filed 3/21/08). He also filed a motion for a Franks hearing, a challenge to the court's jurisdiction, and a notice of demand and assertion of constitutional rights. CP 20-26; Supp. CP (Notice of Demand and Assertion of Rights, filed 3/17/08).

On March 25, 2008, Matthews executed a notarized affidavit in which he stated

I do not request any relief or remedy with regards to my guilty plea and I choose to let the conviction, Judgment and Sentence stand undisturbed....I hereby express my intent to not withdraw my guilty pleas....[T]his affidavit shall be entered and filed at the Pierce County Superior Court hearing held to determine what my course of action will be with regards to my guilty pleas....I do not request the judgment and sentence vacated in this matter.

CP 106-07. This affidavit was not filed with the court until July 1, 2008.

The trial setting hearing occurred on April 4, 2008, before the Honorable Kitty-Ann Van Doorninck. When the hearing commenced, the judge stated that the purpose of the hearing was to set a new trial date, and that Matthews had been transported from the Department of Corrections for that purpose. RP (4/4/08)⁴ 3-4.

The defense attorney who had previously been assigned to Matthews's case informed the court that he was unable to represent Matthews and that DAC would be reassigning the case. RP (4/4/08) 4. The court entered an order permitting the attorney to withdraw. RP (4/4/08) 9. Matthews attempted to explain to the court that he had previously been found competent to represent himself and that he was asserting his constitutional right to self-representation. RP (4/4/08) 5-6. The court would not recognize his status as a pro se defendant, however, telling him "[a]ll bets are off. It's come back from the Court of Appeals,

⁴ The Verbatim Report of Proceedings is referenced as follows: RP (4/4/08)—trial setting hearing; 1RP—4/25/08, 5/2/08; 2RP—5/13/08, 5/22/08; 3RP—5/30/08, 6/4/08; 4RP—7/11/08, 7/14/08, 7/17/08; 5RP—7/24/08, 8/7/08.

we start over, you make your motion again. You'll do that probably in front of a different judge, so it's okay, and we're not going to do that today." RP (4/4/08) 6. The court appointed DAC and set a date for Matthews to argue his motion to represent himself. RP (4/4/08) 10.

Matthews stated he understood the court's ruling. He then asked the court to address the issue of bail: "Since we set a trial date in this matter and pleas are withdrawn, we need to address the issue of bail if we could." RP (4/4/08) 6. The court allowed Matthews to proceed, and he argued that he had already served 112 months of his 171-month sentence, and since his pleas were withdrawn he was effectively a pretrial detainee entitled to release. RP (4/4/08) 7. The court set bail at \$200,000. RP (4/4/08) 11. Matthews then asked if the court would address the motions he had filed and noted, but the court refused, saying "[t]hat's not what we're here – the only thing we're doing today was to schedule things and to deal with bail." RP (4/4/08) 12. The court set the motions for hearing at a later date. RP (4/4/08) 13.

Finally, Matthews attempted to make a record of his intent:

Judge, if we could make – for the record, I'd like my position to be known that I'm here for disposition. I'm ready to be through with this. If the state's willing to talk today, I'm willing to talk today. I'm ready to get this done.

RP (4/4/08) 13. The court asked the deputy prosecutor standing in at the hearing to pass that information along to the prosecutor handling the case. RP (4/4/08) 14.

At a hearing on April 25, 2008, the Honorable Ronald E. Culpepper ruled that Matthews could represent himself in further proceedings. 1RP 18. Standby counsel was appointed to assist Matthews. 1RP 21. Matthews argued a motion to dismiss on May 2, 2008, which the court denied. 1RP 31-34, 47. The court also denied Matthews's motion for a Franks hearing. 1RP 59. Matthews then requested a reduction in bail, arguing that with time served and credit for good time, he would be entitled to release even under a high-end standard range sentence. 1RP 61. He explained that his calculation was based on his status as a pretrial detainee. 1RP 62-64. The court disagreed with Matthews's computation and denied his motion to reduce bail. 1RP 67. At Matthews's request, the court took measures to ensure him access to materials necessary to prepare his defense. 1RP 68-73. Matthews continued to proceed with trial preparations. See 1RP 67; 2RP 23-27.

