

COURT OF APPEALS
DIVISION II
09 SEP 23 AM 8:54
STATE OF WASHINGTON
BY CA DEPUTY

COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON,)
RESPONDENT,) NO. 38323-3-II
V.)
JEROME GEASAR ALVERTO,) STATEMENT OF ~~ADDITIONAL~~ GROUNDS
APPELLANT,) FOR REVIEW
) RAP 10.10

I, Jerome Geasar Alverto, have received and reviewed the opening brief prepared by appellant attorney, Ms. Rebecca Wold Bouchey. Summarized below are the additional grounds for review that are addressed in this brief. I understand the Court will review the Statement of ~~Additional~~ Grounds for Review when my appeal is considered on the merits.

PRELIMINARY ASSERTIONS OF ACCORDED U.S. CONST. RIGHTS

These Grounds by JEROME CEASAR ALVERTO was made necessary due to the State of Washington's prosecuting authorities (Executive Branch) interfering with his Ability to Assert his Accorded United States Constitutional Absolute Enumerated Rights Within Amendments 1,5,6,8,13 and 14, beginning from the date he was arrested, all the way through his "Appeal as of Right (WA. CONST. ART. I,§22)", through "Independant Loyal Counsel" to his United States Constitutional and legal "INTERESTS", which Mr. Alverto was "Completely Deprived" of, as set forth below. Therefore, these Grounds by Jerome Ceasar Alverto, is Based Upon (1) the Enumerated Provisions Within Amendments 1,5,6,8,13 and 14 that are Accorded to Jerome Ceasar Alverto under the United States Constitution of America; and (2) the UnConstitutionallity of Revised Code of WASHINGTON (RCW) chapter 36.26 in its Entirety; (3) chapter 43.101 in pertinent part; (4) WashingtonAdministrative Code (WAC)139-15-110 in pertinent part; and (5) UnConstitutionality of RCW 9.94A.530(1)(in part-The additional time for deadly weapon findings or for other adjustments as specified in RCW 9.94A.533 shall be added to the entire standarad sentence range.) and , RCW 9.94A.533(3) and (4). All GROUNDS for relief MUST BE "FULLY REVIEWED" by the Court and, a Decision given thereupon for Each Ground asserted.

~~ADDITIONAL~~ GROUND 1

Unconstitutional prosecution, conviction and sentence obtained in Violation of the Absolute Protection under the United States Accorded Constitutional Mandates Enumerated within Amendment Four "Search and Seizures" clause, which then escalated into the violation which completely deprived Jerome Ceasar Alverto's Absolute Protection under the United States Accorded Constitutional Enumerated Rights within Amendments:

1 (Freedom of Speech & Petition Clauses); 5 (Double Jeopardy, Self-Incrimination, Due Process of Law, and Equal Protection of Law); 6 (Speedy Trial, Confrontation, Compulsory Process, and Loyal Independant Counsel, who is free of governmental authority and control who "Interferes" with counsel representation of Jerome Ceasar Alverto's Constitutional and Legal Interests).

FACTS & AUTHORITY

On May 13, 2006, Stephanie Wilson was brutally beaten and shot by an assailant who's face and body was covered with clothing, except about 1 inch horizontal space across the eyes. RP294, line 9. Ms. Wilson accused one of her ex-husbands as the perpetrator, Jerome Ceasar Alverto, RP275, lines 1-5. On May 13, 2006, Detective (det.) John Jimenez of Pierce County Sheriff's Office, with Det. Timothy Donlin, makes a "WARRANTLESS SEARCH" of the victim's house RP 680, lines 22-23 and RP 681, lines 1-6 ("2nd WARRANTLESS SEARCH"), who were fully aware that "Stephanie Wilson" was the "only victim", that "no one was in the house, which was 1/4 block away", and that "NO EXIGENT" circumstances existed, GROH-vs-RAMIREZ (2004), 540 U.S. 551, 559, 124 S.Ct. 1284, 157 L.Ed.2d 1068. After this "Second Warrantless Search" was conducted, Det. Jimenez, then requested a superior court judge, Lisa Worswick, for a "Search Warrant", APPENDIX (APPX.) A, for a "Search Warrant". No "Affidavit of Probable Cause for Search Warrant" was ever submitted to the Court. Mr. Jimenez merely submitted a "Complaint for Search Warrant". APPX. A., Judge Worswick in her "Order for Arrest of Jerome Ceasar Alverto", refers only to a "Complaint for a Search Warrant", not an "Affidavit of Probable Cause for Arrest". See APPX A. "SEARCH WARRANT" signed by Judge Lisa Worswick, "at para 1, first para.", WONG SUN-vs-U.S. (1963), 371 U.S. 471, 83 S.Ct. 407, 9 L.Ed.2d 441 ("fruits of the poisonous-tree" doctrine, U.S. Constitutional Amendment Four, "Search & Seizure").

The only remedy under the above "FACTS & AUTHORITY", is Dismissal of all charges with Prejudice, under WONG SUN-vs-U.S. (1963) "fruits of a poisonous tree" doctrine.

ADDITIONAL GROUND 2

Completely deprived Jerome Ceasar Alverto of his Absolute Protection under the United States Accorded Constitutional Amendment Four to the Enumerated Rights to be free of Search and Arrest without a Valid "Affidavit of Probable Cause for the Arrest of Jerome Ceasar Alverto", in further violation of his Absolute Protection under the United States Accorded Constitutional Enumerated Rights within the Amendments:

1 (Freedom of Speech & Petition Clauses); 5 (Self-Incrimination and Double Jeopardy Clauses); 6 (Speedy Trial, Jury Trial, Confrontation, Compulsory Process and Loyal Independant Counsel Clauses); 8 (Cruel & Unusal Punishment Clause); 13 (Forced Slavery/Servitude) and 5 and 14 (Notice, Fair Trial with the Opportunity to be heard by an Unbiased Impartial Trial Judge).

FACTS AND AUTHORITY

In the early morning hours of May 13, 2006, at day break/light, Jerome Ceasar Alverto, was removed from his vehicle at gun-point, by Pierce County Sheriff deputies Bryan Cline and Mark Fry, about 2 1/2 city blocks from his residence, Pre-trial hearing 3.5, Testimony by Bryan Cline, RP at page 138, Lines 15-19, without a "Search Warrant" Being Duly Issued/ordered by the Court and upon a valid "Affidavit of Probable Cause" for his arrest:

1. Mr. Alverto was arrested at approximately 5:15am, May 13, 2006 RP at page 137-138;
2. A sworn "Statement" of "Probable Cause for the Arrest of Jerome Ceasar Alverto", by officer D. Shuey, to a judge (signature illegible, nor is there any reference to a "Court"), was not presented to, nor ordered, by the Court, until "May 13, 2006, at 2:02pm" 8 1/2 hours after Jerome Ceasar Alverto's arrest. APPENDIX B.
3. On page 2 of officer D. Shuey's "Statement of Probable Cause for the Arrest of Jerome Ceasar Alverto" (APPX B.), first para. line 3 (last sentence), states:

"AND SHOT HER SEVERAL TIMES. ALVERTO WAS ARRESTED NEARBY WEARING BLOODY CLOTHING, AND THE GUN WAS FOUND IN HIS CAR." (referring to "the weapon (pistol) used at the crime scene")."

