

IN THE COURT OF APPEALS OF THE STATE  
OF WASHINGTON - DIVISION II

State of Washington	)	No. 41634-4-II
Respondant	)	
	)	
	)	
V.	)	Statement of Additional
	)	Grounds
	)	
Steven Guy Welty	)	
Appellant	)	
	)	
	)	

---

IDENTITY

Now comes Steven Guy Welty, Appealant, Pro-Se, Filing Statement of Additional Grounds on Cause No. 41634-4-II.

RELIEF SOUGHT

!) A complete dismissal of the original conviction and the entire cause with prejudice.

## Arguments

### 1. No Lawyer Assigned to Represent Appealant/Defendant

CrR 3.1(b)(2) Which states: A lawyer shall be provided at every stage of the proceedings. Including: (1) Sentencing; (2) Appeal; (3) Post conviction Review.

The Appealant in this case with the Supreior Court, as the Defendant, was not allowed to have legal counsel to represent him at the Finding of Facts and Conclusion, <sup>hearing</sup> (hence forth F&C). The Superior Court of Clallam County (hence forth CCSC) sentenced the Appealant after a bench trial on 1/16/2010. This was done without the court filing an F&C. This was brought to the State's attention through the brief filed by Jennifer Sweigert, the attorney assigned to Mr. Welty's appeal. In response, the state filed a response that included a F&C to have been filed tentatively on 9/9/11 in CCSC.

Mr. Welty was notified by Prosecuting Attorney Kelly of the intent to file the F&C (with 13 Facts, and 4 conclusions) on the tentative date of 9/9/11. Welty then, on 8/27/11, sent a letter to John Hayden, the court appointed attorney who represent Welty a year prior. This letter was a letter of termination as his legal representative because of a conflict of interest. This letter was sent to the following: J. Sweigert, Court Clerk of Clallam County, and the Clerk of the Court of Appeals.

On the record for the 9/9/11 hearing was John Hayden as the Defendants legal representative. The court posponed the hearing to 9/30/11, then again to 10/07/11, then again to 10/21/11.

At all four hearings, the Court Clerk had John Hayden as the Defendance's legal representative.

The Judge stated on 9/9/11, "Mr. Hayden is here on your behalf",

at which point it was pointed out that ~~Hayden~~ **Hayden was not** to represent the Defendant, and that he was terminated, and that another counsel was requested of the court.

Mr. Hayden informed the court that Mr. Welty, "He does not desire our services anymore". The "our" services referred to is the Public Defenders Office of Clallam County. Although the letter sent by Mr. Welty clearly terminated Mr. Hayden, it did not in any way terminate his office. Infact the letter says, "Please inform the Superior Court of Clallam County that you do not represent me any longer on any cases", there is no mention of his office, only Mr. Hayden. On 9/9/11, Judge Taylor said, "you have indicated to me that you do not want Mr. Hayden to represent you", thereby acknowledging, Mr. Hayden's termination YET, Mr. Hayden is in the court, listed as the Defendant's representative on all hearings. On 9/9/11, Judge Taylor said. "I doubt if the Prosecuting Attorney is comfortable dealing with you directly since you either have or should have counsel." Mr. Hayden said, "Mr. Welty thinks we are out of the case now, and for the most part we are." On 10/21/11, Judge Taylor, said "Mr. Hayden is hear standing in" and "He is simply here because he was appointed to represent you and is continueing to stand by," and Mr. Hayden was no longer acting on your behalf," and "that would certainly make it impossible for Mr. Hayden to continue in any capacity."

The Appealant/ Defendant had requested to Judge Taylor at the F&C hearing on 9/9/11 for a new attorney to represent him at least (1) one time, and on 10/21/11 a total of (8) eight times. This comes to a sum of (9) nine requests for a new legal counsel. This does not include the discussion between Mr. Hayden and Judge Taylor and the Prosecuting Attorney. JM

Arguements / No Lawyer

On 10/21/11, Judge Taylor's response to the request for assignment of new legal counsel was, "I am not going to appoint another counsel. You have elected not to continue the advise of counsel. Thats your right. You are basically at this time proceeding on your own, which you have the right to do."

This is a violation of the Appealant's **Constitutional Rights Under the United States Constitution Amendments V, VI, VII, XIV, and Washington State Constitution Article I § 2,3,10,14,22,29 .**

Once again, to sum up this arguement, the **CrR 3.1(b)(2)** has been irrevocably violated. As such, Dismissal with Prejudice is the only solution.

This is also a violation of the Defendants fundamental right to be presented by counsel of his choice.

**Powell V Alabama 287 US 45 77LED. 158, S Ct 55 (1932)**

**Mr. Welty terminated Mr. Hayden, he did not terminate the Public Defenders Office,** as was brought up by Mr. Hayden. Later Judge Taylor acknowledged that Welty needed an attorney because Mr. Welty had filed a grievance with the WSBA. The court accepted Mr. Hayden's version of his office being terminated, but this was not the case. Mr. Welty Terminated Hayden because of a conflict of interest and his subpar performance as Welty's legal representative. **Strickland V Washington 466 US 668, 104 S Ct.2052 80 LED 674 (1984)** and **Hayes V Farwell 482 F. Sup.2d.1180(Nev2007)** Hayden's office was never fired or terminated only Mr. Hayden. In fact, nine times during the F&C hearing, Mr. Welty requested to have legal counsel assigned to him so that he may present an adequate defence. **Hawkins V Mullen 291F.3d 658(10thCir2002)**

Arguements / Lawyer

In the case with Mr. Welty we can see that the court failed to follow through with Welty's Due-Process rights. From the seemingly substantial complaint by the defendant about the counsel which was appointed to him almost a year earlier and had not contacted Welty before the F&C hearing. The court should have inquired into the reasons for disqualification.

US V Simeonon 252 F.3d 238 (2ndCir 2001)

The right of the defendant to have counsel with an undivided loyalty is a (6th Amendment right) which also covers any question of any conflict of interest between Defendant and Counsel.

Lockheart V Jerhune 250 F.1223 (9th Cir 2000)

Delgado V Lewis 223 F.3d 976 (9th Cir 2000)

Us V Holman 314 F.3d 837 (7th Cir 2002)

All nine times the court denied to assigning new counsel, as previously explained. This caused a denial of Mr. Welty's Due-Process rights as a citizen of the United States and Washington State. This is a deliberate harm to Mr. Welty from government officials. **Brown V Nations Bank Corp. 188 F.3d 579(5thCir1999)**

\* NOTE: A copy of the termination letter was sent to all parties involved for their review.

