

COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

FILED
COURT OF APPEALS
DIVISION II
10 APR 24 PM 12:41
STATE OF WASHINGTON
DEPUTY

In the Matter of the Application:

For Release From Personal Restraint:

Of:

No. 09-1-0167-0

Personal Restraint Petition

Pursuant to (RAP 16.3)

TIMOTHY S. DOBBS

Petitioner

40636-5

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

A. Status of Petitioner

I,

TIMOTHY S. DOBBS

WASHINGTON CORRECTIONAL CENTER

P.O. BOX - 900

(Identify type of order)

1. The Court in which I was sentenced is: COWLITZ SUPERIOR
COURT

2. I was convicted of the crime(s) of: FIRE ARM POSSESSION
DRIVE BY

3. I was sentenced after trial , after plea of guilty on 3-4, 2010
(Date of sentence) (Year)

4. The judge who imposed the sentence was N/A
(Name of trial Court Judge)

5. My lawyer at trial court was: N/A

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 was taken)

7. My lawyer on appeal was: N/A

(Name, and address if known, if none than write "none")

8. 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:

(Volume number, Washington Appellate Reports or)

(Washington reports and page number)

9. 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:

(Name of court or courts in which relief was sought)

Relief was denied [] granted [] _____

(Date of decision, if more than one, dates of all decisions)

10. (If I have answered in question 6 that I have asked for relief), the name of my lawyer in the proceedings mentioned in question 6 was:

(Name and address if known; if none, write "none")

11. If the answers to the above question do not really tell about the proceedings and the court, judges and attorneys involved in your case, tell about it here:

THAT ON THE ABOVE DATE OF MARCH 4TH OF 2010 IN THE SUPERIOR COURT OF CONLITA COUNTY EVIDENCE WAS OBTAIN BY SHERIFF'S OF CONLITA COUNTY 3 DAYS LATER THE ARREST. THE D.N.A WOOD MARKED MR. THOMAS E. DOBS ON THE CHARGES OF POSSESSION OF A FIRE ARMP.

B. Grounds for Relief

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

_____ Ground

(First, Second, ect.)

1. I should be given a new trial or released from confinement because [Here state legal reasons why you think that there was some sort of error made in your case which gives you right to a new trial or release from confinement]:

THE CHARGES THAT WAS FILED IN
COMLITZ COUNTY SUPERIOR COURT WAS
OBTAIN ILLEGALLY BY THE STATE OFFICIALS.
THE EVIDENCE OBTAINED WAS SURPRESS FOR
D.N.A. THE EVIDENCE DID NOT MAINT.

POSSESSION IS 9/10 OF THE LAW I WAS
NOT ARRESTED WITH A GUN, NOR DID I
POSSES A GUN IN ANY COURT PROCEEDINGS.

2. The following facts are important when considering my case [After each fact statement, put the name of the person or persons who know the facts and will support your statement of the fact. If the fact is already in the record of your case, indicate that also.]:

THIS ERROR IN LAW CAN'T BE REVERSED
JUST DISS-MISSED

THERE IS NO PROOF OF A MATERIAL
ELEMENT OF THIS CRIME

3. The following reported court decisions [include citations if possible] in cases similar to mine show the error I believe happened in my case [if none are known, state "None known"]:

THE EVIDENCE ADMITTED IN
THIS CASE WAS A VIOLATION
OF STATE PROVISIONS OF

THE EVIDENCE RULE.

PLEASE SEE STATE V. SMITH 68

4. The following statutes and constitutional provisions should be considered by the court [if none are known, state "None Known"]:

STATE V SMITH WN 92

SUPPRESSION HEARINGS 3.6

5. The petition is the best way to get the relief I want and no other way will work as well because:

THE SUPERIOR COURT OF
COWLITZ COUNTY FAILED TO SUPPRESS
THE EVIDENCE OBTAINED.

Statement of Finances

If you cannot afford to pay the filling fee, or cannot afford to pay an attorney to help you fill this out. If you have enough money for these things, do not fill out this part of the form.

1. I do do not ask the court to file this without making me pay the filing fee because I am so poor I cannot pay the fee.
2. I have \$ 0 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 I cannot afford to pay a lawyer.
4. I am am not employed. My salary or wages amount to \$ 0

A month. My employer is: 0 \$

(Name and address)

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:

(Kind of self-employment)

The total income I got was \$ 0.

6. During the past 12 months, I:

DID **DID NOT**

 Get any rent payment. If so,
the total amount I got was \$ 0

 Get any interest. If so,
the total amount I got was \$ 0

7. During the past 12 months, I:

DID	DID NOT		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Have any cash except as said in answer	
		2. If so, the amount of cash I have is	\$ <u>0</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Have any savings accounts or checking	
		Accounts. If so the amount in all is	\$ <u>0</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Own Stocks, Bonds, or Notes. If so,	
		there total value is	\$ <u>0</u>

8. List all Real Estate and other property and things of value, which belong to you or in which you have an interest. Do not list household furniture, furnishings, and clothing which you or your family need.

Item:	<u>None</u>	Value: \$	<u>0</u>
Item:		Value: \$	<u>0</u>
Item:		Value: \$	<u>0</u>
Item:		Value: \$	<u>0</u>

9. I am am not married. If I am married, my spouses name and address is:

10. All of the persons who need me to support them are listed here:

Name	Address	Age	Relationship
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

All the bills I owe are listed here:

Creditor	Address	Amount
CHILD SUPPORT		\$ N/A
		\$
		\$
		\$
		\$
		\$
		\$

C. Request for Relief

I want this court to:

Vacate my conviction and grant me a new trial.

Vacate my conviction and dismiss the criminal charges against me without a new trial.

Other

[Specify]: _____

D. Oath of Petitioner

THE STATE OF WASHINGTON)

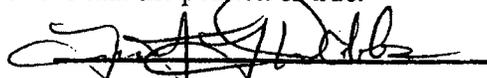
) SS

COUNTY OF COWLITZ)

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

4/25/2010

Date



Signature of petitioner

SUBSCRIBED AND SWORN to me this 25TH day of APRIL, 2010.

NOTARY PUBLIC in and for the state of Washington

Residing at _____

My commission expires:

If a Notary is not available, explain why none is available and indicate who can be contacted to help you find a Notary:

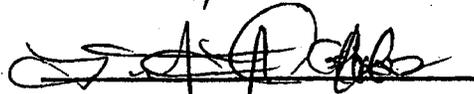
HOUSED AT SHELTON CORRECTION CENTER

Then sign below:

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

Dated at SHELTON, WA on this 25TH day of APRIL, 2010.

(City and State)



Signature of Petitioner

TIMOTHY S. DOBBS

Print Name