On May 13, 2008, the State presented an amended information charging Matthews with three counts of first degree assault of a child. 2RP 3; CP 39-41. The court arraigned Matthews on the amended information over his objection, entering pleas of not guilty on Matthews's

Matthews then made a record of his efforts to resolve the case:

I've repeatedly and consistently asked the State to come and defer with me as the defense counsel in this matter. We're up to the day of trial. I know they're not under obligation to do so, but I would not like to waste any more of the State's or the County's time and money. I believe, hopefully, we can reach a disposition prior to going to trial, but if not, it appears that the State has forced my hand to go to trial in this case.

I still would like to meet with the State and see if we can resolve some type of disposition formally before trial.

3RP 27-28. The prosecutor told the court that he had explained to Matthews that he expected this to be a trial and Matthews should get ready. 3RP 28.

On July 1, 2008, Matthews filed the affidavit he had prepared on March 25, 2008, stating he sought no remedy for his invalid plea. CP 106-07. At a hearing on July 11, 2008, Matthews asserted that his guilty plea had not yet been withdrawn, there had been no order vacating the previous Judgment and Sentence, and he would like to keep it that way. 4RP 4. Matthews explained that while the Court of Appeals had ruled he was entitled to withdraw his plea, it did not order the plea withdrawn. 4RP 4. Since there had been no hearing to determine what action to take in regard to the plea, the plea and convictions remained in effect. Matthews asked to return to the DOC to finish his sentence. 4RP 4-5.

The State objected, arguing that the events that had transpired since Matthews was returned to Pierce County made it clear the plea had

been withdrawn. 4RP 7. It noted that Matthews had stated at the hearing on April 4, 2008, that his plea was withdrawn and referred to himself as a pretrial detainee. 4RP 7. The State noted further that Matthews had been rearraigned and entered pleas. 4RP 8.

Matthews responded that he did not withdraw his plea at the April 4 hearing, and there had never been a hearing on whether he intended to exercise that option. 4RP 12, 14. Rather, he was told at the first hearing that he was there to set a trial date, and he had been pushed down the road toward trial ever since. 4RP 14. Matthews reminded the court that he had repeatedly stated on the record that there was no need to go to trial and asked the State to come talk to him. 4RP 16.

Matthews's standby attorney then addressed the court. He argued that the Court of Appeals had ruled that Matthews was entitled to withdraw his plea, but it was still Matthews's choice what remedy to pursue. He could choose to do nothing, he could choose specific performance, or he could choose to withdraw his plea. The problem was that Matthews was never afforded an opportunity to exercise his option. Instead, everyone acted on the assumption that Matthews had chosen to withdraw his plea. Counsel argued that Matthews's plea could not be withdrawn based on an assumption. Due process required a manifest and overt choice. 4RP 22-24.

The court took the matter under consideration, and on July 14, 2008, it ruled that Matthews had withdrawn his plea at the April 4, 2008, hearing. 4RP 41. The court found that Matthews had requested to withdraw his plea all along, and he confirmed his choice when he stated at the April hearing that his plea was withdrawn. 4RP 31-33. The court noted that it would have been better if Judge Van Doorninck had entered an order specifically stating that the plea was withdrawn, but it did not feel such an order was necessary in this case, because everyone was operating under a reasonable assumption that that was what Matthews wanted. 4RP 34. The court entered an order stating Matthews had withdrawn his guilty plea on April 4, 2008. The order listed several findings of fact, including the following:

- 1) The defendant has consistently maintained his desire to withdraw his plea and has never requested any remedy other than “withdraw of guilty plea”;
- ...
- 7) On April 4, 2008[,] the defendant made his first appearance in Pierce County Superior Court after the Court of Appeals mandate, and exercised his option to withdraw his plea by asserting “my plea is withdrawn” (RP 4/4/08, p.7);
- 8) During the April 4, 2008[,] hearing the defendant repeatedly affirmed on the record that he had withdrawn his plea by stating such and by referring to the pre-trial status of the case (RP 4/4/08, pp. 6, 7, 9, 12);
- ...
- 11) On April 4, 2008, the defendant withdrew his guilty plea as authorized by the Court of Appeals Order Granting Petition, case no. 35437-3-II.

- 12) The defendant's plea is withdrawn and the matter is currently within the jurisdiction of the Pierce County Superior Court in pre-trial status.

CP 137-38.

Matthews filed a motion for reconsideration and two supplements to the motion. CP 108-36, 139-51, 152-64. At the hearing on his motion on August 7, 2008, Matthews argued that while the Court of Appeals ruled he was entitled to withdraw his plea, the choice of remedy was up to him. 5RP 21. He did not tell Judge Van Doorninck at the April hearing that he did not want to withdraw his plea, because she made it clear that the purpose of the hearing was to set a trial date and discuss bail. He reminded the court that he was not represented by counsel at that hearing. 5RP 23.