## Arguements

### 2. No Notice of Hearings

Mr. Welty was notified on 8/22/11 of a F&C hearing to be held on 9/9/11, at 1:30 PM, by Deputy Prosecuting Attorney, Ann Lunduall WSBA # 27691.

The hearing from 9/9/11 was postponed until 9/30/11 by the honorable Judge Taylor in order for Mr. Welty to get legal counsel "straightened out". (See Argument #1). When nothing got corrected inasfar as Mr. Welty getting new legal counsel by the court, thus arranging for a telephne appearance, and the fact that another judge, (Judge Wood) was presiding court for that date, the hearing was postponed to a following date of 10/7/11.

At the 10/7/11 hearing, the legal counsel issue for Mr. Welty was never addressed as such, Judge Taylor moved the hearing forward two weeks to get the issue of notifying Mr. Welty of the hearing and to arrange for his appearance telephonically from prison. This did not occur due to Mr. Welty's not being assigned new legal representation.

The hearing was postponed again until 10/21/11, where Mr. Welty still was not assigned new legal counsel, but was appearing telephonically. The initial hearing on 9/9/11 was the only hearing Mr. Welty was notified of in writing or any other means, the only notification made was verbally for the 9/30/11 hearing which was made on 9/9/11. Although Welty waited for the hearing on 9/30/11 he was never contacted by anyone.

Mr. Welty was never notified of the 10/7/11 hearing, and as such it was postponed until 10/21/11 in order to correct the over sight.

On 10/21/11 Mr. Welty did appear telephonically. However, he

## Arguements

### 2. No Notice of Hearing

was called into his counsellors office at Airway Heights Correctional Center, and was informed that he had a phone call. No other notification was ever sent to Welty.

This is two examples of the CCSC's complete violation of Mr. Welty's Constitutional Rights of Notification of a hearing, violating the US Constitutional Amendments V, VI, VIII, XIV, and the Washington State's Constitution Article 1 § 2, 3, 7, 9, 10, 14, 22, 24.

## Arguements

### 3. No Paperwork Recieved Prior to Hearing

Mr. Welty, and since he was denied defence counsel by Judge Taylor, recieved no paperwork for the defence to wit: A copy of the F&C as proposed by the court.

At the 9/9/11 hearing, Mr. Welty informed the court that he had not recieved any paperwork regarding the hearing. He informed the court, that not only did he not recieve a copy of the proposed amendment of the F&C, but he has not had the oppertunity to speak to a lawyer about it as well. At one point Mr. Welty stated, "Your Honor, I object to these whole proceedings."

After Welty stated that he was without the F&C and the help of an attorney. This was acknowledged by Judge Taylor, and the hearing was postponed to ~~09~~ 10/30/11. Neither of these hearings was a defence <sup>attorney</sup> there to represent Mr. Welty. The 10/7/11 hearing was continued to 10/21/11 because Welty was not notified.

By the 10/21/11 hearing, Mr. Welty did recieve the original proposed F&C, which consisted of the 13 proposed facts and the 4 conclusions presented at trial in 2010, but at this time Mr. Welty was still not allowed legal counsel. Also, on 10/21/11 Judge Taylor amended the F&C to include a handwritten fact #14. This happened on the day of the hearing, without any prior warning to anyone but the bench.

This is a violation of Mr. Welty's Constitutional Rights under *U.S. Constitution* Amendments V, VI, VIII, XIV, Washington State Constitution Article 1 § 2, 3, 7, 9, 10, 14, 22, 24.

This also is a violation of CrR 6.1(d)

## Arguements

### 3. No Paperwork Recieved Prior to Hearing

Trial by Judge Without Jury.

CrR 6.1 (d)

In case tried without jury, the court shall enter Finding of Facts and conclusions of law.

In giving the decision, of Facts found and the Clusions of Law shall be sepratly stated.

The court shall enter such Findings of Fact and Conclusions of Law only upon (5-days) notice of presentation to the parties.  
Super sedes RCW 10.49.020

### Hearings and Summons

RCW 10.66.030

Upon filing on application for an off-limits order under Rcw 10.66.020 (1) (2)or (3) The court shall set a hearing (14-days) from the filing of the application, or as soon there after as the hearing can be schedguled.

If the respondent has not already been served with a summons, the applicant shall be served on the respondent not less than (5-court days) before the hearing. If timely service cannot be made, the court may set a new hearing date (1989c271 § 216)

## Arguements

### 4. Not Being Allowed to Speak

Mr. Welty at his F&C hearing was not ~~not~~ allowed legal representation, he was denied the ability to speak in his defence as is required by law.

The following excerpts from the transcripts will show this.

1) Court: "You stop talking and start listening. Do you understand i've got a courtroom full of people and a six page calender ahead of me? I cannot spend the entire afternoon debating the issues with you."

Defendent: "I thought i had a voice in this?"

Court: "You do have a voice and you have already had more voice than you are entitled to."

2) Defendent: "I am making a motion to vacate."

Court: "Well, first motions to vacate are done in writing. You will need to file such a motion if you intend to do so."

3) Defendent: "I have not had a chance to argue my objection to the Facts & Conclusions."

Court: "I just gave you a chance."

4) Defendent: "You interupted me sir."

Judge Taylor not only would not let Mr. Welty have an attorney to represent him, but Welty was also not allowed to speak on his own defen~~se~~se. This has violated Mr. Welty's Constitutional Rights under the US Constitution Amendment V, VI, VIII, XV, and Washington State Constitution Article 1 S 2,3,5,7,9,10,14,20,22,24.

## Arguements

### 5. Oral Motion was Ignored

In addition to not being able to speak, as explained in the previous arguments, the few times Mr. Welty was able to speak, his oral motions were ignored. The transcripts speak for themselves of this fact, as the following will show.

From the 9/9/11 hearing:

Mr. Welty: Then i guess we'll just have to put this off until i can get things straightened out.'(Regarding getting new legal representation, and meeting with them.)

Mr. Welty: "I would like to have the opportunity to talk to counsel and get the facts together so that i can argue the facts of the Facts and Conclusion."

Mr. Welty: "I thought i had a voice in this?"

The Court in (response)"You do have a voice in this." "You have a voice and you have already had more voice then you are entitled

From 10/21/11 hearing:

Mr. Welty: I want to make a motion over the phone to vacate the Judgement and Sentence and remand it back to trial under cumulative errors."

