



"LIST OF EXHIBITS"

EXHIBIT 1 - SIGNED WAIVER OF EXTRADITION (5/8/12)

EXHIBIT 2 - PAGE 4; B.1

EXHIBIT 3 - PAGE 4, 5, 7, 8; B. 2, 3, 4, 11

EXHIBIT 4 - PAGE 4-9; B.3, 4, 5, 6, 7, 10: LETTERS PROVIDED THAT ASSIGNED COUNSEL, PROSECUTOR, AND JUDGE IN MY CASE IS AGAIN AND AGAIN CONSPIRING BY NOT ALLOWING ME TO PROMULGATE THE FACTS OF THE CASE IN MY DEFENSE, BUT WILL PROLIFERATE ~~BOGUS~~ INFORMATION PROSECUTOR MADE UP THAT DOES NOT AT ALL REFLECT THE TRUE NATURE OF MYSELF NOR THIS CASE.

EXHIBIT 5 - PAGE 5, 6; B. 5, 7

EXHIBIT 6 - PAGE 6; B. 7

EXHIBIT 7 - PAGE 6, 7, 8; B. 7, 8, 9, 10, 11

EXHIBIT 8 - PAGE 8, 9; B.13

EXHIBIT 9 - ORIGINAL BRIEF NOTARIZED OATH OF PETITIONER MAILED 1/21/14

LES47,NLTAP.AM.WA0270000.CA01900R2.

Exhibit 1

06/21/12

LOS ANGELES CO SO FUGITIVES

RE: SWAGERTY, JERRY L DOB/19650605 LACO #3181817  
WAR #121018776 SIGNED WAIVER OF EXTRADITION

DEPUTY ANDY ONEIL AND DEPUTY CURT FILLEAU WILL PICK UP  
SUBJECT \*\* 06/27/12 AT 0930 HRS \*\* FOR RETURN TO  
WASHINGTON BY AIR TRAVEL.

THANKS FOR ALL ASSISTANCE,  
PIERCE CO SO, WA  
FUGITIVES/EXTRADITION BECKY 253 798-7518

RCV.: 06/21/2012 09:05:51

LES47,LES47.AM.WA0270000.CA01900R2.

06/21/12

LOS ANGELES CO SO FUGITIVES

RE: SWAGERTY, JERRY L DOB/19650605 LACO #3181817  
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THANKS FOR ALL ASSISTANCE,  
PIERCE CO SO, WA  
FUGITIVES/EXTRADITION BECKY 253 798-7518

Exhibit 2

# Criminal History Compilation

440479

Cause Number: 12-1-01877-6 FOR CRIMINAL JUSTICE INVESTIGATION

CHRI #: 20121802010

JUVIS #:

DOL#: FL 3-432-65-205-0

SWAGERTY, JERRY LEE

06/05/65

Person ID: 443779

## JUVENILE FELONY CONVICTIONS

<u>Jurisdiction/Charge</u>	<u>Offense Dt/Dispo Dt</u>	<u>Disposition</u>
81-R-023125/CLALLAM COUNTY (15 YRS OLD) CHARGE UNKNOWN	02-28-81/	
81-R-023135/CLALLAM COUNTY (15 YRS OLD) THEFT 2	04-12-81/ 11-18-81	
81-R-023136/CLALLAM COUNTY (15 YRS OLD) BURGLARY 2	04-26-81/ 11-18-81	

## JUVENILE MISDEMEANOR CONVICTIONS

<u>Jurisdiction/Charge</u>	<u>Offense Dt/Dispo Dt</u>	<u>Disposition</u>
81-R-023130/CLALLAM COUNTY (15 YRS OLD) THEFT 3	04-03-81/	

## ADULT FELONY CONVICTIONS

<u>Jurisdiction/Charge</u>	<u>Offense Dt/Dispo Dt</u>	<u>Disposition</u>
831468/YAMHILL COUNTY CIRCUIT COURT BURGLARY 1 = WA ST. RES. BURGL Note: 2/08/86 PROBATION VIOLATION	11-03-83/ 02-24-86	10Y
84-1-00578-1/KING CO. SUPERIOR COURT BURGLARY 2	02-09-84/ 12-03-86	PRISON-10Y SUSP, JAIL-1YR, COMM SUPV-5Y
84-1-00024-3/CLALLAM SUPERIOR COURT BURGLARY 2	03-08-84/ 10-29-86	12M JAIL
89-1-04009-0/KING CO. SUPERIOR COURT ROBBERY 2	07-12-89/ 10-19-89	22M PRISON
89-1-04023-5/KING CO. SUPERIOR COURT ROBBERY 2	07-12-89/ 10-19-89	22M PRISON
92-1-08284-1/KING CO. SUPERIOR COURT ATTEMPTED RESIDENTIAL BURGLARY	12-20-92/ 02-19-93	25M PRISON

BOTH CRIMES COUNT AS (1) CONVICTION / (1) STRIKE

CRIMINAL HISTORY INFORMATION PROVIDED WAS GENERATED ON THE DATE BELOW. DUE TO THE CONTINUOUS UPDATING OF CRIMINAL HISTORY IN THE VARIOUS SYSTEMS, INFORMATION GENERATED AFTER THIS DATE MAY DIFFER.

