

copy of petition sent to counsel on d/a w/ ruling consolidating 11/10/09 LDR

CLERK OF COURT  
STATE OF WASHINGTON

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

39803-6

PLAINTIFF )

MARTIN ALEJANDRO GOMEZ-VILLA )

NO. 07-1-05633-7

PERSONAL RESTRAINT PETITION

Petitioner's Full Name

If there is not enough room on this form, use the back of these pages or use other paper. Fill out all of the form and other papers you are attaching before you sign this form in front of a notary.

A. STATUS OF PETITIONER

I, MARTIN ALEJANDRO GOMEZ-VILLA, DOC#331170 / G-W-109  
(Full name and current address)

WASHINGTON STATE PENITENTIARY 1313 N 13 AVE Walla Walla, WA 99362

Apply for relief from confinement. I am  am not \_\_\_\_\_ now in custody serving a sentence upon conviction of a crime. (If not serving a sentence upon conviction of a crime) I am now in custody because of the following type of court order: \_\_\_\_\_

(Identify type of court order)

1. The court in which I was sentenced is: SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

2. I was convicted of the crime of: ASSAULT IN THE FIRST DEGREE; DRY-BY SHOOTING

3. I was sentenced after (check one) Trial \_\_\_\_\_ Plea of Guilty  on 05-21-09  
Date of Sentence

4. The Judge who imposed sentence was SUSAN SERKO

5. My lawyer at trial court was ROBERT M. QUILLIAN / bar #6836  
Name and Address if known

2633-A PARKMONT LANE SW OLYMPIA, WA 98502

A FILING FEE  
[Signature]  
COURT CLERK 10/14/09

6. I did \_\_\_ did not  appeal from the decision of the trial court. (If the answer is that I did), I appealed to: \_\_\_\_\_  
Name of court or courts to which appeal took place

7. My lawyer for my appeal was: NONE  
Name and address if known or write "none"

The decision of the appellate court was \_\_\_\_\_ was not  published. (If the answer is that it was published, and I have this information) the decision is published in \_\_\_\_\_  
\_\_\_\_\_

8. Since my conviction I have \_\_\_\_\_ have not  asked a court for some relief from my sentence other than I have already written above. (If the answer is that I have asked, the court I asked was \_\_\_\_\_ . Relief was denied on \_\_\_\_\_  
Name of court

\_\_\_\_\_ Date of Decision or, if more than one, all dates)

(If you have answered in question 7 that you did ask for relief), the name of your lawyer in the proceedings mentioned in my answer was \_\_\_\_\_  
Name and address if known

9. If the answers to the above questions do not really tell about the proceedings and the courts, judges and attorneys involved in your case, tell about it here: \_\_\_\_\_  
N/A  
\_\_\_\_\_  
\_\_\_\_\_

B. GROUNDS FOR RELIEF:

(If I claim more than one reason for relief from confinement, I will attach sheets for each reason separately, in the same way as the first one. The attached sheets should be numbered "First Ground", "Second Ground", "Third Ground", etc). I claim that I have 5 reason(s) for this court to grant me relief from the conviction and sentence described in Part A.

3 Ground  
(First, Second, etc)

N/A

1. I should be given a new trial or released from confinement because (State legal reasons why you think there was some error made in your case which gives you the right to a new trial or release from confinement): violation of my due process rights, 1,

as 4, 5, 6 amendment shown in the constitutional rights,

INSUFFICIENT ASSISTANCE OF COUNSEL, THE LACK OF DEMONSTRATIVE EVIDENCE, erroneous ruling

2. The following facts are important when considering my case. (After each fact statement put the name of the person or persona who know the fact and will support your statement of the fact. If the fact is already in the record of your case, indicate that also) ALibi as to my

location at the time of the crime took place,

CARMEN BENSON, MACKENZIE ATABERY-back, CECILIA CEPEDA Seong-y kimm, LILIANA ZUNIGA, GUILLERMO MARQUEZ, MANUEL MINJARER.

3. The following reported court decisions (indicate citations if possible) in cases similar to mine show the error I believed happened in my case. (If none are known, state "None Known". \_\_\_\_\_)

STATE V. FERREIRA, 69 WN APP 465, 880 P. 2d 841 (1993)

STATE V. ODOM, 83 WN. 2d 541, 520 P. 2d 152,

STATE V. FERNANDEZ-MEDINA, 191 WN. 2d 448, 6 P. 3d 1150 (2000)

4. The following statutes and constitutional provisions should be considered by the court. (If none are now, state, "None Known") NONE KNOWN

5. This petition is the best way I know to get the relief I want, and not other way will work as well because: I do NOT HAVE THE RESOURCES TO SEEK OTHER way,

THIS petition IS BASED ON MY CONSTITUTIONAL RIGHTS.

