

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

STATE OF WASHINGTON
Respondent

V.

MICHAEL DEAN CRAYNE
Appellant pro se

No. 42469-0-11

SWORN DECLARATION AND
APPELLANT'S BRIEF OF
MICHAEL DEAN CRAYNE

FILED APPEALS
COURT DIVISION II
2012 AUG 22 PM 1:16
STATE OF WASHINGTON
DEPT. OF JUSTICE

I Michael Dean Crayne makes the following declaration in accordance with
RCW 9A.72.085: This 18th Day of August 2012 Mike Crayne

I am appealing to this Honorable Court hoping for a chance of a fair trial, which I hope that you too will agree I have so far been denied. I am asking to be allowed to tell my side of this case to a jury and to be judged on the truth and on the facts instead of the stories being told by the people who had financial and personal reasons to lie.

My basis for this appeal is, and I believe the facts will show that my former attorney Mr. John Hays provided me with false and misleading counsel. Both about what the laws in this case actually are and what the actual facts were. I believe that he had a preconceived opinion that the estranged husband had to be guilty and that there was no need to bother with a trial. I believe that his sole intention was to get me to take the plea with the least amount of time invested. I believe the facts will show a complete disregard to providing me with any meaningful representation or assistance with my defense. Instead he took

advantage of medical issues I was having and my lack of experience with the law to make this a simple case for him. I did accept the plea deal, but I made that bad decision based on false facts and deceptive counsel that was given to me by my attorney, Mr. Hays. I made a big mistake in trusting Mr. Hays and have spent the last three years trying to correct that mistake.

I told Mr. Hays about my trouble with severe depression and chronic back pain. I told him about all the medications I was taking for it and of the affects all of this was having on me. I also told him about a learning disability that makes me a very slow reader. Mr. Hays did nothing to help me work around these things. Instead he took advantage of them to convince me that according to the law, I was guilty of first degree assault for just going out to Mr. West's motorcycle, that it didn't matter if all the rest of their claims were lies or not, that I was guilty and there was nothing more to be discussed, that I was going to prison and that whether I died there or not depended on whether I took the plea or not. I believed what he was telling me. I felt that was no choice, I took the plea.

I made another big mistake by not talking to my family before I took the plea. The depression made me very reclusive and kept me from seeking out the advice I so obviously needed. After I took the plea my sister thought that things weren't right. She got the statements, police, and doctors reports pertaining to my case. We found out that most of what Mr. Hays had told me was not the truth. If I had known the truth, and had seen

The statements and reports, I'd never have taken the plea deal.

During his testimony on April-15-2011 Mr. Hays claimed that he went over and explained all the reports and statements with me. That is not true. The few times that we actually sat down to talk, Mr. Hays would start with, "We'll have to make this quick, I'm late to be". He always had somewhere that he was late to be. He would hurriedly skip through the file and tell me just the things that he wanted me to know. When we talked about the amount of time I'd have to do, I told him, "I have so many extenuating circumstances, won't that help with the time I get?". He told me, that didn't matter, the Judge couldn't consider them in sentencing anyway. We didn't even talk about them. He also told me that the Judge didn't have the authority to go outside of the sentencing guidelines. That the plea was already at the low end so we couldn't do any better, but going to court might make it a lot worse. I never saw the doctors reports and our discussion about them had no details. Mr. Hays told me that the prosecutor's psychiatrist's were completely against me and would testify against anything that our psychiatrist would say. He told me the jury would think that ours, was just saying what he was paid to. That all that, would basically cancel out our defense and that the Judge and jury would think that it was a trump up defense and that they would hold it against me. At that time I believed these things were true and they greatly influenced my decision to take the plea deal. I now know that they're not true.

