

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

2010 SEP - 1 AM 10:26

COURT OF APPEALS
OF THE STATE OF WASHINGTON
CLERK

In re Personal Restraint Petition of)
)
)
 WILLIAM V. PURSLEY,)
)
)
 _____)
 Petitioner.)

85358-4

NO. 65450-1-i
REPLY TO RESPONDENTS
RESPONSE TO P.R.P.

I. MOTION

Comes now, William Pursley, petitioner, pro se and moves this court to grant the P.R.P on its merits in the interest of justice.

II. ISSUE

Petitioner was charged under the Accomplice Liability Act for Felony Murder in the 2nd Degree Predicated on the underlying crime of Robbery in the 1st Degree. (See EX. 6 of Respondents Response to P.R.P.) Petitioner was convicted and sentenced unlawfully to a crime that is statutorily unauthorized. It is this issue and this issue alone that needs satisfaction.

III. ARGUMENT

The prosecutions argument that since the information charges a crime the judgment is not invalid on its face isn't reasonable. The conviction is invalid because it charges a crime for which there is no statute to govern it lawful. The conviction cannot stand where

the legislature (the very embodiment of the people) has not spoken. The statute clearly, legibly, needing no clarification or evincing, states that predicate felony is the sole basis for the charges of Felony Murder. This is common knowledge in the court of law and has been hashed and rehashed many times by THE STATE SUPREME COURT over the years in cases such as ST v. GAMBLE, ST v. WANROW , ST v. TAMALINI etc....

All of which defendant cited in the P.R.P. This conviction is a fundamental defect that results in a complete miscarriage of justice.

B. Where Respondent states: A person's guilt of a greater crime is not a defense to an allegation of a lesser crime. Petitioner wishes to make clear he pled pursuant to ST v. NEWTON and did so without the admission of guilt. The fact that it was entered and accepted in violation of defendants ST. and U.S. Constitutional rights as well of the Court Rules for the ST. Of WA. Is the point of focus. The oppositions continued emphasis on cases such as ST. v. TINKER, ST. v. WARD, and ST. v. MARKLE serve only to distract attention away from the facts and obfuscate the truth in hopes of confusing the court. Respondent cites no authority in a felony murder case nor refutes any claims made by petitioner in regards to the many claims supported by case law in the Converted 7.8 motion and the Defendants Response to St. Motion to Transfer. The court may recall ST. v. Wanrow 91 wn. 2d 301, 311, 588 p.2d 1320 (1978) @ pg. 311 in part:

“The intent necessary to prove the felony-murder is the intent necessary to prove the Underlying felony. *That intent must be proved by the State as a necessary element Of the crime.* (Emphasis petitioners)

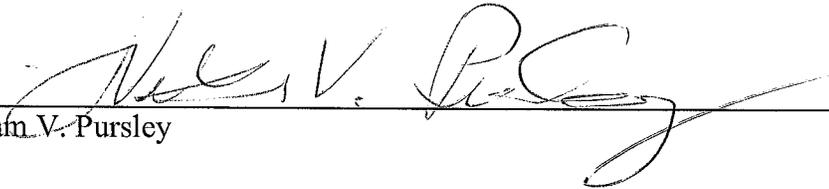
Petitioner cannot put it any more eloquently than the esteemed justices have in our ST. SUPREME COURT.

IV. CONCLUSION

Petitioner seeks to speed the process by formally requesting Accelerated Review. It is obvious that Respondent only wishes to stall Defendant as the request for additional time to respond to P.R.P. produced the exact same argument put forth to transfer the motion under 7.8 to a P.R.P. As respondent was well aware that motion would be transferred along with the 7.8 Motion to the court of Appeals it accomplished only the expiration of an additional 90 days thereby prolonging petitioners' restraint under an unlawful conviction.

The Petition should be granted on its merits.

Respectfully submitted on August 30th, 2010



William V. Pursley

Petitioner, pro se.

CERTIFICATE OF SERVICE

I certify that I served all parties, or their counsel of record, a true

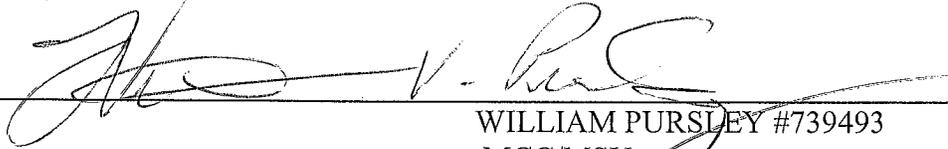
And correct copy of the motion:

REPLY TO RESPONDENTS RESPONSE TO P.R.P

I certify under the penalty of perjury under the laws of the STATE of

WASHINGTON that the foregoing is true and correct.

Dated this 30th day of August, 2010, @ Monroe, WA.



WILLIAM PURSLEY #739493
MCC/MSU
P.O. BOX 7001

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