The Court in (response) "Motions to vacate are done in writing. You need to file such a motion if you intend to do so."

Mr. Welty: "I object to the whole procedure today." "I'm just making it known over the phone at this time because this is the hearing that's..that i am at."

## Arguements

### 5. Oral Motion was Ignored

Mr. Welty "I object to the whole procedure because i was not notified of this date."

The Court: (response to signing the F&C and entering them):

"I made my oral ruling."

Mr. Welty: (I) asked you for another attorney, unless you are refusing me another attorney, I would ask that there be an extention to this, that you would not sign the papers right now, that i would have an opportunity to talk to another attorney and so therefore i object to this whole procedure."

The Court: "The findings and Conclusions that i have signed accurately set forth my decision in this case after hearing all the tesimony. That's what's important."

The Court: "The record is going to reflect to all of the Findings and Conclusions, you disagreed with all of them. I understand that and that's particularly the bases for your appeal, but i have signed the Findings and this accurately reflects my decision. That's what's important."

These quotes show the following:

- 1) All oral motions and requests made by Mr. Welty were completely ignored by the court. Welty appeared telephonically from prison and had absolutely no legal representation, so as no "physical" motion could possibly be placed at the hearing that Welty was not properly informed of occurring;
- 2) That Judge Taylor allowed himself to make oral motions, but did not allow Mr. Welty to do anything orally himself;
- 3) That Judge Taylor said he "accurately" set forth his decision yet he could not even get the facts clear as to Mr. Welty's

## Arguements

### 5. Oral Motion Was Ignored

objection. He even put on the record to reflect that "to all of the findings and conclusions, you disagree with all of them";

4) That the F&C were signed and entered by Judge Taylor;

5) Mr. Welty was completely ignored, with bias.

Constitutional Rights under the United States Constitution, Amendments # V, VI, VII, XIV, and the Washington State Constitution Article 1 S 2, 3, 5, 7, 9, 10, 14, 20<sup>2, 24</sup> were disregarded.

## Arguments

### 6. Facts as stated and entered by the Court.

The facts as written #'s 1-13, as presented by Deborah S. Kelly, Prosecuting Attorney, written by Ms. Ann Lundwall, WSBA #27691, a Deputy Prosecuting Attorney for Clallam County Prosecuting Attorney's Office, are not all factual as proposed by the court. Fact # 1-8 are not disputed as written. They appear to be factual. Fact # 9 and 10 were never proven as factual. The alleged victim could not remember any details of any of the stated behavior by Mr. Welty. Since the only evidence offered by the state was the alleged victim's testimony, there is absolutely no way it can be possibly considered factual.

Fact # 11 is not factual. If the witness (EG) was the most credible, then she would have been able to give details of the alleged incidents. Instead, she never gave details, but agreed with the Prosecuting Attorney when she questioned her as a leading coached response. When it came to the cross examination, the alleged victim, (EG) "back peddled" or said, "I don't know" or some response like, "I can't remember." This does not make the witness credible in the least.

Fact # 12 is not a fact. The state said that, "The defendant essentially admitted his transgressions" is not stating a fact. The option to this statement is, "Did" Mr. Welty admit his transgressions or did he Not admit them. To include the word essentially create on its own accord a case for reasonable doubt.

## Arguements

### 6. Facts as stated and entered by the Court.

Fact # 13 is a fact only due to the court appointed attorney's ineffective assistance of counsel towards the defendant. Mr. <sup>DA</sup>

Mr. Hayden "proffered no defence" on the record. He also did not investigate his client's case in any way what so ever.

(Part of the conflict of interest with Mr. Hayden) Mr. Welty

did inform Mr. Hayden of reasons for motive of all witnesses.

These are reasons for all three witnesses to have lied and or fabricated their allegations against the defendant. The defendant was never given the opportunity to argue this "Fact", either at the hearings or trial.

Due to the fact that the defendant was never allowed to argue the factual basis for "Fact #13", as is his constitutional right under the US Constitution, Amendments I, VI, VII and XIV, and the Washington State Constitution, Article 1 § 2, 3, 5, 7, 9, 10, 14, 20, 22, 24, "Fact #13" should not qualify as an undisputed fact at all.

Fact #14 will be argued on it's own separate argument. As that argument will show "Fact #14" is not factual at all. Conclusions #1-3 are not disputed. Conclusion #4 is being disputed. There is an argument as to what was factual and what was not factual. There is also a question as to the Judge's bias, but this is an argument for another time.

## Arguments

### 6. Facts as stated and entered by the Court.

There are three lines for a signature on the third page of the "FINDINGS OF FACT AND CONCLUSIONS OF LAW AND RULING."

The lines to sign are made for (1) Judge Taylor (2) Deputy Prosecuting Attorney Lundwall, and (3) Attorney for the Defendant John Hayden. This causes for separate issues as to signatures filing the F&C. Firstly, Ann Lundwall had signed the document back in August of 2011, and that is not reflected in the filed document. This is known due to the fact that Mr. Welty received a copy of the original F&C of thirteen (13) facts, and four (4) conclusions, and signed by the D.P.A. Lundwall. Only back in September 2011 (somepoint after the 9/9/11 hearing) Yet the **fact** of this is not shown in the document.

**Secondly**, Judge Taylor signed these F&C, with fourteen (14) facts and four (4) conclusions on 10/21/2011.

This was done after a hearing that was completely out of line with the laws of the State of Washington CrR1J 9.1(d) which states that the F&C must be filed within 14 days of the notice of appeal being filed. The date of the sentencing of the defendant was 11/16/10. This also the date the notice of intent to appeal was filed. As such, the F&C should have been filed no later 11/30/10

**Thirdly**, the hearing for the F&C on 9/9/11 and 10/21/11 occurred with the defendant not being allowed legal representation, a complete violation of his Constitutional Rights under the US Constitution Amendments V, VI, VIII, XIV and the State of Washington Article 1 § 2,3,5,7,9,10,14,20,22,24

## Arguements

### 7. Fact #14 As Presented.

At the 10/21/11 F&C hearing, Judge Taylor personally hand wrote into fact #14. By doing this, the presented seven issues to arise. They are:

- 1) The personal amendment by the judge of the F&C without any prior knowledge of reporting.
- 2) The defense was not able to argue the surprised fact #14.
- 3) The personal amendment of the F&C when the Judge has proven not to be able to keep his facts clear at a hearing within ten minutes, let alone one year;
- 4) The fact that fact #14 conflicts with other existing listed facts and conclusions;
- 5) The fact that #14 is not being used legally;
- 6) Facts stated in fact #14 are oral testimonies showing that they are contradictory to written testimonies provided to and seen by the court;
- 7) Fact #14 is not substantiated by any conclusions as presented;

During the ex-parte communications, on the record, with Prosecuting Attorney Lundwall, prior to Mr Welty being brought up on the telephone, Judge Taylor introduced officially that he added fact#14 that morning. He did so with no prior warning in writing or orally to the defendant. Pursuant to: CrR Rule 52, Amendment of Findings and notice of presentation of the Washington State.