To justify his recommending that I take the plea Mr. Hays was pointing out how strong the prosecutor's case was against me. To do

that he just repeated the same false stories and wrong conclusions that the prosecutor was basing her case on. If he had gone over this case with me as he claimed, he would have known, that these stories were not true. Mr. Hays should have known the truth, and he should have told these truths to the prosecutor, but he didn't know the truth because we didn't talk about them. Evidence of this is that the prosecutor tried to get my psychiatrist, Dr. Garner, to change his deposition by telling him some of these false stories, and claiming that they were facts. He was not swayed by these stories. Mr. Hays also claimed that he was afraid that our psychiatrist Dr. Larsen, would retract his diagnosis during cross examination when he heard certain facts that Mr. Hays thought I had left out. This too shows that Mr. Hays didn't talk to me about the facts, or the lies, and that is why he has them confused. The certain facts that he thinks, I left out are actually lies. I couldn't have possibly talked to Dr. Larson about lies that I wasn't even aware were being told until after I had taken the plea. I am not concerned about Dr. Larsen changing his mind. If Mr. Hays had talked to me as he claims, he wouldn't have any concerns either. I believe that Mr. Hays, complete lack of knowledge about my side of this case and his expertise in the prosecutor side shows conclusively, that he never intended to help with my defense. I believe that Mr. Hays took the prosecutor's side from the beginning. He told me that the psychiatrist I had been seeing, was not qualified for court, and he sent me to Dr. Larsen who he said was qualified. Mr. Hays also told me that we needed to hire a private detective who I can't see did anything at all. Mr. Hays had me give him, \$500.00 for Dr. Larsen and \$500.00 for the detective.

Instead of talking to Cindy Crayne and Leo West himself, Mr. Hays sent this detective to do it. He talked to Cindy and Leo in the prosecutor's office with the prosecutor. This detective is a exdeputy sheriff and had previously worked with and has connections to the prosecutors office. Since he didnt talk to me first, all he admittedly knew was what the prosecutor was telling him. He had no questions to ask or facts to compare. I believe the detective's contribution was biased, and useless to my case. With all ther combined experience they had to know that with onesided knowledge the private detective was contributing nothing to my case. No one went to the scene to take pictures that would show details from my point of view. The prosecutor has a stack of pictures and I will use few of them, but they werent taken with the defence in mind. There was a bicycle involved that would help in my defence. I told the responding officers and Mr. Hays where I left it. Mr. Hays told me they couldnt find the bike. I thought that Cindy or Leo were hiding it to make me look like a liar. In the paper work my sister got we found out that month's later Leo's neighbor had found the bike and turned it over to the police. It was right where I told them it would be. Nobody even looked! Mr. Hays just let me go on thinking it would make me look like a liar. Neither Mr. Hays or the detective did anything to help with my defence. When my sister was gathering papers she asked Mr. Hays for the detective's file. Mr. Hays told her that he had written the detective's check with one of his own so~~re~~ he didnt hav to giv it to her. At the time of the incident, I was going through a divorce. The court had my money and property all tied up in the divorce. Mr. Hays worked out of the same legal building

as my divorce attorney. They both went before Judge Warne and made arrangements for me to hire Mr. Hays. I tried to hire my divorce lawyer, who did a great job for me, but she didn't do criminal cases. The Judge released some cash and allowed Mr. Hays to take a lien on my home, to be settled with the divorce. Mr. Hays also got interest on the lien. That came to another, thousand dollars. Mr. Hays got to keep all the money, win or lose. His only incentive was to just get me to take the plea. That was the easiest money. At no point did Mr. Hays talk to me about any defense except for the diminished capacity. He then told me that it was such a vague and hard to understand law that it is almost impossible to win such a case. He did not try to gather evidence or interview any witnesses. The counsel he provided was nothing short of sabotage to my case. I hope that you will agree that under these circumstances I was not capable of making a knowing, voluntary, and intelligent agreement into a guilty plea and that I should not be held to a decision that was made with such erroneous information and bad counsel. I ask that after you read and consider the facts and arguments I will provide, you will grant this appeal and start me in the direction of a long delayed trial. My second attorney, Mr. Quillian also let us down. During Mr. Hays Testimony, I told Mr. Quillian several times how to show that Mr. Hays wasn't being truthful, but he just let it go unchallenged. My sister even passed a note to him stating the same thing. Instead of confronting Mr. Hays, like we expected, Mr. Quillian went against my wishes and instead, pled that I was too simple to understand what I was doing. Besides being humiliating, that is not

at all what I am claiming

My second basis for this appeal is that a number of what I believe were intentional circumstances, caused the Judge to be biased against me.