4. The "Gun" referred to in the Section 3 above, was found at 7:30am, May 13, 2006, Trial Proceeding's, RP at 552, LINES 12-14, 6 1/2 hours prior to officer D. Shuey's Affidavit in Section 3 above.
5. This find, of the gun used at the crime scene, was immediately over the air sent to dispatch, and to any and all of the officers at the crime scene

and scene of suspect arrest, as well as all other officers still responding to each scene. RP at 20, LINES 6-9.

Therefore, officer D. Shuey, prior to his perfecting of the "Statement of Probable Cause for the arrest of Jerome Ceasar Alverto" KNEW that the gun used at the "crime scene" was found at the "construction site", on "a pile of lumber", RP at 552, LINES 12-14, and "not in the suspect's car", RP at page 137-138.

The statement of officer D. Shuey above in "Section 3", under Oath ("AND THE GUN WAS FOUND IN HIS CAR"), constitute a knowing and willful act of "Perjury" by officer D. Shuey, KALINA-vs-FLETCHER(1997), 522 U.S. 118 S.Ct.502,509 n.8, 139 L.Ed.2d 471; CHESSMAN-vs-TEETS(1957),350 U.S.256,77 S.Ct.1127,1 L.Ed.2d 1253.

This willful pernicious act of perjury by officer D. Shuey, further constitutes a malicious willful "BAD FAITH ACT" within the scope and finding within ARIZONA-vs-YOUNGBLOOD(1988)488 U.S.51, 109 S.Ct 333, 102L.Ed.2d 281; LISENBA-vs-CAL (1941)314 U.S. 219,62 S.Ct. 280,289 80 L.Ed 160. The only remedy under the above "FACTS & AUTHORITY", is Dismissal of all Charges with Prejudice. Here in the 9th Circuit, under U.S.-vs-COOPER(9th cir 1993), 983 F.2d 928, "...If there is 'Bad Faith' on the States actions, 'Dismissal with Prejudice of all charges is the only remedy.'" at pages 932-933

~~ADDITIONAL~~ GROUND 3

JEROME CEASAR ALVERTO was completely deprived of his Absolute United States Accorded Constitutional Enumerated Rights within **Amendment Four (4)** to not be subjected to Unconstitutional Search & Seizure of his private residence, which in turn, completely deprived him of his Absolute United States Accorded Constitutional Enumerated Rights within Amendments:

1 (Freedom of Speech & Petition Clauses); 5 (Self-Incrimination and Double Jeopardy Clauses); 6 (Speedy Trial, Public Trial, Impartial Jury, Confrontation, Compulsory Process, and Loyal Independent Competent Counsel); 5 and 14 (Due Process [Notice: Fair Trial, Opportunity to be heard by an Unbiased/Impartial/Non-Prejudice Trial judge] and to equal protection of the laws); 8 (to not be subjected to Cruel and Unusual Punishment under an Unconstitutional Prosecution/Conviction/Sentence); 13 (to not be subjected to **Slavery/Servitude** under an Unconstitutional Prosecution/Conviction/Sentence).

FACTS & AUTHORITY

On the afternoon of May 13, 2006, Pierce County Sheriff's Detective Warren L. Dogeagle, under oath, makes out a "**Complaint for Search Warrant**", for the residence of Jerome Ceasar Alverto, at 17311 85th Ave. Court E., Puyallup, WA. 98375, which contains **BLANTANTLY, OBVIOUS "False Statement"** that, upon being duly sworn by a superior court judge, constitutes an act of "**PERJURY**" in the First Degree, RCW 9A.72.020, and, acknowledged by :

- (a) Deputy Prosecuting Attorney Brian Wasankari, RP at 62, lines 13-15;
- (b) Defense Attorney Bryan G. Hershman, RP at 62, lines 7-9; and
- (c) Trial Judge Kitty Ann VanDoornick, RP at 62, lines 3-5;

and this action by the court and her officers of that "Court", allowed that act of "**PERJURY**" to be put on "**RECORD**" as evidence for the trial judge, K.A. VanDoornick, to deny the "**Suppression of Evidence**" obtained by an Unconstitutional Search & Seizure under United States Constitution Amendment Four. KYLLO-vs-U.S. (2001) 533 U.S. 27, 31, 121 S.Ct. 2038, 150 L.Ed.2d 94 (and cases cited therein).

The act of Perjury, Willfully and Knowingly committed by Detective Warren L. Dogeagle, within the "**Sworn Complaint for Search Warrant**" of Jerome Ceasar Alverto's residence at 17311 85th Ave. Court E., APPENDIX C, p.2.:

5th para. - "that the affiant verily" believes that the above evidence
is concealed "in or about a particular house or place to wit:"

6th para. - "the residence of suspect Jerome Ceasar Alverto at 17311 85th Ave.
Ct. E, Puyallup, WA 98375, a two story yellow house..."

in para. 4, above para. 5 and 6, it states:

"Jerome Ceasar Alverto was driving a beige, 1994, 4 door, Mercedes with Washington license plate number 225-NOG away from his residence, 17311 85th Ave. Ct. E., Puyallup, WA. 98375, when deputies stopped him in front of 17503 85th Ave. Ct. E., Puyallup, WA. Jerome Ceasar Alverto was arrested for shooting Stephanie Wilson with a firearm within an hour or less of this traffic stop and arrest. A rifle was on the rear floor seat floor and two small boxes, possibly handgun cases, were on the rear seat, and".