Secondary dissemination is prohibited unless in compliance with RCW 10.97.050

LF/PROSECUTING ATTORNEY

07/23/2012 02:06 pm

Exhibit 2

# Criminal History Compilation

440479

Cause Number: 12-1-01877-6 FOR CRIMINAL JUSTICE INVESTIGATION

CHRI #: 20121802010

JUVIS #:

DOL#: FL 3-432-65-205-0

## ADULT FELONY CONVICTIONS

<u>Jurisdiction/Charge</u>	<u>Offense Dt/Dispo Dt</u>	<u>Disposition</u>
96-1-00468-6/SPOKANE COUNTY SUPERIOR THEFT 1	02-22-96/ 01-29-97	18M PRISON
THEFT 1	02-22-96/ 01-29-97	18M PRISON, CONC W/CT 1
→ 00-1-02170-4/CLARK COUNTY SUPERIOR COURT UPCS - METH	12-04-00/ 07-21-05	20M PRISON, 12M COMM SUPV
→ 00-1-02343-0/CLARK COUNTY SUPERIOR COURT THEFT 1	12-21-00/ 02-15-02	38M DOC, W/CRED FOR 74D SVD, 12M CC., CONC W/00-1-02170-4
PSP 2	12-21-00/ 02-15-02	20M DOC
X 672006CF000236/14TH CIRCUIT COURT-CHIPLEY, FL UPCS - COCAINE	07-28-06/ 12-11-06	THIRD DEGREE FELONY, 5Y PRISON, W/CREDIT FOR 134D SVD, 2Y PROB

REVERSED - PEA CURIAM

## ADULT MISDEMEANOR CONVICTIONS

<u>Jurisdiction/Charge</u>	<u>Offense Dt/Dispo Dt</u>	<u>Disposition</u>
PORT ANGELES UPFGLM	10-05-83/ 11-14-83	
65735/CLALLAM COUNTY DIST CT 1 NEGLIGENT DRIVING	12-23-90/	
PORT ANGELES MISDEMEANOR TRAFFIC VIOLATION	10-20-91/ 03-05-91	

### NOTES

07/23/12 02:15 PM OPEN TAC MUNI CASE #CR0068786 FOR ILLEGAL DRUG CONDUCT.  
07/23/12 02:15 PM OPEN CLALLAM CO DIST CT #PCR011237 FOR CRIM TRES 1. BW STATUS FOR FTA.

CRIMINAL HISTORY INFORMATION PROVIDED WAS GENERATED ON THE DATE BELOW. DUE TO THE CONTINUOUS UPDATING OF CRIMINAL HISTORY IN THE VARIOUS SYSTEMS, INFORMATION GENERATED AFTER THIS DATE MAY DIFFER.

Secondary dissemination is prohibited unless in compliance with RCW 10.97.050

LF/PROSECUTING ATTORNEY

07/23/2012 02:06 pm

Exhibit B

FILED  
IN COUNTY CLERK'S OFFICE

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

A.M. MAY 22 2012 P.M.

STATE OF WASHINGTON,

PIERCE COUNTY, WASHINGTON  
KEVIN STOCK, County Clerk  
BY \_\_\_\_\_ DEPUTY

Plaintiff,

CAUSE NO. 12-1-01877-6

vs.

JERRY LEE SWAGERTY,

DECLARATION FOR DETERMINATION OF  
PROBABLE CAUSE

Defendant.

GRANT BLINN, declares under penalty of perjury:

That I am a deputy prosecuting attorney for Pierce County and I am familiar with the police report and/or investigation conducted by the TACOMA POLICE DEPARTMENT, incident number 040450682;

That the police report and/or investigation provided me the following information;

That in Pierce County, Washington, on or about the 14th day of February, 2004, the defendant, JERRY LEE SWAGERTY, did commit the crimes of Rape of a Child in the first degree and Child Molestation in the first degree.

S.B. was born on [REDACTED] 1993. The defendant was born on [REDACTED] 1965.

On 02/14/2004, Sgt. Griswold of the Tacoma Police Department stopped at Safeway at 12<sup>th</sup> and M St for a beverage. As she parked, she observed a white male standing in front of the store. The male approached the officer, who got out of her car. Just then, S.B. came running to the officer's location. The white male, who is the girl's father, asked S.B. where she had been. S.B. responded in a mumbled voice that she had been with a man who was looking for a girlfriend, and she also explained that she was helping him find his girlfriend. Sgt. Griswold could tell that she was mentally handicapped, and S.B.'s father confirmed this during the conversation.

S.B.'s father reported that he and S.B. were grocery shopping in Safeway and he sent S.B. to the front of the store to get a cart. When she did not return, he came outside to look for her.

S.B. reported that a man had asked her to help him find his girlfriend and gave her ten dollars to do so. She left the store with the man and they walked "over there", pointing to an alley south of the store. In response to Sgt. Griswold's questions, S.B. indicated that the man had touched her "down there" and she pointed to her genital area. She indicated that he had pushed her down and another officer noted that her palms were dirty.

A review of the store video showed a suspect approaching S.B. in the store, and then S.B. is seen following him to the store exit. Approximately 10 minutes later, S.B. is seen moving through the parking lot to meet her father and the police.

At the hospital, S.B. reported that "he touched my bad spot" and when asked what he touched with, she said "his tongue"

Tacoma police investigated the case and had a person of interest who passed a polygraph indicating that he was not the assailant.