After it being scheduled and then canceled far to many times I finally on October-28-2010, got to give my testimony. Mr. Hays was also scheduled to testify but again he was too busy to show up for court. Mr. Hays didn't give his testimony until April-15-2011. That's almost six months later and just two weeks before the Judge made his decision not to let me pull the plea deal. I believe this schedule was no accident and that it gave Mr. Hays a distinct advantage. Cowlitz County has no big cities and the court system is small. All the lawyers, prosecutors, and judges, work very close together. I believe, too close for me to get a fair hearing against one of their own. On the very morning of the day, that the Judge denied me of pulling the plea deal, he had a retirement party at the courthouse. For me to win in that court the Judge would have to take my side over the same people that just hours earlier were at his party. I believe the timing of these events was no accident. I feel that there was just too many things stacked in Mr. Hays favor to be just a coincidence.

I tried to tell the Judge that my second attorney was not accurately stating my position of why I took the plea deal, and that I was dismissing him of being my attorney. Judge Warne would not allow me to talk. Also while in the Cowlitz County jail for the two weeks between Mr. Hays testimony and the Judge's

verdict. I wrote a letter to the Judge telling him that Mr. Quillion was not going with my wishes. I told him how I could show that Mr. Hays was not being truthful during his testimony. I pointed out several things that I felt would help my case. I knew that they read the mail going in and out of the jail, but what I wrote was going to the Judge so I thought, let them read it. I believe they gave the letter to the prosecutor who held it until after the verdict. It was given back to me a half hour after it was too late with a note telling me that they couldn't mail it. There was no reason that it couldn't be mailed. Giving it back to me just a half hour too late was just to let me know what they had done. I'd like to hear them explain how that is not withholding evidence. The prosecutor also insisted that two completely trumped up charges of violating a no-contact order be kept in the plea. I had absolutely no contact with Cindy or Leo in any way. There is no basis at all for these charges. Mr. Hays then misled me about the consequences of these false charges.

I hope these things that I have pointed out actually are the serious legal improprieties and unethical acts that I would surely believe they would be.

I understand that it is not the job of this court to determine my innocents or guilt. I know, that is for the trial. I cant think of any way to show that Mr. Hays inadequately represented me except to show that I did have a good defense that he should have used. these are the facts that I am hoping for a chance to put befor a jury.

Since I willnot be able to appear in court, here are some facts about myself that hopefully will tell you a bit of who I am. I am 57 years old. I have no pryor crimanal record. I have a clean driving record. I have been a disabled veteran since 1975. I have been completely disabled since a back surgery faild in 2001. I was working as a locomotive machanic at the Time of my last back injury. Despite my bad back, I worked very hard to provide for my famly. I married my highschool sweet hart. We wer merried for 33 years. My exwife Cindy has epilepsy with grandmal seizures. She didnt work or drive, so beside's working I did double duty as family chauffeur and soccerdad. I hav a 32 year old doughter that I am very proud of. She also has never been in any trouble. She graduated highschool on the deanslist. She is a good person and mother. I have a 9 year old grand-son that I should be taking fishing. I hav a triple A creditrating. I pay my bills and taxes. I try to help people and do the right thing. Im a typical lawabiding citizen. I am not a criminal. I believe the facts will show that I am in prison for trying to help my wife and family, as I always hav. If I am allowed a trial, my intentions are to plead not guilty of all charges, with diminished capacity to explain my extremely bad judgment in taking a weapon, and the one I took. The choice made such good sense to me at the time.