As stated, the "items" Detective Dogeagle described as possibly being in Mr. Alverto's "Residence", are the "Items" he just described as being found, and were found, in Mr. Alverto's "car". Further, before Det. Dogeagle applied for the "Search Warrant" for Mr. Alverto's house, 17311 85th Ave. Ct. E.,

(1) Deputy Cline after doing a "Warrantless Search" of Mr. Alverto's car immediately, by himself, goes to Mr. Alverto's house at 17311 85th Ave. Ct. E., and does a thorough "WARRANTLESS SEARCH" of Mr. Alverto's house, then returns to the "Stop and Arrest scene" where Deputy Fry is waiting with Mr. Alverto secure in the back of his police car. "WARRANTLESS" Unconstitutional "SEARCH #1". RP at 150, lines 18-20; (2 pg report by Dep. Cline, #061330256 dot 2;

(2) About 10 to 15 minutes later, Deputy Robert Johanson arrives at the "Stop and Arrest" scene at 17503 85th Ave. Ct. E." where he observes deputies Fry and Cline standing by their police cars. RP at 545, lines 16-19. Deputy Fry tells Dep. Johanson to go to the suspects house at 17311 85th Ave. Ct. E.. RP at 541, lines 4-6. Deputy Johanson goes to the suspects house, by himself, and waits for other officers to arrive, RP at 541, lines 8-12, until 6 to 10 minutes later, deputies Cline and Hultman finally proceed to "CONDUCT 'THE SECOND WARRANTLESS UNCONSTITUTIONAL SEARCH" of Jerome C. Alverto's home at 17311 85th Ave. Ct.E, RP at 542 - 543.

Section "(1)" and "(2)" Searches, were conducted long before Det. Dogeagle secured a search warrant with Sworn "Complaint for Search Warrant" that contained an " Act of Willful and Knowing Perjury".

"Act of Willfull and Knowing Perjury". Then Det. Steve Mell, forensic investigator, processed the 17311 85th Ave Ct. E. residence of J.C.Alverto, for evidence. As the United States Supreme reiterated the long standing 4th Amendment's "Search & Seizure", Rights of home owners, "a man has the RIGHT TO 'RETREAT' INTO HIS HOME" and there be free from "UNREASONABLE GOVERNMENTAL INTRUSION" stands "at the very core of the Fourth Amendment" GROH vs-RAMIREZ(2004), 540 U.S. 551,558-59, 124 S.Ct. 1284, 1290-92, 157 L.Ed.2d. 1068(quoting KYLLO-vs-U.S. (2001),533 U.S.27,31,121 S.Ct.2083, 150 L.Ed2d 94 (in turn quoting Silverman-vs-U.S.(1961),365 U.S. 505,511, 81 S.Ct679, 5 L.Ed.2d 734)

Mr. Alverto further points out to the Court, that at 7:30am, May 13, 2006, the police at the "crime scene" and "stop and arrest scene" became aware the "GUN/PISTOL" that was used at the "crime scene" was found at a "construction site" at Frederickson Estates off of 176th St. in Puyallup area, and Det. Dogeagle was one of the first officers notified of this find, around 5 to 6 hours prior Det. Dogeagle prefecting his "Sworn Complaint for the Search Warrant" of J.C.Alverto's home.

At no time did Jerome Ceasar Alverto give consent to enter his home on May 13, 2006, nor any other date or time. See "EXHIBIT #1 "Affidavit of Jerome Ceasar Alverto". The omission to act on Det. W.L. Dogeagle willful and knowing act of "Perjury", on the part of trial judge K.A. VanDoornick, prosecutor Brian Wasankari and defense attorney Bryan Hershman, constitutes a criminal act of 'SUBORNATION OF PERJURY', and further constitutes a criminal act of accomplice liability and co-conspirators to "the act of Perjury" itself, by K.A. VanDoornick, B. Wasankari and B.Hershman MOONEY -vs-HOLOHAN(1935),294 U.S. 103,55 S.Ct. 340, 79 L.Ed 791; ABC FREIGHT SYSTEM INC vs-N.L.R.B.(1994)510, U.S. 317,323, 114 S.Ct 835,839 n.1,127 L.Ed2d 152; an act of Judicial BIAS, IN RE MURCHLSON_(1955), 349 U.S. 133,136,75 S.Ct. 623, 625, 99 L.Ed. 94, on K.A. VanDoornick's part, inall, which further constituted governmental Overreaching and a Pervasive Arbitrary and Capricious action, in BAD FAITH, HOLMES-vs-SOUTH CAROLINA (2006), 547 U.S., 319, 126 S.Ct. 1727, 1731, 164 L.Ed.2d 503, for the sole purpose to obtain an Unconstitutional and Illegal prosecution, conviction and sentence against Jerome Ceasar Alverto. KALINA-vs-FLETCHER (1997) 522 U.S. 118, 118 S.Ct. 502, 139 L.Ed2d 471.

The Remedy of these Constitutional Violations is "Dismissal of all 'Charges with Prejudice'". U.S.-vs-VALENZUELA (1982), 458 U.S. 858,102 S.Ct. 3440, 3447, 73 L.Ed.2d 1193; U.S.-vs-COOPER(9th Cir 1993),983 f.2d 928, 931-33.

ADDITIONAL-GROUND 4

A conviction based in part, on perjured testimony of deputy Robert Johanson, in violation of the 5th and 14th Amendments of the United States Constitutions Right to a fair trial.

PERJURY #1

In a Pre-Trial Hearing (3.5)|| on 7/15/08, deputy Johanson, testified that:

Q. "When did you write that report?"

A. "A few hours after I--after I had left the scene, about an hour after I left the scene."

RP at 14, lines 5,6 and 7.

Then on 8/11/08 during Trial, deputy Johanson answered that same question as follows:

Q. "When did you write the report?"

A. "It would be the morning after the incident."

RP at 540, lines 4 & 5- Trial Testimony.

This constitutes an act of perjury within the scope and finding within CHESSMAN-VS-TEETS(1955), 350 U.S.156, 77 S.Ct.1127,1 L.Ed. 2d 1253; LAMBERT-vs-BLACKWELL(3rd Cir 1997), 962 F.Supp. 1521;134 F.3d 506; MOONEY-vs-HOLOHAN(1935),294 U.S.,103,55 S.Ct. 340, 79 L.Ed. 791.

PERJURY #2

In a Pre-Trial Hearing (3.5), on 7/15/08, deputy Johanson, testified that:

A. "17311 85th Ave. Ct East."

Q. "Who arrived at the house first?"

A. "I think we... same time. When I stopped at Deputy Fry's-- I believe at that time Deputy Cline went with me to the house, so I believe we arrived about the same time."

RP at 14, lines 15, 20-24.

Then on 8/11/08 during Trial, deputy Johanson answered that same question as follows:

Q. "Did you pass by Deputy Fry's location on the way to the house?"

A. "Yeah. I stopped and Deputy Fry said he was okay, and asked me to go down to the house. He gave me the address, and I went down there and waited at the house."

Q. "Why did you wait?"

A. "At the time we didn't know if we had multiple victims, we knew we had a house, and I was just the first one there to sit on it until other deputies could come to my location."

RP at 540, line 25 and RP at 541, lines 4-12 -- Trial Testimony.

This constitutes an act of perjury within the scope and finding within CHESSMAN, supra; LAMBERT, supra; MOONEY, supra.

The remedy is Vacate the Conviction and Sentence and Dismiss any and all charges with Prejudice.