The State acknowledged that the court had no jurisdiction to set trial dates, order discovery, or set briefing schedules if the case were still under a valid plea and Judgment and Sentence. Although the court never asked Matthews if he was withdrawing his plea and no order was entered vacating the Judgment and Sentence, the State characterized that as "form over substance." 5RP 33.

The court denied the motion to reconsider, stating that Matthews had never, until July 2008, indicated anything other than a desire to

C. ARGUMENT

BY ORDERING MATTHEWS'S PLEA WITHDRAWN AND HIS JUDGMENT AND SENTENCE VACATED WITHOUT AFFORDING HIM THE OPPORTUNITY TO CHOOSE THE REMEDY FOR HIS INVOLUNTARY PLEA, THE COURT DENIED MATTHEW'S DUE PROCESS.

When a defendant's guilty plea is based on misinformation, the defendant is entitled to relief. State v. Mendoza, 157 Wn.2d 582, 591, 141 P.3d 49 (2006); CrR 4.2(f) ("The court shall allow a defendant to withdraw the defendant's plea of guilty whenever it appears that the withdrawal is necessary to correct a manifest injustice."); CrR 7.8. The Washington Supreme Court has recognized that where a defendant's guilty plea is based on misinformation, the defendant may choose between available remedies. State v. Tourtellotte, 88 Wn.2d 579, 585, 564 P.2d 799 (1977). If the defendant does not wish withdrawal of the plea, that "remedy" may be unjust. State v. Miller, 110 Wn.2d 528, 533, 756 P.2d 122 (1988). Thus, case law has clarified that the defendant's choice of remedy controls; the remedy cannot be imposed by the court. State v. Turley, 149 Wn.2d 395, 399, 69 P.3d 338 (2003); State v. Walsh, 143 Wn.2d 1, 9, 17 P.3d 591 (2001); Miller, 110 Wn.2d at 535; In re Pers. Restraint of Fonseca, 132 Wn. App. 464, 469, 132 P.3d 154 (2006); State v. Henderson, 99 Wn. App. 369, 374, 993 P.2d 928 (2000); State v. Shineman, 94 Wn. App. 57, 61, 971 P.2d 94 (1999).

Under state law, Matthews is entitled to his choice of remedy for his involuntary plea. When a right is created by state law or policy, the due process protections of the state and federal constitutions are triggered. In re McCarthy, 161 Wn.2d 234, 240, 164 P.3d 1283 (2007) (citing Wilkinson v. Austin, 545 U.S. 209, 221, 125 S.Ct. 2384, 162 L.Ed.2d 174 (2005)); In re Frampton, 45 Wn. App. 554, 559, 726 P.2d 486 (1986); U.S. Const., Amend. XIV; Wash. Const., art. I § 3.

No Washington case has addressed the procedures necessary to secure a defendant's right to choose his remedy following an involuntary plea. It is well settled, however, that due process guarantees at a minimum notice and an opportunity to be heard in a proceeding appropriate to the nature of the case. Hamdi v. Rumsfeld, 542 U.S. 507, 533, 124 S.Ct. 2633, 159 L. Ed. 2d 578 (2004); In re Messmer, 52 Wn.2d 510, 514, 326 P.2d 1004 (1958).

In determining the level of protection required, the court must balance three factors: (1) the private interest at stake, (2) the risk that the procedure used will result in error and the probable value of additional or substitute procedural safeguards, and (3) the government's interest in the procedure used and the fiscal or administrative burden of substitute or additional procedural safeguards. McCarthy, 161 Wn.2d at 242 (citing

Mathews v. Eldridge, 424 U.S. 319, 334-35, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976)).

In this case, Matthews had a liberty interest in exercising his choice of remedy after he involuntarily entered a guilty plea. Very little was needed to safeguard that interest. Notice and a hearing at which he was formally asked to choose a remedy followed by entry of the appropriate order would have ensured that it was Matthews's chosen remedy which was carried out, rather than the remedy everyone assumed he would choose. This could have been accomplished at very little fiscal or administrative cost. The Superior Court was required by this Court's mandate to set a hearing for action consistent with the opinion. CP 18-19. Matthews could have been asked to make a formal statement of intent at that hearing.