On 04/11/12, the WSP crime lab submitted a report indicating that a pair of white underpants had been submitted. This item is the victim's underwear that she was wearing at the time of the assault. The underpants were tested for amylase (a substance found in high amounts in saliva and lower amounts in some other body fluids such as semen, urine and vaginal secretions) with positive results. Two samples

DECLARATION FOR DETERMINATION  
OF PROBABLE CAUSE -1

Office of the Prosecuting Attorney  
930 Tacoma Avenue South, Room 946  
Tacoma, WA 98402-2171  
Main Office (253) 798-7400

000003

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Exhibit 4

**SUPERIOR COURT  
OF THE  
STATE OF WASHINGTON  
FOR PIERCE COUNTY**

KATHRYN J. NELSON, JUDGE  
GINELE EILERT, JUDICIAL ASSISTANT  
Department 13

334 COUNTY-CITY BUILDING  
930 TACOMA AVENUE SOUTH  
TACOMA, WA 98402-2108

February 27, 2014

JERRY SWAGERTY #903395  
BB-11-1L  
COYOTE RIDGE CORRECTIONS CENTER  
PO BOX 769  
CONNELL WA 99326

*IN RE:  
this letter ignorantly  
addresses my request  
for facts of case!*

RE: STATE OF WASHINGTON vs. SWAGERTY, JERRY LEE  
Pierce County Cause No. 12-1-01877-6

Dear Mr. Swagerty:

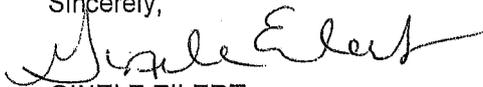
This Court is in receipt of your letter dated February 10, 2014 (received by this Court on February 25, 2014). I am writing only to inform you that your letter and any attachments have been filed in the above Court file.

Any request for modification of a sentence must be presented pursuant to proper procedure. Either a motion pursuant to Criminal Rule 7.8 with all the supporting documents and affidavits may be filed with Superior Court or a personal restraint petition can be filed with the Court of Appeals. The Court of Appeals' address is:

Washington State Court of Appeals  
950 Broadway, Suite 300  
Tacoma, WA 98402-4454.

No hearings on this matter will be held in the Superior Court at this time based upon the paperwork that you have filed.

Sincerely,

  
GINELE EILERT,  
Judicial Assistant

cc: Original to Pierce County for filing  
ANGELICA WILLIAMS, Deputy Prosecuting Attorney  
DAVID S. SHAW, Defense Counsel

Exhibit 4

Jerry Swagerty, # 903395  
B-B-11-1L  
Coyote Ridge Correction Center  
P.O. Box 769  
Connell, WA. 99326

February 10, 2014

Pierce County Superior Court  
ATTN: JUDGE KATHRYN NELSON  
930 Tacoma Ave. S. # 110  
Tacoma, WA. 98402

To the Honorable Judge Nelson,

I am respectfully requesting that your Honor Order the Prosecutor's office in Cause No: 12-1-01877-6 release the discovery, Court transcripts, police & hospital reports.

Enclosed is a copy of a letter provided by the Department of assigned Counsel outlying that they can send me all the bogus made up information by the Prosecutor, but not the actual facts of the case to support my claims in my Personal Restraint Petition.

My right to defend myself pursuant to my right to due process is being denied. And I will appreciate it greatly if you will extend me the courtesy and grant my request.

Thank you for your time and cooperation in this matter.

Respectfully Submitted,

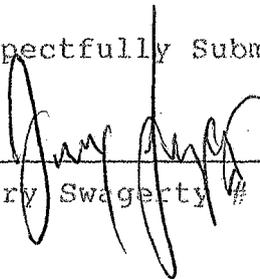
  
\_\_\_\_\_  
Jerry Swagerty # 12-1-01877-6

Exhibit 1

12/11/2013  
SLEBEDYEVA

Department of Corrections  
COYOTE RIDGE CORRECTIONS CENTER

PAGE: 01 OF 01  
OIRPLRAR  
10.2.1.18

**PLRA IN FORMA PAUPERIS STATUS REPORT  
FOR DEFINED PERIOD 05/31/2013 TO 11/30/2013**

DOC#: 0000903395 NAME: SWAGERTY JERRY ADMIT DATE: 02/12/2013  
DOB: 06/05/1965 ADMIT TIME: 10:53

AVERAGE MONTHLY RECEIPTS	20% OF RECEIPTS	AVERAGE SPENDABLE BALANCE	20% OF SPENDABLE
17.47	3.49	4.02	0.80

~~Honorable Judge Kathryn Nelson,~~

~~I am indigent and have no resources  
to pay for requested material, and prosecutor  
is taking advantage of my inability to  
adequately defend myself on the merits.~~

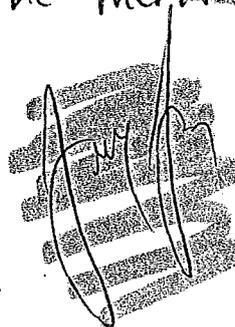




Exhibit 4

949 Market Street, Suite 334  
Tacoma, Washington 98402-3696  
(253) 798-6062 • FAX (253) 798-6715  
email: pccassgnncnsl@co.pierce.wa.us