The motive behind this unfortunate event was based on the best of intentions. Cindy has suffered from poor health for most of our marriage, both physical and psychological. I had cause to believe that Cindy's actions were a matter to do with her health problems. I have never turned my back to Cindy's needs. I had good reason for believing that Cindy wanted and needed help. On November-1-2007, Cindy and I spent all night talking. She led me to believe that she was not happy and that she wanted out of the situation she was in. Leo knew that Cindy was having emotional troubles. He was taking advantage of the situation and of Cindy. Cindy gets delusional and Leo was fueling her delusions with self-serving lies. He had convinced Cindy to alienate herself from her entire family and anyone that might help or tell her the truth. Cindy's Dad and Grandmother both passed away close to the same time. In both cases Cindy's sister Chris tried to talk to her. Chris left messages asking Cindy to call her back but she never did. Cindy talked on the phone with Chris all the time before Leo's influence. When Cindy's Mother passed away years earlier it brought her closer to her family. This was not like Cindy at all. She didn't treat people that way. Apparently Leo's influence was stronger than the passing of her loved ones. When Cindy and I talked on the first, she agreed to go to counseling with me. At that time she seemed quite anxious to go. On the second, while I was making the appointment, Leo was talking Cindy out of going. Maybe I am a little simple, and blind. It took a long time for me to see what was happening. I just thought that the big change in Cindy's behavior was from the stress of my injury and subsequent job loss. It never occurred to me that Leo could have had any part in it. Cindy and I both knew about Leo's low

moral standards. Cindy once told me that she didn't even want him in her house. I just knew that Cindy was so much better than this. I was more convinced than ever that Cindy needed help. In the twenty plus years that I have known Leo, he has had just one short term girlfriend. He told me that she was getting SSI on a mental disability. I now believe that he is just a predator of women in trouble. I do see the absurdity of someone seeing a psychiatrist to be casting doubt on another's mental health, but Cindy's conditions were diagnosed about twelve years before. Cindy's behavior over the past few years is a very big part of my depression. I was not just thinking of Cindy alone. The things she was doing were coming between me, my daughter, and grandson. It also forced our daughter Morgan, into the middle of it all. Morgan is a only child, so she has no support from other siblings to help her. All of this was very hard on her too. My desire to get Cindy to go the counseling with me was for the entire family as well as myself. After I got arrested Morgan moved away and has had no contact with Cindy or I. She didn't want to take sides. I have tried to explain here, why it was so important to me to get Cindy, to go to counseling with me.

— That was why it happened. This is what happened. —

Between the constant back pain, depression, and the fretting about how to help the people I was supposed to, I hadn't gotten any sleep at all in three days. By Sunday the fourth, I was exhausted, but I still hadn't slept. I thought that some beer would help me sleep, so I started drinking. Well it turned out that no sleep, prescription antidepressant and pain pills with beer can make you stupid, but not necessarily help you sleep. When I would shut my eyes, I'd just start thinking about my family, and that

they needed and expected me to help them. Shortly after midnight all my thoughts came together into what I thought was the perfect plan. I decided that I had to go out to where Leo was living in a motor home, in his dad's back yard. I've known Leo a long time and I knew that he wouldn't face me. I would have to catch him at his pickup when he left for work Monday morning. I was going to get him to stop interfering and to let Cindy go to the counseling she had already agreed to. I thought that my catching him off guard at 5AM, would scare him enough that he'd stay away from Cindy long enough for me to get Cindy to at least one appointment and that might be have been a start. I am a lot bigger, and except for my back, I am a lot stronger than Leo. I was counting on that to discourage a fight. I didn't know what might happen if Leo chose to test my back. I was very worried that if things got physical, my back would go out leaving me unable to defend myself. Like I said, I know Leo and I knew that if I were down on Leo's own home ground, he would take the opportunity to do me some very serious harm, or worse. Due to all the previously mentioned influences I was working without the benefit of my best judgment. I decided that for my own protection, I should have a gun with me. I was sure that I wouldn't need it, but it felt wiser at the time and safer to have a backup for my back. I would hide the gun on the back bumper of his pickup, where I could get to it easily if I had to. I thought that if it became necessary to put a stop to things I could grab it off the bumper and shoot out a window of the truck or something. I thought that would show him that despite my back, I could defend myself. Scaring Leo off if I had to is all the gun was for. That is why, when I was caught by surprise, when the door started to open I immediately put my gun on the