The Deputy Prosecuting attorney, Mr. Wasankari, was the state's representative at both 3.5 pre-trial hearing (RP at 14) on July 15, 2008, and again during "Trial Testimony" on August 11, 2008, when Deputy Robert Johanson committed perjury, which constitutes an **Egregious Bad Faith Act of "Subornation of Perjury"** on the part of Deputy Prosecuting attorney, Wasankari. GIGLIO-vs-U.S.(1972), 405 U.S. 150, 92 S.Ct. 767,31 L.Ed.2d 104 (and cases cited therein).

-ADDITIONAL GROUND 5

JEROME CEASAR ALVERTO's prosecution, conviction and sentence is based upon the Uncontituitional Misconduct of Pierce County Superior Court Judge for the State of Washington, Kitty Ann Vandoornick, of Judicial Bias and Prejudice against the defendant, JEROME CEASAR ALVERTO, completely deprived him under the 5th and 14th Amendments Enumerated Rights under the Absolute United States Accorded Constitutional Provisions to Due Process (Fair Trial, Opportunity to be Heard by an Unbiased and Impartial Trial Judge) and Equal Protection under the Laws.

On August 14, 2008, during open court, on the 8th day of trial, deputy prosecuting attorney Wasankari, during direct examination of Ms Sara Gerzon, "led" this witness along with deliberate "pre-arranged questions" for the "sole purpose to elicit Ms Sara Gerzon Highly Inflammatory response", in regard to hearsay statement. RP at 1012-1015. The Trial judge, Kitty Ann Vandoornick, sat there on the bench, listening to Mr. Wasankari lead this witness to testify about the statement that judge Vandoornick had ruled that the specific statement could not be elicited by the State, during the pre-trial hearings in limine. RP at 1014, RP at 1015, lines 15-17. STATE-v-KOLOSKI (1984), 100 WA.2d 889, P2d. During this Colloquy, judge Vandoornick, in violation of her Canon of Judicial Conduct (CJC) 5(F), conducted an act as an attorney, on behalf of the "State", telling defense counsel, Mr Hershman, that deputy prosecutor Wasankari's MISCONDUCT was excusable, and that, without the authority to do so, absent a motion by the State to request the judge to change her ruling in limine, prior to examining the witness, RP at 1014, lines 6-25; RP at 1015, lines 1-8, in further violation of Judicial Canon 3(4) and (5). TUMEY-v-STATE OF OHIO(1972), 273 U.S. 510, 532, 47 S.Ct.437, 444, 71 L.Ed 749. Kitty Ann VanDoornick, is a superior court judge under the "Judicial Branch" of the State of Washington, and while sitting on the bench, in a criminal case (case number: 06-133-0256), in "OPEN COURT", steps into the "shoes" of the "Executive Branch" by performing an act of a prosecuting authority on behalf of the Executive Branches prosecuting authorities "Interests" for the sole purpose to ensure an Unconstitutional conviction and sentence against JEROME CEASAR ALVERTO. NEW YORK-v-U.S.(1992), 505 U.S 144, 182,112 S.Ct. 2408, 120 L.Ed.2d 1201, "The Constitution's divisions of power among the 3 branches is 'VIOLATED' where one branch invades territory of another regardless whether party encroached approved the encroachment." BUCKLEY-v-VALEO(1976), 424 U.S. 1, 118-137, 96 S.Ct. 612, 46 L.Ed.2d 659. As cited DETENTION OF SAVALA (div. III, 2008), 147 WN.APP. 798, 806-07 mn.11 to 14, --P.3d--. See also YICK WO-v-HOPKINS(1886),118 U.S. 356, 370, 6 S.Ct. 1064, 30 L.Ed. 220.

Kitty Ann VanDoornick did not end her Judicial Misconduct there, she continued that Misconduct a short time later RP at 1228-1238, and specifically, during that colloquy, in re to defense counsel Hershman's attempt to bring up the "Issue" of Pierce County deputy sheriff BRYAN CLINE'S (witness now on the stand), of Credibility, RP at 1228, lines 14 to 23, and pre-trial 3.5 Hearing RP at 128 130 "testimony of deputy Cline's 'criminal conviction' of 'prescription forgery' case no. 07-1-04743-5," and again acts in the role as the State's prosecuting authority, openly, to represent the "Interests" of the "Executive Branches" prosecuting authority, in BAD FAITH, ARIZONA-v-YOUNGBLOOD(1988), 488 U.S. 51, 58, 109 S.Ct. 333, 102 L.Ed.2d 281, which Deprived JEROME CEASAR ALVERTO to his absolute United States Accorded Constitutional Enumerated Rights within Amendments One(Freedom of Speech & Petitioning for Redress of his Grievances, through "Loyal Independent counsel"). See McDonald-v-Smith(1985), 472 U.S. 479,482-85, 105 S.Ct. 2787, 86 L.Ed.2d 384; CRUZ-v-BETO(1972), 405 U.S. 319, 321, 92 S.Ct. 267, 269-70, 31 L.Ed.2d 1079; CRANE-v-KENTUCKEY(1986), 476 U.S. 683,690,106 S.Ct. S.Ct. 2142, 90 L.Ed.2d 636; OFFUT-v-U.S.(1955), 348 U.S. 11,14,75S.Ct. 11,13,99 L.Ed.11; AETNA LIFE INS. CO-v-LAVOI(1986), 475 U.S.813, 106 S.Ct. 1580, n.2, 1585, 89 L.Ed2d 823. See also STATE-v-MORENO(2002), 147 WA.2d 500, --, 58 P.3d 265 ("A trial court judge must not undertake the role of either prosecutor or defense counsel"); PEOPLE-v-CARLUCCI(1979), 23 Cal.3d 249, 258, 590 P.2d 15". And cases sited therein in the above cases, respectfully.