Further, the State has no interest in proceeding as it did. In fact, Matthews presented documents from another Pierce County case showing that formal steps were taken to institute the defendant's chosen remedy. 5RP 20. And the court noted that Judge Van Doorninck's failure to follow such a procedure was problematic. 4RP 33; 5RP 20. It appears that the lack of procedure in this case was not by design or out of necessity. Rather, it was due to oversight and government assumption that the choice had been made. Assumptions cannot substitute for procedural protections.

The court below found that Matthews had exercised his option to withdraw his plea at the first hearing after the mandate was issued, when he stated that his pleas had been withdrawn. CP 138. It also found he affirmed that choice repeatedly at that hearing. CP 138. That hearing, however, was scheduled to set a trial date, and the court made it clear that was the only purpose of the hearing and no other issues would be addressed. RP (4/4/08) 3-4, 6, 12. Matthews was never asked if he was choosing to withdraw his plea. When he stated, “Since we set a trial date in this matter and pleas are withdrawn, we need to address the issue of bail, if we could”⁶, he appeared to be under the impression that he either no longer had a choice as to his remedy or that he would be permitted to exercise that option at a later date. Matthews cannot be found to have implicitly withdrawn his plea under these circumstances. See Kinney v. State, 974 S.W.2d 296, 297-298 (Tex.App.-San Antonio,1998) (Even though everyone assumed purpose of hearing was to withdraw plea, where defendant did not explicitly move to withdraw plea, issue not preserved for review).

Matthews’s letter to the court dated March 18, 2008, stating he intended to return to Pierce County to withdraw his plea, indicates his understanding that a formal withdrawal had not yet been made. See Supp.

⁶ RP (4/4/08) 6.

CP (Letter from Defendant, filed 3/21/08). It is clear that sometime after that letter was written, Matthews changed his mind about withdrawing his plea. He prepared a notarized affidavit on March 25, 2008, indicating his desire to leave the current conviction and sentence in place. CP 106-07. Matthews also stated at the initial hearing that he was “here for disposition” and “ready to be through with this.” RP (4/4/08) 13. He later repeated his position for the record, stating a disposition could be reached short of going to trial. 3RP 27-28. The court never set the matter for a hearing on Matthews’s choice of remedy, however. Instead, it conducted a hearing to set a trial date and proceeded under the assumption that the plea was already withdrawn.

The court below suggested that by failing to tell Judge Van Doornink that he did not want to withdraw his plea, Matthews waived his right to choose that option. 4RP 20; 5RP 24-25. And the State argued that since Matthews was granted the right to represent himself in 2003, he continued in that status at the April 4, 2008, hearing and was held to the standard of an attorney speaking on his behalf. Thus, it was up to him to tell the court at that hearing that he did not intend to withdraw his plea. 5RP 34, 39-40.

The notion that Matthews had the opportunity to correct the judge as to the purpose of the hearing is absurd. Except for setting bail, every

time Matthews tried to raise an issue other than setting a trial date, the judge refused to consider it, saying that was not the purpose of the hearing. RP (4/4/08) 6, 12-13. Moreover, the judge explicitly rejected Matthews's assertion that he was representing himself. RP (4/14/08) 6. The judge made it clear she would not permit Matthews to proceed on his own behalf at that hearing, and he was therefore unable to do anything other than go along with setting a trial date and bail.

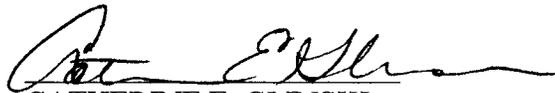
Finally, the court found that Matthews appeared to be asserting his trial rights when he filed his demand and assertion of constitutional rights on March 17, 2008. 4RP 30. This document lists 19 constitutional rights, some, but not all, pertaining to trial. It is significant that the first right asserted by Matthews in that document is "the right to due process of law." Supp. CP (Notice of Demand and Assertion of Rights). Matthews was entitled to his choice of remedy as a result of his involuntary plea. Yet he was given no notice of the proceeding at which he was expected to exercise that option and afforded no opportunity to formally do so, in violation of due process. The court's assumption that Matthews was choosing to withdraw his plea cannot substitute for the procedural protections guaranteed to Matthews, and the orders withdrawing his plea and vacating the judgment and sentence must be reversed.

D. CONCLUSION

Because Matthews was never afforded an opportunity to elect the remedy for his involuntary plea, the orders withdrawing his plea and vacating the judgment and sentence were entered in violation of due process and must be vacated.