ground and out of sight. I did that without thinking about it because, that was the plan. Leo was not supposed to see that I had a gun unless I felt gravely threatened and just as a last recourse. Leo did not see my gun until I picked it up to leave. I have been to Leo's many times and I knew the lay of the land. I thought that if I came in through his neighbor's field I could make my way to his pickup truck without alerting the dogs that he keeps tied up at each end of the driveway. It turned out that he also had a dog tied up in front of the pickup that I didn't know about. It started to bark and that started them all barking. I expected Leo to look out and at least shout out a window at the dogs to be quiet, so I stood by the garage door and out of sight. It took a long time for anything to happen but a light finally came on in the motorhome. Thinking Leo was getting ready for work I went to the pickup and waited. The light went out and I waited, but nothing happened. The dogs just kept barking. I felt very exposed to the motorhome and the mainhouse so I went back to the garage door. I thought that Leo's dad might have seen me and had called Leo and told him that I was there. That was why he didn't come out. I started to think that this just might not be the perfect plan after all and that I should leave but just then the light came back on. I quickly headed back to the pickup which meant crossing in front of the motorhome door. Just as I got by the door it started to open. I quickly stashed my gun off to the side and out of main view. I then saw Leo stepping out with a gun in his hand. Thinking that his dad had indeed called and told him I was there, I thought, and I still do believe that he intended to shoot me. Leo was about half out the door when I grabbed the gun. He had one foot and leg out the door and was stepping down. He tried to yank the gun away

from me and he stumbled backward onto the floor, pulling me with him. Leo's motorhome is a van conversion. To have enough head room to stand up, the floor drops down a step at the very back. This small space combine's the entry with the kitchen area, and a lavatory. At times while wrestling for the gun my feet and lower legs were sticking out the doorway. When we first fell through the door Cindy was not at the door. I specifically remember Leo calling out her name as he went back through the door. We were already wrestling on the floor when Cindy came to the edge of the upper, main level. She was bent over us and I think she was on her knees but I'm not completely sure of that. I got worked around and had enough control of the gun that I could let go with one hand to hold Cindy back. I was telling her to get away, we're fighting over a gun, you could get shot, stay back. I was trying to warn and protect her with one hand while I was trying to keep Leo from shooting me with my other hand. I know Cindy said that I pushed her down. I believe that with her being on the upper level and bent over us, it would be impossible for me to push her down. I was more holding her up and off us. I managed to get the gun away from Leo and got to my feet. Not being sure what Leo would do next, I did point the gun at him and yelled "Stop it." Leo stude down but he did crawl up to the main level where Cindy was and he sead "No Mike No". In the heat of the moment I did shout at him You SOB. I should blow you'r head off. I then turned towards the door to leave. I didnt expect him to get up or I wouldn't have ternd my back to him. I was so shocked when he again went for the gun. I was so sure he was done, I wasn't even paying him any attention. He managed to grab the gun from behind and we were wrestling again. This time we decided that we just didnt trust each

other with the gun, and that we should throw it out the door, at the same time, on the count of three. Neither one of us wanted to be the first to let go, so the gun didn't go very far from the doorway. After tossing the gun we tossed some accusations back and forth while catching our breaths. While keeping a very watchful eye, I let Leo pick up his gun to unload it. When I was satisfied that he had unload his gun, I picked mine up to leave. When Leo saw me pick it up he said "did you bring a gun out here" and then before I could say a contemptuous goodbye, he dropped his gun on the ground and grabbed mine. I couldn't believe this was happening. Instead of leaving I was having another tug of war with Leo, it was "let go, no you let go, no you let go," all over again. This was a lot more verbal than physical. Leo and I were both on our feet, facing each other, holding the gun between us. If you think it couldn't get any more ridiculous, you'd be wrong. Instead of making my escape without dealing with Cindy as I intended, she had jumped on my back and got involved again. When hanging on my back did nothing at all she came around to the side of us and right in front of the gun. I immediately let go of the gun and apparently so did Leo. Cindy just seemed to reach in and take it. Then she put it on the ground and she laid on it. I assumed, that was to keep it away from the both of us. I am sure that she deliberately laid on it and didn't fall on it. It did happen very quickly, like she was jumping on a handgrenade. My perfect plan to help and protect my family had turned into a circus of disasters. I told Cindy how dangerous the gun was and that she should let me have it back and I'd leave. Instead she stood up and carried it around for a while but still would not listen to me. I told her that she didn't have to give it to me but to at least let me explain to her how to unload it herself, if she was going to carry it around. She wasn't listening to

