

1 The decision of the appellate court was not published. The Court of
2 Appeals, on March 24, 2014, reversed my conviction for drive by shooting and
3 possession of a stolen firearm due to ineffective assistance of counsel.

4 Since my conviction, and prior to re-sentencing, I submitted a Petition for
5 Review to the Washington State Supreme Court, which was denied.
6

7 On April 30, 2015, I was re-sentenced to 180 months within the
8 Department of Corrections for the crime of Assault in the First Degree and Unlawful
9 Possession of a Firearm in the Second Degree.

10 My lawyer at my re-sentencing was Robert Quillian.

11 B. Grounds for Relief

12 I claim that I have three reasons for this court to grant me relief from the
13 conviction and sentence described in Part A.
14

15 **Ground One**

16 1. I should be given a new trial or released from confinement because the trial
17 court erred in failing to instruct the jury that the lesser degree crime of second degree
18 assault was available for both of the first degree assault charges.

19 2. The following facts are important when considering my case:

20 I was entitled to a lesser included (inferior degree) instruction on the
21 first degree assault charges submitted to the jury. Specifically, my attorney was
22 ineffective for failing to propose such an instruction on second degree assault. The
23 Court of Appeals acknowledged that my attorney was ineffective for neglecting to
24 propose a self-defense instruction as to the drive by shooting charge, but gave short
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1 shrift to my pro se argument, simply stating, "The statement raises no possibility that
2 the latter claims are meritorious.

3 List name of person or persons who know the fact and will support the statement,
4 if the fact is already in the record of your case, indicate that also: N/A
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6 3. The following reported court decisions in cases similar to mine show the
7 error I believe happened in my case:

8 State v. Fernandez-Medina, 141 Wn.2d 448, 454, 6 P.3d 1150 (2000)

9 State v. Workman, 90 Wn.2d 443, 447-48, 584 P.2d 382 (1978)

10 4. The following statutes and constitutional provisions should be considered
11 by the court:

12 RCW 9A.36.021

13 RCW 9A.36.031
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15 5. This petition is the best way I know to get the relief I want, and no other
16 way will work as well because my direct appeal has already been completed.

17 **Ground Two**

18 1. I should be given a new trial or released from confinement because the trial
19 court erred in instructing the jury that the use of unlawful force would not be a defense if
20 the jury found that I was the initial aggressor.
21

22 2. The following facts are important when considering my case:

23 My attorney did not object when the "initial aggressor" instruction that was
24 given during the trial. The potential impact of a first aggressor instruction cannot go
25 unstated. I testified that I shot without looking when the victims pulled guns out and I
26 feared for my life. The victims testified that they had no guns and that I simply fired at
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1 them without provocation. There was no testimony that any provocation forced the
2 victims to act aggressively towards me, which would have resulted in the need to act in
3 self-defense. The entire case hinged on whether the victims were armed and whether
4 my actions were warranted.

5
6 List name of person or persons who know the fact and will support the statement,
7 if the fact is already in the record of your case, indicate that also: N/A

8 3. The following reported court decisions in cases similar to mine show the
9 error I believe happened in my case:

10 State v. Bea, 162 Wn.App. 570, 575-76 (2011)

11 State v. Riley, 137 Wn.2d 904, 910 n. 2, 976 P.2d 624 (1999)

12 State v. Stark, 158 Wn.App. 952, 959, 244 P.3d 433 (2010)

13 State v. Wingate, 155 Wn.2d 823, 122 P.3d 908 (2005)

14 State v. Kidd, 57 Wn.App. 95, 100, 786 P.2d 847, *rev. denied*, 115 Wn.2d
15 1010, 797 P.2d 511 (1990)

16
17 4. The following statutes and constitutional provisions should be considered
18 by the court: None known.

19 5. This petition is the best way I know to get the relief I want, and no other
20 way will work as well because my direct appeal has already been completed.

21
22 **Ground Three**

23 1. I should be given a new trial or released from confinement because trial
24 counsel was ineffective in failing to ensure the jury was properly instructed on the
25 defense theory of the case.

26 2. The following facts are important when considering my case:
27

1 As argued, I was entitled to constitutionally effective counsel. The Court of
2 Appeals acknowledged that trial counsel was ineffective for failing to request a self-
3 defense instruction as to the drive by shooting charge. The same rational should apply
4 as it relates to the failure to give the instruction on second degree assault and/or the
5 failure to object to the initial aggressor instruction.
6

7 List name of person or persons who know the fact and will support the statement,
8 if the fact is already in the record of your case, indicate that also: N/A

9 3. The following reported court decisions in cases similar to mine show the
10 error I believe happened in my case:

11 State v. Woods, 138 Wn.App. 191, 197, 156 P.3d 309 (2007)

12 Strickland v. Washington, 466 U.S. 668, 687, 104 S. Ct. 2052, 80 L. Ed. 2d
13 674 (1984)

14 State v. Aho, 137 Wn.2d 736, 745, 975 P.2d 512 (1999)

15 State v. Thomas, 109 Wn.2d 222,227-29, 743 P.2d 816 (1987)

16 State v. Sherman, 98 Wn.2d 53,653 P.2d 612 (1982)

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18 4. The following statutes and constitutional provisions should be considered
19 by the court:

20 U.S. Const. amend. VI; Const. art. I, § 22

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22 5. This petition is the best way I know to get the relief I want, and no other
23 way will work as well because my direct appeal has already been completed.
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1 **Ground Four**

2 1. I should be given a new trial or released from confinement because
3 appellate counsel was ineffective in failing to argue a lesser included instruction and the
4 aggressor instruction should not have been given.