The United States Congress, the Framers of this Country, under the United States Constitutions Enumerated Provisions, created the federal and state "Judicial Branches" with "Article I, §8, cl.9", GLIDEN-v-ZDANK(1962), 370 U.S. 530, 83 S.Ct. 14, 9 L. L.Ed2d 93; "Article III, §1 (...judges SHALL hold their office in GOOD BEHAVIOR...)". "Articles IV, §1" JOHNSON-v-MUELBERGER (1951), 340 U.S. 581,71 S.Ct. 474, 95 L.Ed. 552; and, Pierce County Superior Court judge, Kitty Ann VanDoornick, did not act as a trial judge in GOOD BEHAVIOR under case number, which constitutes a violation of her "Oath To Office" under the United States Constitution Article VI, clause 3. ABLEMAN-v-BOOTH(1858), 62 U.S.506, 21 HOW. 506, 16L.Ed. 169; BOND-v-FLOYD(1966), 385 U.S. 116, 87 S.Ct. 339, 17 L.Ed.2d 169. Judge Kitty Ann VanDoornick's Misconduct was an willful, knowing EGREGIOUS BAD FAITH ACT, which constitutes a Pernicious and prevading act of "Governmental 'Overreaching' with Egregious Arbitrary and Capricious Actions" by the State of Washington, through it's "agent", Kitty Ann VanDoornick, that DEPRIVED JEROME CEASAR ALVERTO of his Absolute United States Accorded Constitutional Enumerated Rights with Amendments 1,4,5,6,8 and 14 under the Authority set forth above, including all Authority set forth above in "GROUNDS 1,2,3 and 4, and is Incorporated by reference herein in their entirity, HOLMES-v-SOUTH CAROLINA(2006), 547 U.S. 319, 324, 126 S.Ct. 1727, 1731, 164 L.Ed.2d 503(and cases cited therein), to a "Fair Trial" by

an "Unbiased" and "Impartial" trial judge, which in turn, judge Kitty Ann VanDoornick's Malicious Willful Misconduct further DEPRIVED JEROME CEASAR ALVERTO to a trial by an Impartial jury.

The remedy is Vacate the Conviction and Sentence and Dismiss and all Charges with Prejudice.

CONCLUSION

Due to the Knowing and Willful Prevading Bad Faith Acts of the State's prosecuting attorney's office, in Collusion with the counsel for the defendant, this Court must (i) Due to the State of Washington's Pernicious Willful Bad Faith Acts against JEROME CEASAR ALVERTO, the defendant, this Court must further ISSUE and ORDER "DISMISSING WITH PREJUDICE" ALL charges within the "Judgement and Sentence Order" on the erroneous invalid "Conviction", as well as any and all other charges that should, or could have, been brought against JEROME CEASAR ALVERTO in the riginal Information.

DATE: 09/10/09

Respectfully Submitted,



Jerome Caesar Alverto

APPENDIX - A

68

06-1330256

CT E and 93rd AVE CT E. The front door is located to the left of the garage. Visible in the open garage is a black Mitsubishi car with Washington license 669-USX.

This is located within the "SILVER CREEK DEVELOPMENT" of unincorporated, Pierce County, Washington; and then and there diligently search for said evidence, and any other, and if same, or evidence material to the investigation or prosecution of said FELONY/IES or any part thereof, be found on such search, bring the same forthwith before me, to be disposed of according to law. A copy of this warrant shall be served upon the person or persons found in or on said house or place and if a person is not found in or on said house or place, a copy of this warrant shall be posted upon any conspicuous place in or on said house, place, or thing, and a copy of this warrant and inventory shall be returned to the undersigned judge or his agent promptly after execution.

GIVEN UNDER MY HAND this 13 day of May, 2006.

Lisa Worswick
SUPERIOR COURT JUDGE

70

06-133 0256

LOCATION

17727 93rd AVE CT E, Puyallup WA. A two story sand/brown in color single family residence, with black window shutters. There are brass house numbers on the left side of the garage door reading 17723. This home sits on the corner of 177th AVE CT E and 93rd AVE CT E. The front door is located to the left of the garage.

The Affiant's belief is based upon the following facts and circumstances:

FACTS AND CIRCUMSTANCES

On 05/13/06 at approximately 0454 hours Deputy Smith #452 and Deputy Maier #451 (Double Unit) were dispatched to 17811 92nd Av E, regarding a shot's fired call. The caller reported hearing three gun shots and a female screaming. While en-route dispatched advised of another call from the area of 17734 93rd Av Ct E, who was reporting they had also heard a female screaming followed by 3-4 gun shots. LESA radio also received a 911 call from 9328 177th St Ct E, who reported he saw someone carrying a bag and dragging someone across the neighbor's lawn. The caller then reported someone was at his front door claiming to have been shot. LESA radio also advised us of another all from the immediate area, who reported they heard two gunshots and then saw a black male walking from the front of a nearby residence to the back.

Deputy Smith #452, Sgt. Wilson #74 and Deputy Maier #451 arrived in the area at approximately the same time and located the victim (V) Stephanie Wilson lying on the front porch of 9328 177th St Ct E. Stephanie had a blank look in her eyes and was lying motionless on the concrete porch. Stephanie had blood on her face and had an obvious injury to her forehead. Stephanie said her ex-husband (A) Jerome Alverto broke into her house and shot her at least two times. Stephanie said "he always breaks into my house". Stephanie told Deputy Maier that Jerome lived at 17311 85th Av Ct E and was possibly driving a tan Mercedes or a green Volvo. Stephanie said she thought she had been shot in the head and back. Stephanie was conscience and able to answer Deputy Maier's questions. Stephanie said she was having a difficult time breathing. Graham Fire responded to the scene and transported Stephanie to Madigan Hospital for life threatening injuries. Graham Fire told Deputy Maier on their initial assessment of Stephanie it appeared she had been shot 4 times; right hand, right upper chest, mid forehead and left cheek.

Deputy Maier advised the other incoming units to check for Jerome at 17311 85th Av Ct E. Deputy Maier also advised them of the vehicle descriptions. Deputy Fry #280 and Cline #459 located Jerome near his residence and took him into custody without incident. Deputy Cline advised Deputy Maier, Jerome had blood on his clothing and a gun was found in the vehicle Jerome was driving. For further information regarding Jerome's arrest see Deputy Fry and Clines supplemental reports.

Deputy Smith and Deputy Maier secured the crime scene and Deputy Smith started a Major Crime Incident log sheet.

AFFIANT'S TRAINING AND EXPERIENCE

Your Affiant has been with the Pierce County Sheriff's Department since August 27, 1984. During that time your Affiant has been assigned to the Patrol Division (for fifteen years), to the Canine unit as a handler and Master trainer (for

000070

06-133 0256

A

four years), A School resource officer in the Clover Park School District (for four years) and has been assigned as a Detective in several different criminal investigative assignments since October 1999. Those investigative assignments include General Assignment, Domestic Violence investigator, Sexual Assault investigator, Sex offender tracking unit, as a Homicide/Major Assault investigator in the contract city of Lakewood and most currently in the Sex offender/kidnap registration unit with the Pierce County Sheriff Department. Your Affiant has had this current assignment since April 2005. Your Affiant spent approximately one year as a patrol officer with the Seattle Police Department. Your Affiant has attended and graduated from the Washington State Criminal Justice Training Commission Basic Law Enforcement Academy, Your Affiant has an Associate of Art and Science degree from Fort Steilacoom Community College. Your Affiant has attended the Basic Homicide Investigations Course, and the Practical Homicide Investigations Course. Additionally, your Affiant has investigated numerous Major assault and homicide cases since October of 1999.