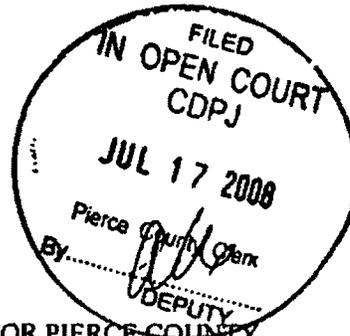
DATED this 23rd day of April, 2009.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Catherine E. Glinski', written over a horizontal line.

CATHERINE E. GLINSKI
WSBA No. 20260
Attorney for Appellant

APPENDIX



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 98-1-05430-3

vs.

BRIAN DAVID MATTHEWS,

Defendant.

ORDER RE: WITHDRAW OF GUILTY PLEA

THIS MATTER having come on regularly before the undersigned judge of the above-entitled court,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the defendant appeared before Pierce County Superior Court Judge Kitty-Ann VanDoominck on April 4, 2008 and affirmatively withdrew his Guilty plea as authorized by the Court of Appeals order dated February 7, 2008. The Court has reviewed the records and heard argument and bases this decision on the following relevant facts:

- 1) The defendant has consistently maintained his desire to withdraw his plea and has never requested any remedy other than "withdraw of guilty plea";
- 2) The defendant's October 15, 2005 motion before the Court of Appeals was to withdraw his plea;
- 3) On February 7, 2008 the Court of Appeals issued their ruling granting the defendant the relief he requested;
- 4) In February of 2008 the defendant filed a "statement" with the court again asserting that his plea was "void";
- 5) On March 17, 2008 the defendant filed documents with the trial court asserting all his Constitutional rights, including the right to a speedy trial;

- 6) On March 21, 2008 the defendant again wrote a letter to the trial court indicating that he wished to be returned to Superior Court to withdraw his guilty plea;
- 7) On April 4, 2008 the defendant made his first appearance in Pierce County Superior Court after the Court of Appeals mandate, and exercised his option to withdraw his plea by asserting "my plea is withdrawn" (RP 4/4/08, p. 7);
- 8) During the April 4, 2008 hearing the defendant repeatedly affirmed on the record that he had withdrawn his plea by stating such and by referring to the pre-trial status of the case (RP 4/4/08, pp. 6, 7, 9, 13);
- 9) The defendant's current declaration, dated March 25, 2008, but not filed until July 1, 2008, is not credible and does not satisfy the court that the defendant did not affirmatively withdraw his plea at the April 4, 2008 hearing;
- 10) The defendant knowingly availed himself of certain rights only afforded to persons who are under the jurisdiction of the trial court, such as: the right to pre-trial release, the right to discovery, the right to argue motions, the right to demand witness interviews, the right to argue pre-trial motions and the right to demand a speedy trial.
- 11) On April 4, 2008, the defendant withdrew his guilty plea as authorized by the Court of Appeals Order Granting Petition, case no. 35437-3-11.
- 12) The defendant's plea is withdrawn and the matter is currently within the jurisdiction of the Pierce County Superior Court in pre-trial status.

FILED
 IN OPEN COURT
 DONE IN OPEN COURT this 17th day of July, 2008
 G.P.J.

JUL 17 2008
 Pierce County Clerk
 By _____ DEPUTY

[Signature]
 JUDGE RONALD E. CULPEPPER

Presented by:

[Signature]
 KEVIN A. MCCANN
 Deputy Prosecuting Attorney
 WSB # 25182

[Signature]
 BRIAN DAVID MATTHEWS

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*7, 8, 9, 10, 11, 12, 13
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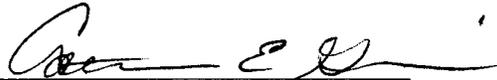
Certification of Service by Mail

Today I deposited in the mails of the United States of America, postage prepaid, properly stamped and addressed envelopes containing copies of the Supplemental Designation of Clerk's Papers and Brief of Appellant in *State v. Brian David Matthews*, Cause No. 38186-9-II, directed to:

Kathleen Proctor
Pierce County Prosecutor's Office
Room 946
930 Tacoma Avenue South
Tacoma, WA 98402-2102

Brian David Matthews
8424 Woodholme Road SW
Lakewood, WA 98498

I certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.



Catherine E. Glinski
Done in Port Orchard, WA
April 23, 2009

09 APR 23 AM 11:30
STATE OF WASHINGTON
BY CG
DEPUTY
COUNTY CLERK
PIERCE COUNTY