As such, to surprise the defendant at the telephonic hearing without warning is a complete violation of CrR 52.5(c)(c).

Mr. Welty recieved in September 2011 a copy of the proposed Finding of acts and Conclusions with only #13 facts and #4 conclusions. Prior to being told at the 10/21/11 hearing, he had not recieved any "updated" copies or notice of changed, neither in writting or orally. The defendant was not allowed by Judge Taylor to have legal representation during the F&C procedures, nor was he allowed to voice his complete objection, (he was silenced by Judge Taylor). The only objection to fact #14 that Mr.Welty was able to state was "I have an objection to the whole procedure today."

To "correct" this intentional act by the court of "shutting down" the defendant by silencing Mr.Welty, Judge Taylor said,

## Arguments

### 7. Fact #14 As Presented

"The record is going to reflect to all of the Finding and Conclusions you disagree with all of them."

Over eleven months (339 days) after sentencing of Mr. Welty, and the filing of the motion of Intent to Appeal. Judge Taylor amends the existing F&C from the August 2011, that were written up by the Prosecuting Attorney's Office. Judge Taylor included fact #14 based solely on his memory of the hearing almost a year later.

It is impossible for Judge Taylor to add a Fact #14 simply on his memory working that well from a year ago. Especially when he cannot get the facts straight from the same fifteen minute hearing 10/21/11. Judge Taylor could not remember that Mr. Welty objected to fact #11, #12, #13, on the record. He was corrected by Mr. Welty at one point that he did not object to #10, on the record.

Judge Taylor then changed it all to include objections of #14 facts and #4 conclusions. If Judge Taylor could not keep a very basic fact straight in his mind in less than fifteen minutes, how can he do so almost a year later? It is impossible.

As such, it becomes an "opinion" and not a "fact."

Fact #14 conflicts with other facts as listed. For example, Fact #11 states that (EG) is a "most credible witness." If this is a fact, then why is #14 needed to "provide" overwhelming corroboration of the victim's testimony?

Fact #14 is not being used legally. The statements made go back to over (50 years and 30 years ago) They are not proven facts or accusations. They are not corroborated by any other testimony and are not even capable of being charged as a crime due to the expired statute of limitations if the crimes really been committed.

Judge Taylor put the words "although not essential to the court's decision," then why was fact #14 added at all?

The testimony stated in fact #14 should not have been allowed in as a fact. Judge Taylor said during the beginning of the trial, "Obviously it changes when we do not have a jury, but my inclination at this point is to grant motions 2 and 3, which is #14 presented at the F&C hearing on 10/21/11. Due to the prejudice vs. probative effect on this case, as such, it shouldn't have been used as a fact #14 that were made on the stand, do not match up with these reported

## Arguements

### 7. Fact #14 As Presented.

in the police statements.

The testimonies on the stand were orchestrated by the Prosecuting Attorney to fall within a certain "paramater" or Pattern", but the written statements, that were seen by the judge, fell far beyond the "pattern" displayed on the stand.

When Judge Taylor added Fact #14, he never added a conclusion that corelates to fit. As such, it is an unsubstantiated fact.

As such, it should be disregarded as nul/ and void. The addition of fact #14 to the F&C should show the bias of the judge in the entire procedings. As it stands, the F&C should be struck from the record, and the judgement and sentence vacated, and the case should be dismissed with prejudice, or at the very least remanded back for a new trial.

#### **State vs Head 136 Wn 2d 619,964 P2d 1187 (1998)**

There is considerable inconsistency in decision of the Court of Appeals, for example, in a case relied upon by the petitioner (Division II ) held that reversal is required where there is a complete absence of any written F&C and conclusion of the Law required by 7.1(d) Eg - State vs Navanjo 83 Wn App 300, 924 P2d 588 (1996)

The court in Navanjo distinguished between inadiquate finding, which it reasoned could be remedied by remand for entry of additional findings and a lack of complete findings.

The court reasoned that an appearance of unfairness was created by a non-compliance with the rule, and that remanding for entry of finding after the appeal had been briefed, is hereby prejudicial.

Id at 302

## Arguments

### 8. Sentenced Before F&C Is Filed.

These are the facts of the case regarding sentencing and the F&C:

- 1) Mr. Welty had a bench trial insted of a jury trial;
- 2) Mr. Welty was found guilty on 10/6/10 ;
- 3) Mr. Welty was sentenced via J&S on 11/16/10 ;
- 4) Mr. Welty filed his Motion of Intent to Appeal on 11/16/10 ;
- 5) Mr. Welty's F&C was entered on 10/21/11 .

#### **Criminal Court Rules for a Bench Trial, States;**

**CrR 6.1(d)** In a case tried without a jury, the court **Shall** enter the **Finding of Facts and Conclusions of Law**. In giving the decision of facts found and the conclusions of law **Shall** be seperatly stated The court **Shall** enter such finding of facts and conclusions of law only upon (5-days) notice of presentation to parties.

#### **State vs BJS 72 Wn App 368,864 P2d 432 (1994)**

Written Finding of Facts and Conclusions on Appeal.

The court **Shall** enter written finding and conclusions in a case that is appealed. The findings **Shall** state the ultimate facts as to each element of the crime and the evidence upon which the court relied in reaching it's decision. The finding and conclusions may be entered after the notice of appeal is filed. The prosecution **Must** submit such findings and conclusions within no later then (30-days) in a criminal adult case, after reviewing notice of Motion of Intent to Appeal.

#### **Structual Error**

**Federal Report, 3d 78, 1442**

Criminal Law (2) 1162, "Structual Errors" are structual defects in constitution of trial mechanism, which defy anaysis by "Harmless-Error" standards.