A

B

Based on the above facts and circumstances your Affiant knows the following:

C

That there is blood splatter and smears inside and out side of the home and on the neighbors porches. There is signs of a struggle inside the victim's residence, to include bloody bed linens, blood on the carpeting and physical evidence of a struggle. There is a spent cartridge/s in the neighbors back yard

D

Based on the facts and circumstances and your Affiant's training and experience, your Affiant believes the following:

Based on the above information your Affiant believes that a search of the premises of this residence will produce evidence of:

CRIME

DV/ATTEMPT MURDER RCW 9A.32.030

John Jimenez
Detective JOHN JIMENEZ

Subscribed and sworn to before me this 13 day of May, 2006.

Lisa Worswold
Superior Court Judge

Return of Service

 COPY

State of Washington)
) ss:
County of Pierce)

No. 06-1 50413-7

06-1330256

This is to certify that I received the within Search Warrant on the 13 day of May, 2006, and that pursuant to the command contained therein, I made due and diligent search of the person, place or thing described therein and found the following items;

See attached Property Sheet.

Names of persons found in possession of property;

No One Home

Names of persons served with a true and complete copy of Search Warrant;

left at scene

Description of door or conspicuous place where a copy of Search Warrant was posted;

Coffee table in Living Room

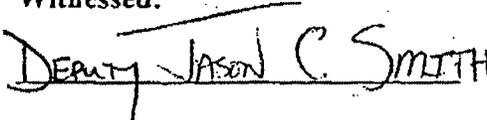
The property is now kept at the Pierce County Property Room located at the County City Building.

Dated this 13 day of May, 2006.



Detective John Jimenez #111
Pierce County Sheriff's Department

Witnessed:



Deputy Jason C. Smith #452

PROPERTY REPORT

Agency: Pierce County Sheriff Department

117

061330256.9

Disposition Location: PCSD/TPD Main Property Room

Subject: EC - Attempted Homicide

LOG#: _____

Printed on: 05/15/2006 / 9:47 Printed by: Jimenez, John

Related Cases:

PROPERTY INVENTORY

MC	PROPERTY DESCRIPTION	R/I	SC	Sealed	Qty	Serial No.	Dispo	LOCATION	RECEIPT NO.
19	Other - Evidence Spent shell casing, 40 caliber, from patio of 17733 93rd ave ct e Finding Officer: 958	001	E		1				
20	Other - Evidence Projectile, from patio of 17733 93rd ave ct e Finding Officer: 958	002	E		1				
22	Other - Evidence Red stain sample, lower doorjamb, rear slider 17733 93rd ave ct e Finding Officer: 958	004	E		1				
23	Other - Evidence Red stain sample from back yard of 17733rd ave ct e Finding Officer: 958	005	E		1				
24	Other - Evidence Red stain sample from s/w corner (back) of fence Finding Officer: 958	006	E		1				
25	Other - Evidence red stain and bark on driveway of 9328 177th st ct e Finding Officer: 958	007	E		1				
26	Other - Evidence Red stain sample from front patio of 9328 177th st ct e Finding Officer: 958	008	E		1				
28	Other - Evidence Black bag - from 70th ave e Finding Officer: 958	010	E		1				
29	Weapons - Firearms - Handgun - Semi-Automatic black w/polished slide - from 70th ave e Smith & Wesson.40 S&W model: SW40VE by Smith & Wesson Finding Officer: 958	011	E		1	PBD4522			
30	Other - Evidence Nextel cell phone from 70th ave e Finding Officer: 958	012	E		1				
31	Other - Evidence Control sample for item #4 Finding Officer: 958	013	E		1				
32	Other - Evidence Control sample for item #6 Finding Officer: 958	014	E		1				

Reported By: Steve Mell Employee ID: 05-022 Date: 5/13/2006 4:08:01PM

Verified By: _____

ROOM USE ONLY
PROPERTY RECEIVED: METHOD _____
PROPERTY INVENTORIED BY: _____

BY: _____
UNIT NO. _____

DATE: _____
DATE: 000122

118

061330256.9

LOG#: _____

Printed on: 05/15/2006 / 9:47 Printed by: Jimenez, John

33	Other - Evidence Control sample for item #8 Finding Officer: 958	015	E		1				
34	Other - Evidence Blanket at s/e corner of 9328 177 st e Finding Officer: 958	016	E		1				
35	Other - Evidence Spent shell casing, 40 caliber, west yard of 17733 93rd ave ct e Finding Officer: 958	017	E		1				
36	Other - Evidence Spent shell casing, 40 caliber, from west yard of 17733 93rd ave ct e Finding Officer: 958	018	E		1				
37	Other - Evidence Red stain and bark, from west yard 17733 93rd ave ct e Finding Officer: 958	019	E		1				
38	Other - Evidence Single strand of hair, from rear sliding door 17733 93rd ave ct e Finding Officer: 958	020	E		1				
39	Other - Evidence Small cardboard box over motion detector, living room first floor Finding Officer: 958	021	E		1				
40	Other - Evidence white metal earring, living room floor first floor Finding Officer: 958	022	E		1				
41	Other - Evidence white metal necklace, living room floor first floor Finding Officer: 958	023	E		1				
42	Other - Evidence set of car keys, chair in living room first floor Finding Officer: 958	024	E		1				
43	Other - Evidence bathroom carpet, floor of family room Finding Officer: 958	025	E		1				
44	Other - Evidence broken piece of glass, floor of family room Finding Officer: 958	026	E		1				
45	Other - Evidence 40 caliber bullet, bonus room hallway second floor Finding Officer: 958	027	E		1				
46	Other - Evidence bedding, master bedroom Finding Officer: 958	028	E		1				
47	Other - Evidence misc. papers, office second floor Finding Officer: 958	029	E		1				

000123

119

061330256.9

LOG#: _____

Printed on: 05/15/2006 / 9:47 Printed by: Jimenez, John

48	Other - Evidence kitchen knife, right side of bed master bedroom Finding Officer: 958	030	E	1				
49	Other - Evidence Wine glass - kitchen sink Finding Officer: 958	031	E	1				
50	Other - Evidence broken piece of glass - master bathroom floor Finding Officer: 958	032	E	1				
51	Other - Evidence broken Arbor Mist bottle - wrapped in item #25 Finding Officer: 958	033	E	1				
52	Other - Evidence White oval shaped pill - under item #25, family room Finding Officer: 958	034	E	1				
53	Other - Evidence circular shaped pill - master bathroom sink Finding Officer: 958	035	E	1				
54	Other - Evidence Presumptive blood test - master bathroom floor Finding Officer: 958	036	E	1				
55	Other - Evidence Red stain sample - master bathroom floor Finding Officer: 958	037	E	1				
56	Other - Evidence Control sample for item #37 Finding Officer: 958	038	E	1				
57	Other - Evidence Red stain sample - stair railing Finding Officer: 958	039	E	1				
58	Other - Evidence Control sample - for item #39 Finding Officer: 958	040	E	1				
59	Other - Evidence Red stain sample - west wall of staircase landing Finding Officer: 958	041	E	1				
50	Other - Evidence Control Sample for item #41 Finding Officer: 958	042	E	1				
51	Other - Evidence Red Stain sample - front entry way Finding Officer: 958	043	E	1				
52	Other - Evidence Control sample for item #43 Finding Officer: 958	044	E	1				