### C. STATEMENT OF FINANCES:

If you cannot afford to pay the \$250 filing fee or cannot afford to pay an attorney to help you, fill out this form. If you have enough money for these, do not fill this part of the form. If currently in confinement you will need to attach a copy of your prison finance statement.

1. I do  do not \_\_\_\_\_ ask the court to file this without making me pay the \$250 filing fee because I am so poor and cannot pay the fee.

2. I have \$ .00 in my prison or institution account.

3. I do  do not  ask the court to appoint a lawyer for me because I am so poor and cannot afford to pay a lawyer.

4. I am  am not  employed. My salary or wages amount to \$ \_\_\_\_\_ a month. My employer is \_\_\_\_\_  
Name and address of employer

5. During the past 12 months I did  did not  get any money from a business, profession or other form of self-employment. (If I did, it was \_\_\_\_\_  
Type of self-employment  
And the total income I received was \$ -00.

6. During the past 12 months I:

Did  Did Not  Receive any rent payments. If so, the total I received was \$ \_\_\_\_\_

Did  Did Not  Receive any interest. If so, the total I received was \$ \_\_\_\_\_

Did  Did Not  Receive any dividends. If so, the total I received was \$ \_\_\_\_\_

Did  Did Not  Receive any other money. If so the total I received was \$ \_\_\_\_\_

Do  Do Not  Have any cash except as said in question 2 of Statement of Finances. If so the total amount of cash I have is \$ \_\_\_\_\_.

Do  Do Not  Have any savings or checking accounts. If so, the total amount in all accounts is \$ \_\_\_\_\_

Do  Do Not  Own stocks, bonds or notes. If so, their total value is: \$ \_\_\_\_\_.

7. List all real estate and other property or things of value which belong to you or in which you have an interest. Tell what item or property is worth and how much you owe on it. Do not list household furniture and furnishings and clothing which you or your family need.

Items	Value
N/A	

8. I am  am not  married. If I am married, my wife or husband's name and address is:  
\_\_\_\_\_  
\_\_\_\_\_

9. All of the persons who need me to support them are listed below:

Name & Address	Relationship	Age
N/A		

10. All the bills I owe are listed here:

Name & Address of Creditor	Amount
N/A	

D. REQUEST FOR RELIEF:

I want this court to:

- Vacate my conviction and give me a new trial
- Vacate my conviction and dismiss the criminal charges against me without a new trial
- Other: CONVICTION REDUCTION, DETERMINATION OF GUILT  
(Please Specify)  
AFTER TRIAL, DETERMINATION RELATING MY CONVICTION

\* Please attach a copy of your Prison Account Statement - this Petition will not be processed without it. Thank You

E. OATH OF PETITIONER

STATE OF WASHINGTON )  
 ) ss.

COUNTY OF PIERCE )

After being first duly sworn, on oath, I depose and say: That I am the petitioner, that I have read the petition, know its contents, and I believe the petition is true.

Gomez-villa  
(Signature Here)

SUBSCRIBED AND SWORN to before me this 9 day of 09/September  
2009

\_\_\_\_\_  
Notary Public in and for the State of Washington  
Residing at \_\_\_\_\_

If a notary is not available, explain why none is available and indicate who can be contacted to help you find a Notary: I now in custody SERVING A SENTENCE  
UPON CONVICTION OF A CRIME, THIS PERSON CAN be CONTACTED  
TO HELP me FIND A NOTARY, CARMEN benson (253) 228-9725

I declare that I have examined this petition and to the best of my knowledge and belief it is true and correct.

DATED This 1 day of September, 2009.

Gomez-Villa  
(Signature Here)

CMUNDEN

WASHINGTON STATE PENITENTIARY

OTRTASTB

TRUST ACCOUNT STATEMENT

6.04.4.0.1.1

DOC# 0000331170 Name: GOMEZ-VILLA, MARTIN ALEJANDRO BKG# 460694
LOCATION: E01-039-GW1092

Account Balance Today ( 08/17/2009 ) Current : 2.08
Hold :
Total : 2.08

Account Balance as of 08/17/2009 2.08
07/16/2009 08/17/2009

Table with 3 columns: SUB ACCOUNT, START BALANCE, END BALANCE. Rows include SPENDABLE BAL, SAVINGS BALANCE, WORK RELEASE SAVINGS, EDUCATION ACCOUNT, MEDICAL ACCOUNT, POSTAGE ACCOUNT, and COMM SERV REV FUND ACCOUNT.