The court did not follow these instructions. They never filed the F&C as is required under **CrR 6.1(d)** or **CrR Rule 52.5(c)(c)**. In **CrR 6.1(d)** has (5-days) to give a notice of presentation to parties before sentencing and under **CrR Rule 52.5(c)(c) the State and the Court,** has an obligation to file a formal F&C within (30-days) of being notified by a Motion of Intent to Appeal.

## Arguements

### 8. Sentenced Before F&C is Filed.

The Motion of Intent to Appeal was done on 11/16/10, and if we add the thirty (30-days) to formalize the F&C, that gives the court until 12/16/10 to have the F&C filed. Insted the court failed to file the F&C as obligated by rule of law some (325-days) after sentencing and being notified by a Motion of Intent to Appeal. One of the reasons for the (30-day) deadline is to assure the integrity of what the court considered as to be facts of the trial, and to record them before time makes the judge "forget", or "confuse", or "jumble", or "creates", etc. the facts of the case. Which of course is a worse case scenario. This Is that worse case scenario.

### Discipline of Mocheles 150 Wn 2d 159,75 P3d 950 (2003)

The Supreme Court will not tolerate any actions by a judge that do not comply with "**fundamental princiabes of Due Process.**" No short cuts exist, and any Judicial Officer, whether full-time, part-time of protempore, must adhere to due process principles in order that individuals who are charged with crimes are afforded the **Constitutional Protection** to which they are intitled.

Due to the actions of the court the following actions occurred:  
**Due Process: The defence was not presented the oppertunity to argue the F&C prior to sentencing.**

This caused the court to sentence the defendant purely on oral arguements. On 10/21/11, Mr.Welty objected to the action of the court, because he had not had a chance to refute the accuracy of the proposed F&C from almost one year ago that were never finalized by Judge Taylor.

Mr.Welty said that by the actions today 10/21/11, that the Judge has now vacated Welty's J&S, but Judge Taylor spoke and said, "It is nothing of the kind. The J&S stands. The findings have been signed." This occurred after Judge Taylor stated that his sentencing Mr.Welty was based on oral rulings that he made at the hearing. This is a complete violation of US Constitution, Amendments V, VI, VIII, XIV and Washington State Constitution, Article 1 § 2,3,5,7,9,10,20,22,24.

## Arguements

### 9. Application for Warrants

The application for warrants Authorizing Recording of a Conversation, # CCSD-10-465-KW has many errors on it, and in the contents.

#### General Error

To start with, the document contains no certified stamp from the court. It is not stamped with a recieved stamp, entered stamp, date stamp, or a seal of the court. Neither a stamp, mark, notation, etc. This is a violation of RCW 5.44.060 which requires the seal of the office to be attatched.

This document was never entered into evidence at the trial. Prosecuting Attorney Lundwall never entered this document into evidence. On 10/4/10, instead of providing a physical copy into evidence, she said the following:

"There was a wire authorization done in this particular case." By not entering the application into evidence, the recordings were not proven to be authorized for this particular case. The recordings are not created legally, and as such should not even be allowed to be entered into evidence at all.

Note! All recording and transcripts were entered into evidence, in violation of Mr. Welty's Constitutional Rights per the US Constitution, Amendments V VI VIII and XIV , and the Washington State Constitution, Article 2, 3, 5, 7, 9, 10, 14, 20, 22, 29,

Arguments

9. Application for Warrants

Section 3

Paragraph 3: Per AG, "Neither EG or SW wanted to visit SGW." They had both been to SGW's house for a few days during the summer, just a few weeks prior to Detective Samson's filing the application on 7/23/10.

Paragraph 4: Per AG, "SGW would get EG out of bed...and take her back to (SGW's) room." Due to SGW's physical disabilities, he is not able to lift more than 25Lbs at best. To have carried EG to his room is a physical impossibility (as claimed). Per AG "SW did not believe EG when told." SW, the brother to EG was a witness to every trip to SGW's home, and saw nothing wrong and did not believe EG.

Paragraph 5: AG's statements here conflict with those stated in paragrapg #31 in regards to the extent of her claim of the extent of the "sexual abuse" to her by SGW. When both DD and AH sister's to AG were brought into accusations by, Per AG "SGW tried to molest her step sister's", the police questioned both DD and AH, and both denied any molestation or attempted molestation by SGW.

Paragraph 9: Per EG's stated these statements, "He then picked (me) her up out of bed and took her to his (SGW) bedroom." As explained earlier in paragraph 4, this act is impossible for SGW to do.

Paragraph 11: EG stated these statements were made to her on the drive home by SGW, that he stated she was not to tell anyone or he would be in a place such as WSC as they passed by. This does not explain why SW would not have heard this conversation between SGW and EG. There would always be three people sitting in the front seat of the truck. SGW (driving), EG and SW. The baggage and SGW's dog (Naudia) were in the rear twin cab of the truck. If this conversation occurred, then SW would have believed EG when she told her older brother. (See paragraph 4) by simply overhearing

Paragraph 12: EG's statements of the last time of the "touching" was in the living room in a chair while her brother was on the couch not more then 2 feet away. Once again, this is "outside the box" of all the accusation of acts (always in SGW's bed, etc), and yet another time that SW, who was almost 16 years old, heard and saw nothing to raise his suspicions.

3

Arguments

9. Application for Warrants.

Paragraph 19: Per JG, The ages claimed to him were 4-10 years old. The stated 4-10 conflict with the ages of 3-11 reported by AG.

Paragraph 21: Per JG, he attested his wife AG was molested by SGW. If this is the truth, and not some planned hearsay to corroborate the statements made of supposed acts done over 30 years ago, then why wasn't JG placed under oath as a witness on the stand to state it there. The reason is that JG was not willing to commit perjury under oath to the court.

Paragraph 22: This paragraph is completely full of contrived lies. A list of them is: AH was being molested by SGW (disproven by her statement to the police), Debra Welty (DW) was informed of the prior past acts of SGW (DW was never questioned by the police, and actually would have denied these allegations), JG stated the occurrence of a conversation between AG and SGW. (JG was not on the telephone so it is double hearsay and thus not allowed.)

Paragraph 23: This too, by JG's statement of "JG said he over heard the conversation between AG and SGW when AG confronted Steven on the phone", is completely double hearsay and is not allowed under the Court Rules of Washington. As such, should not even be part of the report.

Paragraph 24: This paragraph is not needed in the report. This reiterating of the accused in a crime is just playing to the sympathy of the authorizing judge.