reason so I stepped back and hoped that she would calm down. I saw her take it around the front of the motorhome and then return without it. I told Cindy that I just wanted to leave, but that gun was very dangerous and they didn't know how it worked. She kept saying "I don't believe you" and wouldn't listen. I didn't want to argue with her so we just milled around beside the motorhome. Shortly Cindy went into the motorhome and came out with a phone. Her and Leo acted as if they heard it ring. I'm hard of hearing so I didn't hear it. She told Leo it was his dad and gave him the phone. Cindy went back in and got dressed. In till then she had a blanket wrapped around herself. I read in the police report that she was running around naked. Well that's just one of the many things that they got wrong. When she came out the door she said, "No body say anything about guns." I believe she had calmed down. I believe she knew I didn't hurt anyone and I hadn't tried to hurt anyone. The short amount of time that it took for Leo to convince her otherwise shows why I had to get her away from his influence. With my poor hearing it was hard to eavesdrop, but I know that Leo had talked to his dad and 911 and he also called his boss to tell them he'd be late for work. One's 911 was called there was nothing to do but wait for the police to show up. I asked if there was anything to drink in the cooler by the door and was told there was. I got out a bottle of water and sat on the cooler. I tried to tell Cindy that Leo was telling her lies and it was hurting Morgan and Drake too. Leo got off the phone and he butted in telling Cindy even more lies. Leo and I argued but I still didn't hurt him. By now it was quite obvious that even with my bad back I could have very easily if that had been the plan. When I saw the gun in Leo's hand, the adrenaline kicked in and I completely forgot about my back. That was

the first time my back hadn't hurt in several years, but yet I didn't punch or hit Leo in anyway. I was standing over him with his gun in my hand while he cowered on the floor, but still I didn't shoot or pistol whip him. Nor did I do any of the number of things I could have done to hurt him if I had wanted to. Instead thinking that Leo would not get up until I was out the door, I turned my back to him and started to leave. Then Leo surprised me again when he tried to take the gun back by grabbing it from behind. Still I did just what it took to defend myself and nothing more. Leo had realized that I wasn't going to hurt him and that made him feel brave. He yet again surprised me by grabbing my gun when I tried to leave. Leo was bound and determined to shoot me. He even told my sister, "I would have killed him if I could have." They were talking about me, when Cindy and Leo met with my sisters to finalize the divorce. Thru all of this I was in complete control of myself. I had one thing in mind and that was to get Cindy to that counseling appointment. That is the reason I didn't hurt Leo. Cindy had been blaming and accusing me of things I didn't do and of things I'd never even heard of. I didn't want to give her anything for real to blame me for. Although I do believe that Leo did have a beating coming, I believe it is obvious that was not my intent that morning. I was not there in a jealous rage or seeking revenge. I was there trying to do the right thing for my family, our family. I know that it's an old-fashioned idea, but I was also standing by promises that I made in a church years before. I believe the, "in sickness and health," part applies. I believe I did the right thing in trying to stand by Cindy. I blame a lot of unfortunate circumstances for my ill-conceived plan to help her and my family. I hope that when you consider all the facts, you'll see a pattern of ~~of~~ trying to do the right thing. I hope you will give me a chance in court. Thank you

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

STATE OF WASHINGTON Respondents

Vr.

Michael DCrayne Appellant pro se.

No. 42469-0-II

APPELLANT'S BRIEF

Appendix A

FILED
COURT OF APPEALS
DIVISION II
2012 AUG 22 PM 1:17
STATE OF WASHINGTON
BY DEPUTY

The following information gives details and factors that I believe will greatly help in understanding why I did the things I did and the motives I had for not doing what I am accused of. I believe this shows a pattern of my trying to do the right things for Cindy and my family.