February 7, 2014

JERRY SWAGERTY, #903395  
COYOTE RIDGE CORRECTION CENTER  
B-B-11-1L  
P.O. BOX 769  
CONNELL, WA 99326

RE: ~~Request for Records Disclosure, State v. Swagerty, Pierce County Superior Court Cause # 12-1-01877-6~~

Dear Mr. Swagerty:

On January 17, 2014, I was forwarded your Request for Records Disclosure from Attorney David Shaw, dated January 10, 2014, requesting the following:

- **Discovery and all court records**

I interpreted your request to mean that you would like a copy of your entire case file regarding Pierce County Superior Court Cause #: 12-1-01877-6

In the response letter, dated January 21, 2014, I estimated that this process would take approximately three (3) weeks. Pursuant to your request, we offer the following:

- **Enclosed, Assigned Counsel is providing 7 pages of redacted work product and/or attorney/client communication. Pursuant to CrR 4.7 (f) (1) – Work Product - disclosure shall not be required of legal research or of records, correspondence, reports or memoranda to the extent that they contain the opinions, theories or conclusions of the attorney. Attorneys, David Shaw and Mark Quigley have reviewed and agreed to release the enclosed documents.**
- **Enclosed, Assigned Counsel is providing 213 pages of redacted court documents that may or may not have been previously provided.**

Pursuant to RCW 42.56.240, victim and/or witness identifying information has been redacted from all documents.

As stated in the letter dated, January 21, 2014, the Prosecuting Attorney's Office will not ~~approve the release of redacted discovery including police incident reports and narratives on~~ post disposition cases. We also advised that pursuant to CrR 4.7 (h) (3) the Department of Assigned Counsel is precluded from releasing the discovery to you without the prosecutor's approval or ~~by order of the court.~~



Additionally, we previously provided you with Public Records Request forms and contact addresses for South Sound 911 (formerly LESA Records) and the Pierce County Prosecuting Attorney's office



Exhibit 4

for any requests regarding law enforcement incident reports and narratives.

Aside from the enclosed documents Assigned Counsel has no further documents responsive to this request.

If you have any questions, believe we have somehow misunderstood your request(s) or wish to clarify your request, please do not hesitate to contact this office. Be advised, if we have not heard from you by March 5, 2014, our office will consider this matter closed and you will need to submit another request for records.

Sincerely,



Char Colwell, Legal Assistant  
On Behalf of  
Anne Smith  
Program Manager/Public Records Officer

Enclosure(s) as indicated

Exhibit 5

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 12-1-01877-5

vs.

JERRY LEE SWAGERTY,

ORDER REGARDING COMPETENCY  
OF DEFENDANT

Defendant.

THIS MATTER is before the court pursuant to the defendant's court ordered evaluation for competency at Western State Hospital. In accordance with RCW 10.77.060 the defendant has been evaluated, and the court has reviewed the report of Marilyn Renner, Licensed Psychologist, dated 7/10/12, having considered the records and files in this matter, Community Forensic Evaluation Services report, and the comments of counsel for the State and defendant, the court is satisfied that the defendant is competent to understand the proceedings against him, and to assist in his own defense.

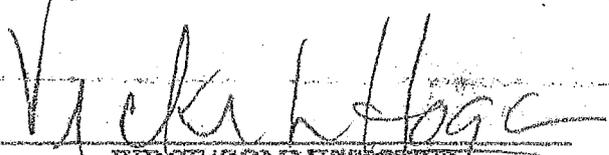
Accordingly, it is hereby

Exhibit 5

12-1-01877-6

1  
2 ORDERED, ADJUDGED and DECREED that defendant, JERRY LEE SWAGERTY, is  
3 competent to understand the present criminal proceedings against him, and to assist in his own  
4 defense.

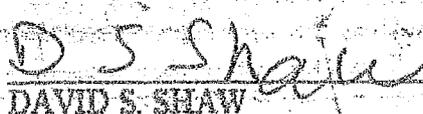
5 DONE IN OPEN COURT this 28 day of September, 2012.

6  
7   
8 JUDGE/COMMISSIONER

9 Presented by:

10  
11   
12 ANGELICA WILLIAMS  
13 Deputy Prosecuting Attorney  
WSB# 36673

14 Approved as to Form:

15   
16 DAVID S. SHAW  
17 Attorney for Defendant  
WSB# 13994

18 jss  
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Exhibit 6

DD7020SX DJD  
03/04/2014 1:26 PM

TACOMA MUNICIPAL COURT  
D O C K E T

PAGE: 2

CASE: CR0068786 TAP  
Criminal Non-Traffic  
Agency No. 040480905

DEFENDANT  
SWAGERTY, JERRY LEE

TEXT - Continued

S	06/28/2012	OTH INC: Held	BLG
		Charge 1 Dismissed W/O Prejudice : City's Mtn-Other	EMH
		Case Heard Before Judge HANSEN, RANDALL L	
U		PROSECUTING ATY: ECHTERLING, KEITH A. PRESENT	
		DEFENSE ATY: OWEN-EVANS, TIMOTHY REES PRESENT	
		PER COMM HANSEN--DEF NOT PRESENT PRO SE INCUSTODY. DISMISSED	
		WITHOUT PREJUDICE PER CITY MOTION.	
S	09/17/2012	Case Disposition of CL Entered	
U	02/21/2014	MOTION & AFFIDAVIT QUASHING WARRANT REC'D FROM DEF AT DOC,	RLM
		FORWARD TO TEAM 2.	
		MOTION AND AFFIDAVIT QUASHING WARRANT RECEIVED.	LDL
		COPY OF PRINT SCREEN MAILED TO AT THE COYOTE CORRECTIONS	
		SHOWING CASE DISMISSED.	
		THIS FILED IS CLOSED AS OF 2012	