Paragraph 25: This is the first time that AG stated (SGW) he would ejaculate on her". This was never brought up to Detective Sampson.

Paragraph 26: Per AG "dad(SGW) did not know where they were living." From the age of AG being two and a half to nine years old, SGW did not know where she was living. When AG was nine, SGW recieved a call from her school in Lynnwood Washington, county of Snohomish, to come and get his abused daughter. This was the first time in the age range that SGW had even seen AG.

\*Note: This is the alleged time when SGW was abusing AG. A time of no contact at all.

## Arguments

### 9. Application for Warrants

Paragraph 27: When was it that AG and BP revealed this alleged abuse of years ago? 15 years ago or in the year of 2010?

Paragraph 29: Per AG "SGW had penetrated (EG and) her the same way," This is purely placed in the report to "Fit in the box" for the MO of prior bad acts and is once again purely prejudicial for the report to the judge, in order to get the authorization for a wiretap.

Paragraph 31: AG describes a completely different accusation of SGW. It has now escalated from molestation to rape. This was never mentioned on the stand by AG due to her not being able to lie under oath and keep the acts of the accused to within certain parameters. (To make it to fit in the box)

Paragraph 32: Why would AG & JG allow EG to visit SGW if he had done all of these horrible acts to AG in the past?

Paragraph 33: This entire paragraph is making statements of Debra Welty's thoughts, opinions and knowledge of facts.. This is impossible to be included into this report, as the investigators never interviewed Debra Welty at all. These are probably just the statement of AG.

Paragraph 34: AG states once again, statements that SGW molested or attempted to molest AH. This was disproven by the police interviewing AH who had denied any occurrences at all ever happened. This is just inflammatory on the part of the reporting of Detective Sampson in order to get her request granted by the court.

Paragraph 36: The criminal background checks ran by the police on SGW makes erroneous statements. For SGW, it states a list of crimes and states, "the disposition for those charges were not listed in his criminal history." These were all Washington State cases that were dismissed over forty years ago, and none were of a sexual nature. To state all unknown disposition on a list of crimes is away of making the suspect look worse than he truly is. The exact opposite occurred in the case of JG, whose results were "did not reveal any criminal history." JG was on trial for attempted murder of his father. His final plea is unknown at this time, but his arrest and conviction is noted, causing further bias.

## Arguements

### 9. Application for warrants

#### Section - 4

This section covers the expected subject matter of the intercepted communications is the alleged abuse of AG and EG by SGW. When they were small children. Prior past acts against AG and RP are not allowed into evidence as part of the claims against EG. As such, this warrant is being regarded under claims that are unconstitutional per the decision of the Washington State Supreme Court in the case with, Scherner and Gresham cases on the constitutionality of RCW 10.58.090

#### Section - 5

Why was there no other option available other than this requested telephone tapping to investigate this case used? Per RCW 9.73.090 A telephone tapping is such a drastic violation of the rights of a citizen of the U.S and Washington States, that it is to only be used as a last resort.

In this case, it was used as the only resort. There were other options. AG could have visited SGW and personally discussed this face to face while AG wearing a "wire" or something similar. Not to mention, the police could have called Mr. Welty into their office for interragation.

#### Signature Section

There is no seal; the badge #No. of the detective, on the application for the warrants to record communications. This "oversight" invalidates the application according to RCW 5.44.060.

#### ~~XXXXXXXXXXXXXXXX~~

Application #CCSD 10-473-KW is exactly the same as #CCSD 10-465-KW with the following additions.

The title is different. Application 473 states...

Application 473 includes interpretations of the three recordings from application 465.

The recordings were made illegally and as such, invalidates the application.

## Arguements

### 9. Applications for Warrants

#### Summary

The application for Warrants #-465 and #-473 contain multiple errors that are listed in detail under the rest of this arguement.

The cumulitive errors are as follows:

The applications are not certified by the court, not entered into evidence by the Prosecuting Attorney or the Court, full of misinformation, inflammatory information, impossible statements, contrary statements, statements proven false by the CCSO during its investigation into the alleged crime, statement of a witness at all occurances" who heard and saw nothing-causing his disbelieve of any "incidents", statements of past prior acts under 404(b) and RCW 10-58-090, statements of hearsay and of double hearsay, an escalation of the events and types of abuse on AG over 30 years ago and a sister who was sleeping and dreamed SGW abused her 50 years ago. Statements of facts that are not facts, and misstatements of facts by the CCSO on the criminal background checks on all that are involved.

In addition, the telephone tapping was not the "last resort" used in the investigation, it was the only resort used.

Detective Sampson did not seal the documents with her badge #No. as is required by RCW 5.44.060

When the first three attempts to entrap an innocent man failed, a second Warrant (#473) for tapping was initiated, that was based identically on the original filing (#465) with the addition of the inclusion of the CCSO's interpretation of the recordings made-not actual excerpts to the signing judge. Not one in all the recordings did the innocent defeanant ever admit to a crime.

This caused a violation of the defendants Constitutional Rights under the U.S. Constitution, Amendments V, VI, VIII and XIV and the Washington State Constitution, Article I § 2, 3, 5, 7, 9  
10, 14, 20, 22, 29 .

Arguements

10. Warrants

Warrant #CCSO-10-465-KW should not be considered as legal and correctly filed for the following reasons:

- 1) The application for the warrant was filled out with erroneous exaggerated, biased (on the side of the prosecution), and just plain full of illegal items based on ER 404(b), RCW 10.58.090
- 2) The warrant was filed for the recordings to be accomplished within Clallam County. The actual recordings were done in Mason County. This is verified through the testimony of Detective Sampson of the CCSO, AG,EG. It is also stated on each of the three recordings made, listed as evidence #5,6, and 7(10,11,and12 are the transcripts of the recordings.)

This makes the actions by the CCSO in recording in Mason County an illegal recordings by the warrants (465) and (473) only being able to record in Clallam County as stated on the warrants. There is not even an assistance to the investigation or to approve by any authorized signature by a judge to conduct recording in Mason County.

Warrant Jurisdiction: **St. V. Davidson 26 Wa App 623,613P2d,564)** Court of Appeals-holding that the warrant was invalid, the court affirms the suppression.

- 3) The application was filed under RCW 9.73.090 but the warrant was filed under RCW 9.73.140.

"473 has the same issuance as 465."