DEBTS AND OBLIGATIONS

Table with 6 columns: TYPE, PAYABLE, INFO NUMBER, AMOUNT OWING, AMOUNT PAID, WRITE OFF AMT. Rows include CRIME VICTIM COMPENSATION, COST OF INCARCERATION, and TV CABLE FEE DEBT.

TRANSACTION DESCRIPTIONS --

SPENDABLE BAL SUB-ACCOUNT

Table with 5 columns: DATE, TRANSACTION DESCRIPTION, RECEIPT#, TRANSACTION AMT, BALANCE. Rows show transactions from 07/30/2009 to 08/08/2009.

TRANSACTION DESCRIPTIONS --

SAVINGS BALANCE SUB-ACCOUNT

Table with 5 columns: DATE, TRANSACTION DESCRIPTION, RECEIPT#, TRANSACTION AMT, BALANCE. Row shows a transaction on 08/07/2009.

TRANSACTION DESCRIPTIONS --

WORK RELEASE SUB-ACCOUNT SAVINGS

CMUNDEN

WASHINGTON STATE PENITENTIARY

OTRTASTB

TRUST ACCOUNT STATEMENT

6.04.4.0.1.1

DOC# 0000331170 Name: GOMEZ-VILLA, MARTIN ALEJANDRO

BKG# 460694

LOCATION: E01-039-GW1092

DATE	TRANSACTION DESCRIPTION	RECEIPT#	TRANSACTION AMT	BALANCE
08/07/2009	Transfer In Reg, Sav, Ed, Med from AHi		0.00	0.00

TRANSACTION DESCRIPTIONS -- EDUCATION ACCOUNT SUB-ACCOUNT

DATE	TRANSACTION DESCRIPTION	RECEIPT#	TRANSACTION AMT	BALANCE
08/07/2009	Transfer In Reg, Sav, Ed, Med from AHi		0.00	0.00

TRANSACTION DESCRIPTIONS -- MEDICAL ACCOUNT SUB-ACCOUNT

DATE	TRANSACTION DESCRIPTION	RECEIPT#	TRANSACTION AMT	BALANCE
08/07/2009	Transfer In Reg, Sav, Ed, Med from AHi		0.00	0.00

TRANSACTION DESCRIPTIONS -- POSTAGE ACCOUNT SUB-ACCOUNT

DATE	TRANSACTION DESCRIPTION	RECEIPT#	TRANSACTION AMT	BALANCE
08/07/2009	Transfer In Reg, Sav, Ed, Med from AHi		0.00	0.00

TRANSACTION DESCRIPTIONS -- COMM SERV REV SUB-ACCOUNT  
FUND ACCOUNT

DATE	TRANSACTION DESCRIPTION	RECEIPT#	TRANSACTION AMT	BALANCE
08/07/2009	Transfer In Reg, Sav, Ed, Med from AHi		0.00	0.00



Ground=1

Unconstitutionally convicted and sentenced illegally forced into slavery/servitude through the arbitrary and capricious egregious bad faith acts of Washington state's prosecuting authorities and their agent's, i.e., deputy prosecuting attorney Gregory L Greer and Kirk T. Mosley, (Defence Counsel) Appointed/assigned, in violation of the United States Constitution prohibition's within amendment thirteen, caused by the state's complete denial of "independent counsel" as set forth in Ground 1, is incorporated by reference herein.

Ground=2

Unconstitutionally convicted and sentenced through the egregious pervading bad faith acts and actions of the Washington state's prosecuting authorities and their agents, i.e., deputy prosecuting attorney Gregory L Greer and Kirk T. Mosley (defense counsel) appointed/assigned in violation of the United States Constitution accorded enumerated rights within Amendment's 1, 5, 6, 14, after they convicted Martin A Gomez-Villa and sentenced him to an unconstitutionally obtained conviction caused by the state's complete denial of "independent counsel" as set forth in Ground 1 above and is set incorporated by reference herein.

'round=3 the unconstitutionality of the "public defender's office, RCW 36.26 in it's "entirety". and RCW ch.43.101 in pertinent part, and. wac 139-15-110 in pertinent part, under the united state's Constitution, in that it completely deprives "martin Alejandro Gomez-villa" of his Absolute accorded Right's whithin Amendment's 1, 5 and 6 to "Independent counsel" who is FREE OF Washington state governmental controlling "interest's" who is "loyal" to MARTIN A Gomez-villa's United State's Constitutional and legal "Right's/interest's".

Martin A Gomez-villa  
(signature here)