The beginning of this might seem out of place. I want to explain my vehement desire to keep my family together.

Unfortunately our daughter, Morgan got divorce'd shortly after the birth of our grandson, Drake. She had to go to work, so Cindy and I were Drake's daycare. Cindy did most of the work and I got in on all the good parts of being grandparents. Cindy and I both came from families with a number of children, 4 and 7 respectively. Cindy and I had planned on having a son and daughter and hopefully within four tries. I am a avid outdoors man. I like all the guy stuff, hunting, fishing, offroading, etcetera. I'd love'd to have had a son ~~to~~ to have share'd that with. Unfortunately Cindy had a very hard time during pregnancy. We both agreed that because of Cindy's health we'd not have more than the one child. That is why I was so happy when Morgan gave us a grandson. it was almost like getting a second chance, but with less work. When Cindy first moved out and in with our daughter, Drake had just turned four years old. I did miss some time with him but I was still driving Cindy around and helping her with anything she needed. That still gave me a lot of

time with him, but without counseling I was not sure how long it would last.

Right after moving out Cindy got on social security, S.S.I. and on D.S.H.S. for medical. She told them that she wasn't getting any money and had no health insurance, even though I was giving her money and she did have insurance. Cindy was getting a lot of expensive medical treatments done. I was sure that they would come after me for their money back. I talked to Cindy about my worries and tried to get her to put these expenses on her insurance. Instead she cancelled her insurance. Cindy's epilepsy is a preexisting condition. That means once she lost it she can't get it back.

About four or five months later we filed a noncontested divorce agreement. We each had hobbies so we agreed we'd each keep our hobby stuff. I inherited the house and property so that wasn't community property. Cindy got all the household wares and furnishings, except for my basic needs personal things and belongings. Cindy also wanted \$50,000.00. She wanted the money in cash so it wouldn't affect her SSI or DSHS. I mortgaged the house to get her the money. Luckily for me, I hadn't given her the money yet, when on one Friday night, when Cindy knew that I would be out of town all the next day, she called and told me that she had a portable storage unit put out at Leo's and they (her and Leo) were going to move all of Cindy's stuff out there. I was totally shocked by this. This is an example of Cindy's confusing behavior. She had started spending a lot of time back at the house. She was even spending a lot of nights there. I was sure she was coming around to the counseling idea. But then Leo's ugly head popped up and all of a sudden she's moving furnishings that she is still using out to his place. We hadn't talked about there being any need for her to remove her things from the house, and then pay for storage. And what was Leo doing undermining my efforts. Helping Cindy move out was

stabbing me in the back. Instead of leaving, I stayed home to keep a eye on things. I had nothing to say that I didn't think Cindy wouldn't want to fight about, so I kept my distance and my mouth shut. I thought that tactic worked, Cindy didn't take anything that day that we hadn't agreed on. There was some things left that Cindy said they'd be back for. When they didn't come back, I tried to call both of them but got no response. After a week, with no explanation of what or why she was doing this, Cindy did finally call. She told me that her and Leo would be coming tomorrow to get the rest of her stuff. She was very hostile to questions. I knew it would be a fight so I left before they got there. I've learned some hard lessons about being to trusting lately. Cindy and Leo took everything of any value. They seemed to target anything with sentimental value to me. Things with no value or interest to anyone but me. They took boxes of things that I had saved from my childhood. They took everything I had of my mother's who passed away just two years earlier. The house that I inherited was where I grew up. Without itemizing my life, it would be safe to say that they took everything but the memories. Cindy's behavior just kept getting more shocking. I knew that this behavior was not characteristic to Cindy's conscience. My conscience told me to stand by her. I felt that she was not herself and letting animosity take over, wouldn't help.