In addition, #473 has the added quotes from the first faulty warrant #465. This has the same arguements on #465, and the added arguements of using unconstitutionally acquired evidence to futher get unconstitutional evidence, to wit: evidence #8 (and #13 the transcript of the recording.) This Constitutional Right violations violate the U.S. Constitution, Amendments V, VI, VIII, XIV and the Washington State Constitution, Article I § 2, 3, 5, 7, 9, 10, 14, 20, 22, 29 .

## Arguements

### 11. Recordings

The recordings that were allowed to be heard in court "evidence" (#5-9) and the accompanying transcripts evidence (#10-14), were illegally obtained through incorrectly applied for issued warrants (as explained in arguements #9 and 10)

The warrants, and the reasons for conducting the recordings were based soely on ER. 404(b) and RCW 10,58.090 for past bad acts.

The proof of this is in the application for the warrants and transcripts of the hearings/trial.

The applications states:"Affiant anticipates that the scope of the conversation will be about the sexual abuse SGW committed against AG, and EG when they were small children."

The court transcripts state: P.A. Lundwall:"You have the transcripts of the wire authorizations that were done", and Mr. Hayden:"There's still all the weight and the balancing and its clearly ER 404(b) evidence, and I don't know if the court would admit it frankly."

Additionally, the recordings and the transcripts of the recordings were entered into evidence without presenting the applications for warrants and the warrants into evidence.

The court transcripts state: P.A. Lundwall" There was a wire authorization done in this particular case."

There is the only refferance to the warrants/authorization in the court room. As such, the warrants/authorization or the applications were never entered. There was a total of 14 pieces of evidence entered into the record. #1-4 were photographs, #5-9 were the recordings, #10-14 were transcripts of the recordings.

This is a violation of Mr. Welty's Constitutional Rights of (Due-Process) and of the Rules of the evidence, and a violation of the U.S. Constitution Amendment IV VI VIII XIV and the Washington State Article I § 2, 3, 5, 7, 9, 10, 14, 20, 22, 29,

## Arguements

### 1a. JUDicial Misconduct.

Per the 2010 Washington Court Rules, under the Code of Judicial Conduct (CJC), Judge Taylor violated Canon(1), Canon(2), Canon(3).

Judge Taylor did these violations in the following ways:

- 1) He allowed no legal representation for the defendant, nor allowed him to speak in his own defense;
- 2) He made misstatements of occurrences/events;
- 3) He made misstatements of the Laws of Washington State;
- 4) He showed a personal bias and a blatant disregard of the defendant's Constitutional Rights with prejudice;
- 5) He signed the F&C without allowing the defendant to argue the Facts and Conclusions;
- 6) Judge Taylor lied during the proceeding of the F&C hearing;
- 7) He participated in Ex-Parte communications with the prosecution;

The arguements for Judge Taylor not allowing the defendant to be assigned an attorney, nor allowed to speak for himself is covered in detail in arguement #7, By not allowing the defendant legal counsel or to speak on his own, the judge violated CJC(1), CJC(2), CJC(3).

Three examples of misstatements of occurrences/events are:

- A) Judge Taylor's accepting Mr.Hayden's version of his termination to include "that of his office," even though Judge Taylor recieved a copy of the letter from Mr. Welty terminating Mr.Hayden only and not his office;
- B) Judge Taylor allowed as "credible testimony" to be added fact #14 by himself personally, a year after the hearing, this conflicts with the testimony/statements that he read;
- C) At the F&C hearing, Judge Taylor stated that the defendant objected to "fact #10,#11,#12,and#13." When corrected by the defendant that he did not say "#10", Judge Taylor placed on the record,"You disagreed with all of the (F&C) them.

## Arguments

### 11. Judicial Misconduct.

At the F&C hearing, Judge Taylor stated the following regarding facts of law that were incorrect or misinformed:

- A) RE: The reason for the F&C hearing. "decision back at the conclusion of trial." This was done almost a year after sentencing. When this was pointed out by the defendant, the Judge's reply was, "Well what ever."
- B) RE: Oral Motion to Dismiss, "Motions to Vacate are done in writing. You need to file such a motion if you intend to do so." The defendant was not informed of the hearing until his prison counsellor said, "You have a phone call, Right now!", So he was not prepared with a physical motion to present to the court. Even if he was, being on a telephonic hearing, how could he present this to the court? Impossibility.

This also violates: CrR.Rule 8.2 Motions Rules 3.5 and 3.6

CR 7.(b)(5) Shall govern motions in criminal cases.

- c) RE: Assigning new counsel, "I am not going to appoint other counsel. You have had counsel. You have elected not to continue the advice of counsel. That's your right. You are basically at this time proceeding on your own." The defendant requested nine (9) times to have new counsel appointed. Instead the judge refused to assign counsel, a basic Constitutional Right in both the US Constitution and Washington State Constitution. (See argument #1 for more)
- D) RE: Signing the F&C, with #14 facts and #4 conclusions, "The F&C that i have signed accurately set forth my decision in this case after hearing all the testimony. That's what's important." (See argument #7 for details)
- The F&C was signed nearly a year after sentencing the defendant. The F&C used constitutionally barred "Past Prior Acts" as it's basis for fact #14. Which makes something that is used as a factual basis for the conviction at a bench trial, to infact not be a fact at all. Thus, the only purpose for fact #14 is the bias of the judge.

Judge Taylor's personal bias and blatent disregard for the defendant's rights at the F&C hearing, is shown in the following:

## Arguments

### 11. Judicial Misconduct.

- A) RE: The fourteen day deadline to have the F&C provided upon the Notice of Intent to Appeal being filed on 11/16/10, the date of sentencing, "Well Whatever."
- B) RE: During the defendant's request for a new attorney, "You will be at a disadvantage if you get new counsel." "The defendant replied," "I have had a disadvantage ever since this case started." Judge Taylor replied: "Well, I couldn't disagree with you more."
- C) RE: The defendant being silenced when he tried to speak, " You do have a voice and you have already had more than you are entitled to."
- D) RE: to inform the defendant of the Ex-Parte conversation, held prior to Mr.Welty coming on the telephone, "I had just circulated to counsel a copy on which i had interlined a proposed finding #14 which i just read to you."
- E) RE: After the defendant attempted to argue to have the F&C hearing postponed until he got new counsel assigned, but was silenced. "These are my findings. They're prepared by the prosecutor, but they are my findings that i have signed as summarizing my rulings made at the conclusion of the trial."