000124

APPENDIX - B

139

PROBABLE CAUSE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
 JUVENILE COURT OF THE STATE OF WASHINGTON
 DISTRICT COURT OF THE STATE OF WASHINGTON
 MUNICIPAL COURT OF THE CITY OF TACOMA
 MUNICIPAL COURT OF THE CITY OF _____

310 4547

STATEMENT OF ARRESTING OFFICER and PRELIMINARY FINDING OF PROBABLE CAUSE

STATE OF WASHINGTON)

) ss.

NO. 06-1-02214-1

County of Pierce)

(Type or Print)

Comes now (Name) D. SHUEY
 (Agency) PCSO, Law Enforcement Officer, and states
 that the following person was arrested by this officer at the following time and place:

Name: ALVERTO, JEROME C. ;

DOB 9-10-72 ; Sex M ; Race B ;

Date and time of arrest 5-13-06

Place of arrest 17500 85TH AV. C.T.E.

Incident No. 061330256

Listed Booking Charges ATT. MURDER 1⁰

The above individual was arrested for the listed charges based upon the following facts and circumstances:

ALVERTO SHOT HIS EX-WIFE 3X'S
 IN AN ATTEMPT TO KILL HER.
 VICTIM, STEPHANIE WILSON SAID THAT SUSPECT
 JEROME ALVERTO BROKE INTO HER RESIDENCE

Incident No. 061330256, Page No. 1

000144

140

(Continued)

AND SHOT HER SEVERAL TIMES. ALVERTO WAS
ARRESTED NEARBY WEARING BLOODY CLOTHING,
AND THE GUN WAS FOUND IN HIS VEHICLE.

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

5-13-06 TACOMA
(Date and Place)

[Signature] 320
(Signature)

Incident No. 061330256, page No. 2

000145

1411

PRELIMINARY FINDING RE: PROBABLE CAUSE

The undersigned judge, having examined the statement of the arresting officer attached hereto, **FINDS:**

PROBABLE CAUSE EXISTS AT THIS TIME

1) There is probable cause to believe that one or more of the crimes listed as Booking Charges, to-wit: ATTORNEY MISFEASANCE

or other crimes in lieu of or in addition thereto, were committed; 2) There is probable cause to believe that the named individual committed such crimes.

This finding is subject to review at the arraignment or the preliminary appearance of the named individual in court.

Based upon the above findings, the custody personnel normally used by the arresting law enforcement agency are authorized to hold the named arrested individual in custody upon the normal booking conditions set in such offenses. The named arrested individual shall be brought before (or ordered to appear at if released) the appropriate court during normal court hours for arraignment or preliminary appearance as required by the Washington Rules of Court.

PROBABLE CAUSE DOES NOT EXIST AT THIS TIME

Probable cause not existing at this time, the custody personnel normally used by the arresting law enforcement agency are directed to release any hold upon the defendant based upon the listed booking charges and release the defendant if there are no other warrants or holds. If other warrants or holds exist, the defendant shall be held only upon the conditions thereon.

This finding does not preclude the prosecuting agency from filing formal charges at a later time.

DATED this 13 day of May, 2006
TIME 2:07 pm

[Signature]
JUDGE

APPENDIX - C

Jerome's arrest see Deputy Fry and Clines supplemental reports.

Deputy Smith and I secured the crime scene and Deputy Smith started a Major Crime Incident log sheet.

Detectives and forensics responded and processed the scene (see supplemental reports). For further information regarding the witnesses statements see additional supplemental reports. Nothing further at this time.

Deputy D. Maier
PCSD 451-01068

and,

Jerome Ceasar Alverto was driving a beige, 1994, 4 door, Mercedes with Washington license plate number 225NOG away from his residence, 17311 85th Ave.Ct.E., Puyallup, Washington, 98375, when deputies stopped him in front of 17503 85th Ave.Ct.E., Puyallup, Washington. Jerome Ceasar Alverto was arrested for shooting Stephanie Wilson with a firearm within an hour or less of this traffic stop and arrest. A rifle was on the rear seat floor and two small boxes, possible handgun cases, were on the rear seat, and

that the affiant verily believes that the above evidence is concealed in or about a particular house or place, to-wit:

the residence of Suspect Jerome Ceasar Alverto at 17311 85th Ave. CT. E., Puyallup, Washington, 98375, a two story, yellow, house with white trim, a white storage shed in the back yard, with a wooden fence bordering the back yard, an attached two car garage, and a Volvo parked inside this garage,

in said county and state; that the affiant's belief is based upon the following facts and circumstances:

Deputy D. Maier reported the following: "On 05/13/06 at approximately 0454 hours Deputy Smith #452 and I (Double Unit) were dispatched to 17811 92nd Av E, regarding a shot's fired call. The caller reported hearing three gun shots and a female screaming. While en-route dispatched advised of another call from the area of 17734 93rd Av Ct E, who was reporting they had also heard a female screaming followed by 3-4 gun shots. LESA radio also received a 911 call from 9328 177th St Ct E, who reported he saw someone carrying bag and dragging someone across the neighbor's lawn. The caller then reported someone was at his front door claiming to have been shot. LESA radio also advised us of another all from the immediate area, who reported they heard two gunshots and then saw a black male walking from the front of a nearby residence to the back.

Deputy Smith #452, Sgt. Wilson #74 and I arrived in the area at approximately the same time and located the victim (V) Stephanie Wilson lying on the front porch of 9328 177th St Ct E. Stephanie had a blank look in her eyes and was lying motionless on the concrete porch. Stephanie had blood on her face and had an obvious injury to her forehead. Stephanie said her ex-husband (A) Jerome Alverto broke into her house and shot her at least two times. Stephanie said "he always breaks into my house". Stephanie told me Jerome lived at 17311 85th Av Ct E and was possibly driving a tan Mercedes or a green Volvo. Stephanie said she thought she had been shot in the head and back. Stephanie was conscience and able to answer my questions. Stephanie said she was having difficult time breathing. Graham Fire responded to the scene and transported

A Stephanie to Madigan Hospital for life threatening injuries. Graham Fire told me on their initial assessment of Stephanie it appeared she had been shot 4 times; right hand, right upper chest, mid forehead and left cheek.

