

FILED

JAN 15 2009

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON



84891-2

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,
Respondent,
v.
JOEL RODRIGUEZ RAMOS,

No. 275248

PETITIONER'S REPLY BRIEF

COMES NOW the Petitioner Joel Rodriguez Ramos, proceeding pro se, and respectfully submits the following Reply to the State's response to Personal Restraint Petition.

1. As a threshold matter, Respondent appears to argue that Mr. Ramos has no right to appeal. See Response at 5.

Respondent is mistaken. The issue regarding Mr. Ramos' statutory and constitutional right to appeal was already considered and determined by the Washington State Supreme Court. See appendix A.

Once the Washington State Supreme Court has decided an issue of state law, its conclusion is binding on the lower Courts. See State v. Gore, 101 Wn.2d 481, 487, 681 P.2d 227 (1984). Moreover, the doctrine of collateral estoppel bars respondent from relitigating the issue. See Hadley v. Maxwell, 144 Wn.2d 306, 311, 27 P.3d 600 (2001)(citing Parklane Hosiery Co. v. Shore, 439 U.S. 322, 329, 99 S.Ct. 645, 58 L.Ed.2d

552 (1979)).

The doctrine of collateral estoppel is well known to Washington law as a means of preventing the endless relitigation of issues already actually litigated by the parties and decided by a competent tribunal. Collateral estoppel promotes judicial economy and prevents inconvenience, and even harassment, of parties. Reninger v. Dep't. of Corr., 134 Wn.2d 437, 449, 951 P.2d 782 (1998).

2. Respondent further proffers that no one violated Mr. Ramos' rights. See response at 8. Respondent once again attempts to relitigate issues which have already been determined by the Supreme Court. See appendix A.

Mr. Ramos respectfully urges this Honorable Court not to allow respondent to perform a slight of hand with his Machiavellian tactics.

On October 27, 2008, Mr. Ramos was before the Honorable F. James Gavin, Judge, for an Appeal bond hearing. Judge Gavin denied Mr. Ramos motion and ordered that Mr. Ramos be held without bail. Subsequently, Mr. Ramos filed a CrR 8.3(b) motion. This motion was converted into an CrR 7.8 (c)(2), the Judge transferred the motion to this Court to be considered as a Personal Restraint Petition.

As this Court's sister Court of Appeals ruled in State v. Smith, 144 Wn.App. 860, 864, (2008) Div. II, the Court was required to offer Mr. Ramos the opportunity to modify or withdraw his motion in order to preserve Mr. Ramos' right to file a Personal Restraint Petition and not be barred by

the successive petition bar of RCW 10.73.140. No opportunity to amend, modify, or withdraw was offered.

Respondent disingenuously has taken the opportunity to craftily attempt to re-litigate the appeal issue which he believes was wrongly determined against him by the Honorable Washington State Supreme Court. Respondent's disrespectful conduct is egregious, banal, and requires stern opprobrium by this Court. Permitting Respondent to continue with his feeble attempts to deceive this Court will only encourage him even more and will lose respect for this Honorable Court.

Pursuant to State V. Smith, 144 Wn.App. 860, 864(2008), Mr. Ramos respectfully urges this Honorable Court to grant him the opportunity to modify or withdraw his CrR 8.3 motion.


JOEL RODRIGUEZ RAMOS

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COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

January 8, 2009.

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Ms. Renee S. Townsley, Clerk
Court of Appeals Division III
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Spokane, Washington 99201-1939

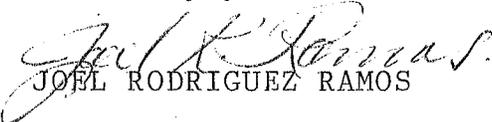
RE: CASE # 275248
Personal Restraint Petition of Joel Ramos
YAKIMA COUNTY SUPERIOR COURT No. 93-1-01281-6

Dear Ms. Townsley:

Enclosed please find Defendant's Reply Brief to the State's response, and Declaration of Service concerning the above-captioned Yakima County Cause number. Please file as appropriate.

Thank you for your expected cooperation in this matter.

Genuinely yours,


JOEL RODRIGUEZ RAMOS

Enclosure as stated