The judges own quotes show the true personal bias and blatant disregard for the defendat and his rights as a citizen of Washington State and the United States of America. From starting "Whatever" all the way through the signing of the document without allowing legal representation or the ability to argue on his own behalf, the defendant did not recieve justice at all. For the judge to allow the "disadvantaged" defendant's trial to have continued, when he has agreed on the record that he knew this to be true, should have at the very least declaired it to be a mistrial, if not a complete dismissal, immediately.

Judge Taylor lied during the F&C hearing by stating that,"(Mr.Hayden) is not signing them,(the F&C documents) and he is not saying a word." and "He is not participating." Yet, twice the judge directed questions directly to Mr.Hayden, who was continuing to stand by according to Judge Taylor, thus making his declaration a lie.

## Arguements

### 11. Judicial Misconduct

#### Judge Taylor's most outright and blatant violation of all CJC's Ex-Parte communication with the Prosecuting Attorney.

This happened at the time of the F&C hearing held on 10/21/11. Prior to the hearings officer/clerk getting Mr. Welty on the telephone, the judge and the Prosecuting Attorney had already passed out copies of the amended F&C with Judge Taylor's addition of fact #14, by his hand written addition, and had discussed this amongst themselves. Since Mr. Welty was not on the telephone appearing yet, and since he had no legal representation, which is acknowledged by Judge Taylor then any and all discussions about the F&C hearing, outside of the exception of a discussion on the topic of arrangements to have Mr. Welty appear telephonically, is Ex-Parte communications.

The proof of the judge's and prosecuting attorney's participation in the Ex-Parte communication was given by Judge Taylor's following quotes: "I will mention that while we were waiting to get you to the telephone, I did show counsel a bench copy that i had where i had interlined a finding of #14."

(In response by defendant, he stated he has no newer copy), Judge Taylor responded by saying, "There is no newer copy. What i said was is, I had just circulated to counsel a copy an which i had interlined a proposed finding #14 which i just read to you."

There should never had been any Ex-Parte communication on the part of Judge Taylor, especially when he had to explain it all over again to Mr. Welty in open court. By doing this Ex-Parte communication, it gave the prosecution the ability to be prepared for an arguement, where as Mr. Welty was unprepared for the surprize arguement against fact #14. This is part of the reasons for Ex-Parte communications to be allowed. This is a complete violation of Mr. Welty's Constitutional Rights under the US Constitution, Amendments V, VI, VIII, XIV and the Washington State Constitution, Article I § 2, 3, 5, 7, 9, 10, 14, 20, 22, 24.

## Arguments

### 11. Judicial Misconduct

The purpose of the CJC is to make sure that the justice system is truly fair and balanced. In this particular case, Lady Justice was not blind, but she was peeking, and had her fingers resting on the scale for the prosecution.

Canon(1) states, "An independent and honorable judiciary is indispensable to justice in our society."

Canon(2) States, "Judges should avoid impropriety and the appearance of impropriety in all their activities."

Canon(3) States, "Judges shall perform the duties of their office impartially and diligently."

This case shows a blatant violation of Canon (1),(2), and (3).

The partiality and impropriety abound in this case. Proven by no less than Judge Taylor's direct quotes from the transcripts of the F&C hearings. Judge Taylor's own words show that he was not acting independently or with integrity as a member of the judiciary.

Judge Taylor may be able to explain some of the issues brought up by the defendant, but there is no way he can explain the complete appearance of impropriety performed by his actions and words.

The only option in this case is a complete dismissal of the case with prejudice.

## Conclusion

This case started out by a teenage girl being caught in bed with a teenage boy. In order to "take the heat off of her" she stated she was molested by SGW. At that point, one child's lie led to animosity and creative and malicious persecution of an innocent man. This led the CCSO to create a scenario of how to get the "bad guy". They used boiler plated statements of angry parents and "victims" from up to 50 years ago. These inconsistent statements were used in applications to get warrants, and eventually warrants to create a wire tap, with absolutely no other investigation ever attempted by the police. This use as evidence against an innocent man. These fruits of the poisonous tree, which really were not fruitful at all, did not attain a confession as hoped, but did attain an "essential confession" per F&C.

This entire trial and hearing was so tainted that for it to have occurred in the State of Washington, in the United States of America as it had, is incomprehensible.

The defendant, Mr. Welty, was not allowed even the most basics of his Constitutional Rights per the U.S. Constitution and the Washington State Constitution, as was shown in the twelve arguments of this brief. To allow recordings that were illegally attained in as evidence, when it was never shown to the court to be an **existing warrant**, not being assigned counsel for representation, not being able to speak on the defendant's own behalf, receiving no notice of hearings, no paperwork prior to hearings, not being allowed to make an oral motion during a telephone hearing are just such basic constitutional violations of not only Mr. Welty's Constitutional Rights but of the core principles of the Court Rules of Washington State, and our United States of America.

There are rules of the court established to avoid being sentenced prior to having the F&C filed. This is to avoid "confusion" and questions" to come up, and in the case like this one, to be sentenced on just "oral arguments". This became that worst case scenario the law makers were trying to avoid.

## Conclusion

There were facts entered as facts almost a year after the Sentencing Hearing. Some were factual, others were conjecture while others were just blatantly opinions and not factual at all. This cumulates to fact #14 interlineated by Judge Taylor himself, as AN "Arbitrary action" Signed into the F&C above and beyond even the prosecutor who wrote all the rest, including fact #12, the "essential confession."

The culmination of this travesty of justice is the obvious, flagrant, brazen, and overt method of the sitting judge assigned to this case, Judge Taylor. The overwhelming bias against the accused, Mr. Welty, enacted by Judge Taylor is a complete disregard of the CJC of Washington State, especially Canon(1),(2),(3) which were established to avoid even the appearance of impropriety. This case has escalated to well past the point of simple appearance to that of self-evidence of actual impropriety.

This case started out with a bunch of lies against an innocent man of God, a pastor in the community for over 20 years, which run a church, community help center, and a teen center without incident or one complaint, and without a criminal record for forty years. Mr. Welty is a decorated, disabled Viet Nam Vet. There has been absolutely no justice in this league system as far as Mr. Welty's case is concerned. In fact there was not even the laws of the legal system of the Washington State or the U.S.A. in which he fought for.

The only way to correct this "nightmare of justice", this travesty injustice, is by a complete dismissal of the charges against the defendant, Mr. Welty with prejudice.

I affirm that all of the aforementioned is truthful to the best of my knowledge.



Steven Guy Welty

Pro-Se

January 18th, 2012