ADDITIONAL CASE DATA

Case Disposition  
Disposition: Closed Date: 09/17/2012

Personal Description

Sex: M Race: W DOB: 06/05/1965  
Dr.Lic.No.: SWAGEJL351LE State: WA Expires: 2008  
Employer: TJC CONTRACTING  
Height: 6 Weight: 180 Eyes: BRO Hair: BRO  
Identifying Information: 2" SC RT LEG,

Hearing Summary

Held IN CUSTODY HEARING ON 06/28/2012 AT 09:30 AM IN ROOM 135 WITH RLH

End of docket report for this case

Exhibit 7

**Mark Quigley**

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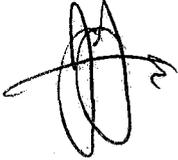
From: Dave Shaw  
Sent: Monday, December 03, 2012 4:46 PM  
To: Angelica Williams  
Cc: Mark Quigley  
Subject: RE: Swagerty Offender Score/Persistent Offender Notice

You may want to see if the two rob 25 from 1989 were considered same course of crim conduct, and a comparability analysis on the bung 1st in Florida may show that this was a res bung instead of a strike. Thanks, Dave S.

Oregon

← Not competent to read actual criminal history

From: Angelica Williams  
Sent: Monday, December 03, 2012 11:50 AM  
To: Dave Shaw  
Subject: RE: Swagerty Offender Score/Persistent Offender Notice



Than I'll file it today and I will note the bail hearing on our previously scheduled OH date of 12/14.

From: Dave Shaw  
Sent: Monday, December 03, 2012 11:49 AM  
To: Angelica Williams  
Subject: RE: Swagerty Offender Score/Persistent Offender Notice

Yes, I do object as I am planning on attending a CLE in Seattle on the 7th. Thanks, Dave

From: Angelica Williams  
Sent: Monday, December 03, 2012 11:14 AM  
To: Dave Shaw  
Subject: Swagerty Offender Score/Persistent Offender Notice

Hi Dave,

I got the penitentiary packet and also reviewed RCW 9.94A.525 again and I don't believe any of his crimes wash because the offense date is 2/14/04. For sure, all his Class B offenses don't wash because he was released from prison in 2003 and would not have spent 10 years crime free in the community. Conduction was in February 2013, whereas I signed two sepearte waivers of my speedy trial rights to postpone sentencing until after August of 2013, 10 years in the community felony free



Hey Mark - just got  
this discovery today,  
Wed July 18th.

Exhibit 7

~~Note victim interview  
took place in 2004.~~

See you tomorrow at 8:45  
Dave S.

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. ~~12-1-01877-6~~

vs.

DISCOVERY RECEIPT

[ ] and NOTICE TO COUNSEL

~~Jerry Lee Swagerty~~  
Defendant.

[ ] NOTICE: The victim(s) in this action has/have requested that all interviews be scheduled through this office and that a representative from this office be present during any interviews.

A request was made for discovery in this case and the following is attached hereto:

Copied Pages Numbered: 1 through 154

And/or including 040450687.1-18; 040480905.1. CAD;  
Property sheets; Medical; Disclosure Summary; Stmt

Defense Attorney: David Shaw

Prosecuting Attorney: Angelica Williams

This discovery was distributed as follows:

[ ] RECEIPT BY DEFENSE COUNSEL DATED: \_\_\_\_\_

I hereby acknowledge, on behalf of the defendant above-named, that I have received discovery from the State. I have filed a Notice of Appearance in this case. Pursuant to CrR 4.7(h)(3), these materials must remain in the exclusive custody of the defense attorney.

or

DECLARATION FOR DISTRIBUTION OF DISCOVERY

Under the laws of the State of Washington, under penalty of perjury, I certify that the following is true and correct: That on this date, I deposited in [ ] a United States of America Post Office receptacle [ ] Legal Messenger [  Pierce County Routing, a properly addressed routing and/or postage stamped envelope containing the above referenced discovery directed to:

David Shaw 949 Market St Ste 334, Tacoma 98402

SIGNED AND DATED in Tacoma Washington: [Signature]