Leo was naturally avoiding me but it wasn't long before Cindy was back needing things. Cindy had a gallbladder surgery scheduled for Tuesday of the ~~the~~ next week. I took her to a pre surgery exam on the prior Friday. Morgan picked Drake up on her way home. Cindy staid the night. Cindy kept telling me that there was nothing going on between her and Leo. That she had asked him to help her and that I shouldn't be mad at him. She couldn't seem to understand that he wasn't supposed to be helping her against me. Saturday morning Cindy's friend Barbara came to pick her up. Cindy was still insisting that I agree

not to hurt Leo when he brought the motorhome back that afternoon. A few days before, I finally contacted Leo. I told him to bring my motorhome back. He said that he could that afternoon. I had been letting him live in my big class A motorhome, because it was a lot more comfortable than his small one. I did agree not to hurt him, but while waiting for him I saw a old axe outside the shed. I thought that since all the neighbors had pointed out that they had seen, "my friend with the silver truck" helping Cindy move out, that it would make me feel a lot better if they saw his silver truck drive away with a axe for a hood ornament. I was hoping that Leo would have someone follow him with his truck to take him home. Instead his stepdad followed him with his own car. I met Leo at the door of the motorhome. I told him that I badly wanted to kick his ass, but Cindy had talked me out of it. I told him he should thank her for that and that he was lucky he didn't bring his truck. That Cindy didn't tell me not to give him a axe hood ornament. I told him to never come back, and he left. I did not as Cindy and Leo later claimed, "chase him around the yard". I didn't even follow him to the car. He just walked away. Back to that before mentioned Friday night. Cindy and I had made plans for me to take her to the hospital for her ~~her~~ surgery. I hadn't heard from Cindy, so Monday I called her to check in. I was expecting a thank you for not beating up Leo but instead she was mad at me and demanding her money that day. I told her that after her and Leo had cleaned out the house I thought it was understood that she wasn't getting the money till the divorce was final. She then told me that I had better hire lawyer because she had, and she was going to take everything she'd left. Well now I wish I'd smacked him around at my place where I didn't have to worry about my back telling me get home or not. I try to do the right things but I believe he had a thumping coming.

A few days after Leo brought back the motorhome, I found some things that I knew he didn't mean to leave behind. I had a mutual friend take them back to him. About three months after that I found some air and power tools Leo had left in a tool box he once borrowed from me. I had those returned as well. I am not a thief. Not even from someone who has stole from me.

After Cindy's surgery she got in a argument with our daughter about me. Cindy stoppt talking to either one of us. About a week later Morgan told me she had heard that Cindy had some complications and was back in the hospital. That was all she knew. I bought some flowers and a card and went to the nurses station to see how Cindy was doing. They said she was fine and that I could go to her room. I told the nurse that she might not want to see me and asked if she would giv Cindy the flowers and I left. One of the neighbors went to visit her and they told me Cindy said that I could visit her so I did. Cindy and I had a pretty good visit for about a half hour and then she started making bizarre accusations, trying to start a fight in the hospital. I did not argue with her. I kissed her on the forehead and said goodby and left. Cindy called me twice between then and Friday that started all this truble.

That is the way I have treated Cindy since we started going togethe in school.

I could fill a book with incidental things that happened in that approximately one year period but I know your time valuable, so I'm trying to keep this short.

I hope that this helps you understand some of what was compelling my actions and that I was truly trying to stand by my family.

In The Court OF Appeals OF The State OF Washington
Division II

Appellant's brief appendix, A C.O.A. No. 42469-0-11

I Michael D Crayne declare under penalty of perjury under the laws of the state of Washington that the previous is true and correct to the best of my knowledge and belief.

Signed at Aberdeen Washington, this 20th day of August, 2012

Mike Crayne

Michael D. Crayne
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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON
Respondent,

v.

MICHAEL DEAN CRAYNE
Appellant
pro se

No. 42469-0-II

MOTION FOR FILING OF
APPELLANT'S BRIEF

FILED APPEALS
COURT OF APPEALS
DIVISION II
2012 AUG 22 PM 1:16
STATE OF WASHINGTON
BY DEPUTY

I declare under penalty of perjury under the laws of the State of Washington that the forthcoming is true and correct to the best of my knowledge and belief.

SIGNED at Aberdeen Washington, this ^{August-MC} 18th day of ~~June~~ 2012

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