B I advised the other incoming units to check for Jerome at 17311 85th Av Ct E. I also advised them with the vehicle descriptions. Deputy Fry #280 and Cline #459 located Jerome near his residence and took him into custody without incident. Deputy Cline advised me Jerome had blood on his clothing and a gun was found in the vehicle Jerome was driving. For further information regarding Jerome's arrest see Deputy Fry and Clines supplemental reports.

C Deputy Smith and I secured the crime scene and Deputy Smith started a Major Crime Incident log sheet.

D Detectives and forensics responded and processed the scene (see supplemental reports). For further information regarding the witnesses statements see additional supplemental reports. Nothing further at this time.

Deputy D. Maier
PCSD 451-01068,"
and,

E Jerome Ceasar Alverto was driving a beige, 1994, 4 door, Mercedes with Washington license plate number 225NOG away from his residence, 17311 85th Ave.Ct.E., Puyallup, Washington, 98375, when deputies stopped him in front of 17503 85th Ave.Ct.E., Puyallup, Washington. Jerome Ceasar Alverto was arrested for shooting a Stephanie Wilson with a firearm within an hour or less of this traffic stop and arrest. A rifle was on the rear seat floor and two small boxes, possible handgun cases, were on the rear seat, ~~of the vehicle he was driving.~~ *W.D.W.*

Wanda Doyne

SUBSCRIBED AND SWORN to before me this 13th day of May, 2006.

Lisa Worawick
JUDGE

Worawick

EXHIBIT - 1

COURT OF APPEALS
DIVISION II

DEV

STATE OF WASHINGTON,
APPELLEE,

No: 38323-3-II

v.

AFFIDAVIT OF
JEROME CEASAR ALVERTO

JEROME CEASAR ALVERTO,
APPELLANT,

STATE OF WASHINGTON

County of Walla Walla

) ss

I, JEROME CEASAR ALVERTO, depose and say:

That I am imprisoned at the Washington State Penitentiary,
1313 N. 13th Ave., Walla Walla, WA. 99362.

That on May 13, 2006, upon and after my arrest in front of
the residence at 17503 85th Ave Ct. E., Puyallup, WA. 98375, I
did not, at any time after nor before my arrest, give any con-
sent to anyone, to search my "Residence/House".

I declare under penalty of perjury that the foregoing is
true and correct to the best of my knowledge and belief. Excuted
on this 25th day of August, 2009.

Jerome Ceasar Alverto
Jerome Ceasar Alverto
#322854

SUBSCRIBED AND SWORN to before me this 26 th day of August,
2009



Wanda K. Hermann
Notary Public in and for the
State of Washington
Residing in Walla Walla,
Washington. My commission
expires: 8/20/11

EXHIBIT - 2

COURT OF APPEALS
DIVISION II

STATE OF WASHINGTON,)
) APPELLEE,)
))
v.)
))
JEROME CEASAR ALVERTO,)
) APPELLANT,)
-----))

No:38323-3-II

AFFIDAVIT OF
JEROME CEASAR ALVERTO

STATE OF WASHINGTON)
)ss
County of Walla Walla)

I, Jerome Ceasar Alverto, depose and say,

That I am imprisoned at the Washington State Penitentiary,
1313 N. 13th Ave, Walla Walla, WA 99362.

The "Opening Brief", perfected by Ms. Rebecca Wold Bouchey,
and submitted to this Court, "DOES NOT REPRESENT ANY OF MY INTERESTS
(i.e., my U.S. Constitutional nor Legal Interest's/ Rights) within
the "Record and the Facts" therein.

I demand that Ms. Rebecca W. Boucheys "Opening Brief/Brief
of Appellant" which he has perfected and submitted to this Court
on 08/25/2009, be hereby **STRIKEN** from the **RECORD**.

I declare under penalty of perjury that the foregoing is true
and correct to the best of my knowledge and belief. Executed on
this 25th day of August, 2009.

Jerome Ceasar Alverto
JEROME CEASAR ALVERTO
#322854

SUBSCRIBED AND SWORN to before me this 26th day of August, 2009.



Wanda K. Heuman
Notary Public in and for the
State of Washington
Residing in Walla Walla,
Washington, My commission
expires: 8/20/11

COURT OF APPEALS

DIVISION II

STATE OF WASHINGTON)
Appellee,)
)
Vs.)
)
JEROME CEASAR ALVERTO)
Appellant)
_____)

No. 38323-3-II

AFFIDAVIT OF SERVICE BY MAIL

State of Washington)
County of Walla Walla)

ss.

I, Jerome Ceasar Alverto Depose and say:

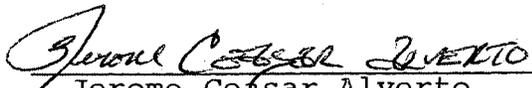
That on 10 day OF Sept., 2009. I mailed the following documents: .(a) STATEMENTS OF GROUNDS FOR RELIEF; (b) APPELLANT DEMAND TO STRIKE APPOINTED COUNSEL'S "APPELLANT BRIEF" FROM THE RECORD; (c) DISMISS APPOINTED COUNSEL MS. REBECCA WOLD BOUCHEY; (d) APPELLANTS MOTION TO STRIKE STATES RESPONSE BRIEF FROM THE RECORD; (e) APPELLANTS MOTION TO APPOINT LOYAL INDEPENDANT COUNSEL ON APPEAL AS OF RIGHT-WA, CONST.ART.I § 22.

Postage prepaid through the U.S. Post Office to:

- (1) Clerk, court of appeals, Div. II, 950 Broadway, Suite 300, Tacoma, WA 98402-3094 And
- (2) Prosecuting Attorney, -----

----- Tacoma, WA 98402

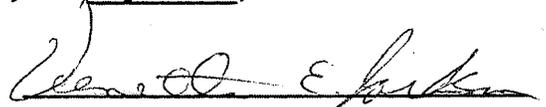
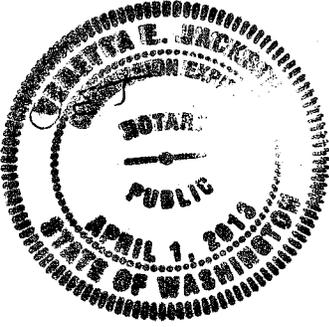
I declare under penalty of perjury that foregoing is true and correct to the best of my knowledge, Execute on 10th day of Sept., 2009.



Jerome Ceasar Alverto
#322854

STATE OF WASHINGTON
BY CA
DEPUTY
09 SEP 23 AM 8:05
COURT OF APPEALS
DIVISION II

SUBSCRIBED AND SWORN to before me this 10th day of September, 2009.



Notary Public in and for the
State of Washington,
Residing in Walla Walla,
Washington. My commission
expires : April 1, 2013