5 2. The following facts are important when considering my case:

6 As argued, I was entitled to constitutionally effective counsel. The Court of
7 Appeals acknowledged that trial counsel was ineffective for failing to request a self-
8 defense instruction as to the drive by shooting charge. The same rationale should apply
9 as it relates to the failure to give the instruction on second degree assault and/or the
10 failure to object to the initial aggressor instruction.
11

12 List name of person or persons who know the fact and will support the statement,
13 if the fact is already in the record of your case, indicate that also: N/A
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15 3. The following reported court decisions in cases similar to mine show the
16 error I believe happened in my case:

17 In the Matter of the Personal Restraint of Maxfield, 133 Wn.2d 332, 945 P.2d 196
18 (1997)

19 State v. Kylo, 166 Wn.2d 856, 862, 215 P.3d 177 (2009)

20 4. The following statutes and constitutional provisions should be considered
21 by the court:
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23 Sixth Amendment

24 Const. Art. I § 22

25 ER 404(b)

26 ER 608
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1 5. This petition is the best way I know to get the relief I want, and no other
2 way will work as well because my direct appeal has already been completed.

3 C. Statement of Finances N/A

4 If you cannot afford to pay the filing fee or cannot afford to pay an attorney to help
5 you, fill this out. If you have enough money for these things, do not fill out this part of the
6 form.
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8 1. I do not ask the court to file this without making me pay the filing fee because I
9 am so poor I cannot pay the fee.

10 2. I have a spendable balance of \$_____ in my prison or institution account.

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

13 4. I am not employed. My salary or wages amount to \$_____ a month. My
14 employer is _____.

15 5. During the past 12 months I did not get any money from a business,
16 profession or other form of self-employment. (If I did, it was _____ and the total income I got
17 was \$_____.)
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19 6. During the past 12 months, I did not get any rent payments. If so, the total
20 amount I got was \$_____.

21 During the past 12 months, I did not get any interest. If so, the total amount I
22 got was \$_____.

23 During the past 12 months, I did not get any dividends. If so, the total amount I
24 got was \$_____.

1 During the past 12 months, I did not get any other money. If so, the amount of
2 money I got was \$_____.

3 7. During the past twelve months, I did not have any cash except as said in
4 answer 2. If so, the total amount of cash I have is \$_____.

5 During the past twelve months, I did not have any savings accounts or
6 checking accounts. If so, the amount in all accounts is \$_____.

7 During the past twelve months, I did not own stocks, bonds, or notes. If so,
8 their total value is \$_____.

9 8. List all real estate and other property or things of value which belong to you or
10 in which you have an interest. Tell what each item of property is worth and how much
11 you owe on it. Do not list household furniture and furnishings and clothing which you or
12 your family need.
13
14

Items	Value
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15 9. I am not married. If I am married, my wife or husband's name and address is _
16 _____
17 _____

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

Name and Address	Relationship	Age
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19 11. All the bills I owe are listed here.

Name of creditor you owe money to	Address	Amount
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1 D. Request for Relief

2 I want this court to:

3 vacate my conviction and give me a new trial.

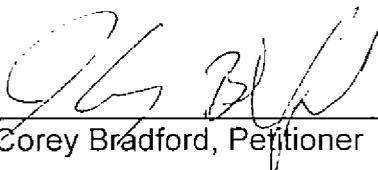
4 vacate my conviction and dismiss the criminal charges against me without
5 a new trial.

6 other:

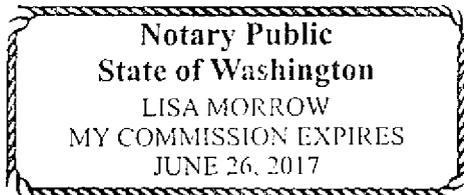
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9 E. Oath of Petitioner

10 THE STATE OF WASHINGTON)
11 COUNTY OF Pierce) ss.

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

15 
16 _____
17 J. Corey Bradford, Petitioner

18 SUBSCRIBED AND SWORN to before me this 29 day of May
19 _____, 2015.

20
21 
22 Notary Public
23 State of Washington
24 LISA MORROW
25 MY COMMISSION EXPIRES
26 JUNE 26, 2017

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21 _____
22 Notary Public in and for the
23 State of Washington, residing
24 at Walla Walla County
25 Commission Expires: 6/26/17

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

Then sign below:

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

Dated this _____ day of _____, 2015.

JiCorey Bradford, Petitioner

OR:

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E. Oath of Attorney for Petitioner

STATE OF WASHINGTON)
)ss.
County of Pierce)

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

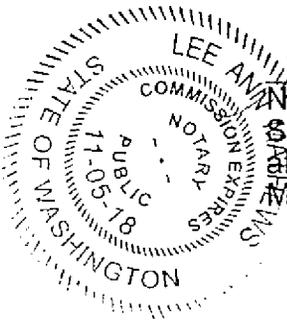
DATED this 29th day of June, 2015.

HESTER LAW GROUP, INC. P.S.
Attorneys for Petitioner

By: [Signature]
WAYNE C. FRICKE
WSB #16550

SUBSCRIBED AND SWORN to before me this 29 day of June, 2015.

[Signature]
NOTARY PUBLIC in and for the
State of Washington, residing
[Signature]
My commission expires: 11-5-18



HESTER LAW OFFICES

June 29, 2015 - 9:48 AM

Transmittal Letter

Document Uploaded: 0-prp-Personal Restraint Petition-20150629.pdf

Case Name: State v. Jicore

Court of Appeals Case Number:

Is this a Personal Restraint Petition? Yes No

The document being Filed is:

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion:

Answer/Reply to Motion:

Brief:

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes:

Hearing Date(s):

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other:

Comments:

No Comments were entered.

Sender Name: Leeann Mathews - Email: leeann@hesterlawgroup.com

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