Exhibit 8

10/05/2012	ORDER FOR HEARING	Public	1
10/12/2012	RECEIPT OF DISCOVERY	Public	1
10/19/2012	RECEIPT OF DISCOVERY	Public	1
10/19/2012	CLERK'S MINUTE ENTRY	Public	2
10/19/2012	ORDER FOR CONTINUANCE OF TRIAL DATE	Public	1
10/19/2012	ORDER OF RELEASE OF DEFENDANTS PROPERTY	Public	1
12/05/2012	ORDER FOR HEARING	Public	1
12/05/2012	PERSISTANT OFFENDER CASE	Public	1
12/07/2012	RECEIPT OF DISCOVERY	Public	1
12/14/2012	ORDER FOR CONTINUANCE OF TRIAL DATE	Public	1
12/14/2012	ORDER ESTABLISHING CONDITIONS OF RELEASE	Public	2
12/14/2012	CLERK'S MINUTE ENTRY	Public	2
12/14/2012	CLERK'S MINUTE ENTRY	Public	2
12/26/2012	ASSIGNED TO	Public	1
01/03/2013	ORDER FOR HEARING	Public	1
01/04/2013	CLERK'S MINUTE ENTRY	Public	2
01/04/2013	AMENDED INFORMATION	Public	3
01/04/2013	STIPULATION TO PRIOR RECORD	Public	3
01/04/2013	PRESENTENCE INVESTIGATION ORDER	Public	1
01/04/2013	ORDER ESTABLISHING CONDITIONS OF RELEASE	Public	2
01/04/2013	STATEMENT OF PROSECUTING ATTORNEY	Public	1
01/04/2013	STATEMENT OF DEFENDANT ON PLEA OF GUILTY	Public	15
02/08/2013	ORDER PROHIBITING CONTACT SENTENCING	Public	2
02/08/2013	CLERK'S MINUTE ENTRY	Public	2
02/08/2013	CLERK'S MINUTE ENTRY	Public	2
02/08/2013	PRE SENTENCING INFORMATION REPORT	Public	28
02/08/2013	ORDER FOR HEARING	Public	1
02/08/2013	JUDGMENT & SENTENCE & WARRANT OF COMMITMENT DOC	Public	14
02/08/2013	ORDER FOR HIV TEST	Public	2
02/08/2013	ADDENDUM TO PLEA	Public	3
02/08/2013	FINDINGS OF FACT AND CONCLUSIONS OF LAW	Public	4
02/08/2013	APPENDIX "H" TO JUDGMENT AND SENTENCE	Public	3
02/08/2013	NOTICE/ADVICE OF COLLATERAL ATTACK	Public	2
02/08/2013	ORDER FOR BIOLOGICAL SAMPLE	Public	2
02/12/2013	RESTITUTION INFORMATION	Confidential	37
04/19/2013	ORDER SETTING RESTITUTION	Public	2
11/22/2013	MOTION TO TERMINATE LFOS	Public	8



**Proceedings**

Date	Judge	Dept	Type	Outcome
05/22/2012 09:00 AM	CRIMINAL DIVISION 1	CD1	CASE ISSUED - BW	BENCH WARRANT SERVED
06/28/2012 01:30 PM	CRIMINAL DIVISION 2	CD2	ARRAIGNMENT - BENCH WARRANT	ARRAIGNED
07/20/2012 09:30 AM	VICKI L. HOGAN	05	MOTION (NOT CONTINUANCE)	WS/INDEP EVAL COMP FOR TRIAL
08/03/2012 09:30 AM	VICKI L. HOGAN	05	OMNIBUS HEARING	CANCELLED
08/10/2012 09:30 AM	VICKI L. HOGAN	05	COMPETENCY HRG	CONTINUED
08/21/2012 08:30 AM	VICKI L. HOGAN	05	JURY TRIAL	CANCELLED
08/24/2012 09:30 AM	VICKI L. HOGAN	05	MOTION (NOT CONTINUANCE)	HELD
08/24/2012 09:30 AM	VICKI L. HOGAN	05	COMPETENCY HRG	CONTINUED
09/28/2012 09:30 AM	VICKI L. HOGAN	05	COMPETENCY HRG	HELD
10/05/2012 09:30 AM	VICKI L. HOGAN	05	STATUS CONFERENCE HEARING	HELD
10/19/2012 09:30 AM	VICKI L. HOGAN	05	OMNIBUS HEARING	CONTINUED

Exhibit 8

10/19/2012 09:30 AM	VICKI L. HOGAN	05	CONTINUANCE	HELD
10/23/2012 08:30 AM	VICKI L. HOGAN	05	JURY TRIAL	CONTINUED
11/26/2012 08:30 AM	VICKI L. HOGAN	05	JURY TRIAL	CONTINUED
12/14/2012 09:30 AM	VICKI L. HOGAN	05	OMNIBUS HEARING	CONTINUED
12/14/2012 09:30 AM	VICKI L. HOGAN	05	BAIL HEARING	HELD
01/04/2013 09:30 AM	KATHRYN J. NELSON	13	PLEA DATE	HELD
01/18/2013 09:30 AM	KATHRYN J. NELSON	13	OMNIBUS HEARING	CANCELLED
01/22/2013 08:30 AM	VICKI L. HOGAN	05	JURY TRIAL	CONTINUED
02/08/2013 09:30 AM	KATHRYN J. NELSON	13	SENTENCING W/PSI	HELD
03/18/2013 08:30 AM	KATHRYN J. NELSON	13	JURY TRIAL	CANCELLED
04/19/2013 09:00 AM	CRIMINAL DIVISION 1	CD1	RESTITUTION HEARING	HELD

**Incidents**

Incident Number	Law Enforcement Agency	Offense Date
040450682	TACOMA POLICE DEPARTMENT	02/14/2004

**Superior Court Co-Defendants**

Cause Number	Defendant
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**Judgments**

Cause #	Status	Signed	Effective	Filed
<u>13-9-01649-5</u>	OPEN as of 02/08/2013	KATHRYN J. NELSON on 02/08/2013	02/08/2013	02/08/2013

- Hearing and location information displayed in this calendar is subject to change without notice. Any changes to this information after the creation date and time may not display in current version.
- Confidential cases and Juvenile Offender proceeding information is not displayed on this calendar. Confidential case types are: Adoption, Paternity, Involuntary Commitment, Dependency, and Truancy.
- The names provided in this calendar cannot be associated with any particular individuals without Individual case research.
- Neither the court nor clerk makes any representation as to the accuracy and completeness of the data except for court purposes.

Created: Friday January 24, 2014 3:09PM

WEBSITE INFORMATION  
[Privacy Policy](#)  
[Copyright Notices](#)

Exhibit 9

E. Oath of Petitioner

STATE OF WASHINGTON )

) ss.

12-1-01877-6

COUNTY OF Pierce )

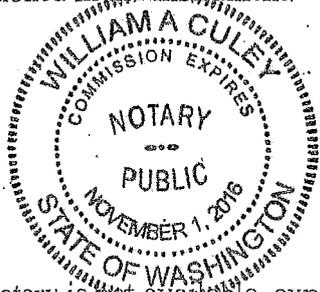
After being first duly sworn, on oath, I depose and say: That I am the petitioner, that I have examined the petition, and to the best of my knowledge and belief it is true and correct.

Dated this: 10th day of January, 2014.

*[Handwritten Signature]*

\_\_\_\_\_  
Petitioner Signature

I certify that I know or have satisfactory evidence that: Jerry Swagerty is the person who appeared before me, and said person acknowledged that He signed this instrument and acknowledged it to be HIS free and voluntary act for the uses and purposes mentioned in the instrument.



*[Handwritten Signature]*

\_\_\_\_\_  
Notary Public in and for the State of Washington

Residing at: Connell, Franklin County

My appointment expires: 11.1.16

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

TABLE OF CASES & RCW's

1. RCWA Const. Art. 1 § 9 ( page )
2. State v. Peltier, Wash. App. Div. I, 2001 ( page )
3. State v. Thompson, 173 Wn. 2d 865, 229 P.3d 901 ( page )
4. State v. Huntley, 175 Wn. 901 ( page )
5. Strickland v. Washington, 542 U.S. 961, 125 Sct. 21 ( page )
6. State v. Morreira, 27 P.3d 639 ( page )
7. State v. Hunley, 287 P.3d 584 ( page )
8. State v. Williams, 307 P.3d 819 ( page )
9. Carle v. State, 93 Wn. 2d 31 ( page )
10. RCW 9.94A. 589(1) (a) ( page )
11. State v. Talley, 923 P. 2d 721, 83 Wash. App. 750 ( page )
12. RCW 9.94A 460 ( page )
13. State v. Lindsey, 288 P.3d 641, 171 Wash. App. 808 ( page )
14. RCWA 9.94A. 370 (2) 2000 ( page )

A. STATUS OF PETITIONER

I, pro se Petitioner, JERRY LEE SWAGERTY, B-B-11-1L, Coyote Ridge Corrections Center, P.O. Box 769, Connell, WA. 99326, apply for relief from an erroneous sentence or conviction. I am now serving said sentence upon a conviction of crimes.

1. The Court in which I was Sentenced is Pierce County Superior Court.
2. I was convicted via plea bargain of the crimes of Burgary II, Intimidating a witness, 3rd Degree child Rape, Lewering of a Child. Original Charges were 1st Degree child rape & 1st Degree Molestation for police alleging suspect licked the pussy of an adolescent girl as a single offense only. [see Exhibit 3]  
\* Plea bargain was consecutive Sentences outside the guidelines totalling 30 years.
3. I was sentenced after a guilty plea on February 7th, 2013, whereas assigned Counsel refused to allow me to plead no contest.  
(see court transcripts)
4. Judge Hogan was the full pre-trial hearings Judge. However, Judge Nelson filled in for Judge Hogan for the sole purpose of plea & Sentencing. (see court records)
5. My Lawyers were David Shaw & Steve Quiggly, Department of Assigned Counsel, 949 Market Street, Tacoma, Wa. 98402.

6. I did not appeal from the decision of the trial court, and since my conviction, I have not asked any Court for relief from my sentence or conviction other than herein Personal Restraint Petition.

B. Affidavit argument

1. In the Pierce County Superior Court case of Cause No: 12-1-01877-6, I did not commit the crime, nor have I ever committed any crime of that nature before or after alleged incident. (see entire criminal history).
2. Both assigned counsel refused that the single alleged crime only warranted (1) 3rd degree offense, or (1) 2nd degree offense at most, not (2) 1st degree offenses originally charged. (RCWA Cinst. Art. 1 § 9; (1) single crime does not constitute (2) separate offenses), (State v. Peltier, Wash App. Div. I, 2001; State lacks statutory authority to enter judgment which defendant can not waive by entering guilty plea).
3. The hospital inspected the victim at the time of alleged incident whereas no physical crime was evident and also did D.N.A. swab tests whereas no findings were provided. (State v. Thompson, 173 Wn. 2d. 865, 229 P.3d 901; Defendant is entitled to post-conviction D.N.A. testing of evidence collected during investigation whereas D.N.A. swabs taken at the time of alleged incident has the potential to produce significant information) (see discovery).

4. I informed both of my assigned counsel at 1st meeting that I believed police tampered with evidence. My D.N.A. has been on file since 2002 whereas the alleged incident didn't occur until 2004. Police detectives didn't test for D.N.A. at the time of alleged incident nor run any findings through the Washington State database. Detectives waited 8 full years to test for D.N.A. they claim is mine. (see discovery).
5. Both of my assigned counsel dismissed all of my concerns completely and only tried to have me deemed incompetant to stand trial. (see court transcripts & competency Order).
6. At a pre-trial arraignment, the prosecutor clearly stated before before Judge Hogan that she did not understand the route my assigned counsel was taking by claiming I was incompetant to stand trial. Prosecutor furthermore stated there was no great interest in the cold case and was willing to move the case forward with a standand plea agreement. Moreover, not one single person appeared at my sentencing hearing. Not the victum, not the victums family and not detectives involved with the case nor anyone at all. This case was televised at the time of alleged incident. (see court transcripts).
7. Prior to my assigned counsel having me tested for competency, I waved my right to a speedy trial. After I was deemed competant to stand trial, again I signed a waver of my right to a speedy trial, whereas both times were against my will. I, however,

agreed and pursued to postpone my sentencing if any until after my criminal history washed. An informal plea agreement was reached via my assigned counsel of 51 months in Prison by pleading guilty (no Contest) to the lesser charge in the 1st degree. However, prosecutor discovered (2) Robbery II's in my criminal history, withdrew the informal plea agreement and would only offer excessive consecutive sentences outside the guidelines and no longer would allow me to postpone my sentencing until after my criminal history washed. Both my assigned counsel ~~and~~ adamantly urged me to take the deal or lose in trial and receive 3 strikes and a sentence of life in prison without the possibility of parole. Prosecutor and my ASSIGNED COUNSEL IGNORED FACTS of the case whereas suspect did not depict me. Suspect was described as 5 foot 9 inches, a big kid with all grey hair. At the time of alleged incident, I was a 39 year old man, 6 foot tall, with brown hair and 3 very noticable discolored front teeth due to uncapped root canals not described of suspect, Prosecutor & assigned counsel also ignored facts of the case whereas hospital proved at the time of alleged incident that no physical crime was evident, and my D.N.A. was not discovered after swab tests were taken. (see discovery) (Strickland v. Washington, 542 U.S. 961, 125 S.ct. 21; Two prong test must show deficient representation and that the result would have been different if not for counsel's ineffective assistance)

8. The sentencing Judge of my (2) Robbery IIs in King County cause No's: 89-1-04009-1 & 89-1-04023-5, constituted "Same criminal conduct because he couldn't tell the crimes apart", and adjudged a sentence that both Robbery II's count as (1) Conviction / (1)

# 8. Cont.

Strike. (State v. Huntley, 175 Wn. 2d 901; Even with Defendant's Failure to object to a criminal history summary, State still must prove prior convictions) (see Judgment & Sentence).

9. In Clark County Superior Court, Cause No: 00-1-02120-4 and 00-1-02343-0, that Court erred in calculating my (2) Robbery - II's and had to return me to Court to be re-sentenced counting my (2) Robbery II's prior convictions as (1). (see Judgment & Sentence) (State v. Morreira, 27 P.3d 639; trial court violated real facts doctrine at Sentencing by relying on facts establishing elements of more serious crimes and/or a more serious criminal history).
10. In this current case of Pierce County Superior Court cause No: 12-1-01877-6, both my assigned counsel would not simply re-search that prosecutor was erroneously calculating my criminal history. (State v. Hunley, 287 P.3d 584: Due process is violated with unsupported Criminal history) (State v. Williams, Prior convictions are not to be considered separately when same conduct applies) (Carle v. State, 93 Wn. 2d 31; State has power & duty to correct erroneous sentence) (RCW 9.94A. 589(1) (a); when offences encompass same criminal conduct, those offenses shall be counted as (1) crime / (1) conviction).
11. Excessive consecutive Sentences outside the guidelines in Pierce County Superior Court Cause No: 12-1-01877-6 is unfair and overwhelmingly burdensome of the facts of the case. (State v.

Talley, 923 P.2d 721, 83 Wash. App. 750; Negative impact of crime on victim was not a fact justifying exceptional sentence, and imposition of exceptional Sentence without holding an evidentiary hearing on disputed facts is improper and requires re-sentencing)

12. I suffered an erroneous trial in Florida State 2006 cause No: 67 673006CF000236, that was although overturned in the 1st District Court of Appeals Affirmed per curiam by the Florida Supreme Court. It was caused by deficient counsel, and I feared in my current case of Pierce County Superior Court cause No: 12-1-01877-6, I was not, nor would receive due diligence representation by either of my assigned counsel and I had no choice except to accept the illegal Sentence and prosecution derived from unwarranted original crimes and later take these issues up with a higher court not biased of mischievous justice pursuant to malapropes Convictions. (State v. Lundsey, 288 P.3d 641, 171 Wash. App. 808; Two separate offenses for one crime violates double jeopardy AND COMPARISON BEYOND A REASONABLE DOUBT TO EVERYDAY DECISION making constitutes prosecutorial misconduct) Especially if prosecutor purposely heightens crimes to avoid tolling of time statute of limitations. (RCW 9.94A, 460; Prosecutor shall not agree to withhold relevant information concerning plea agreement).

13. The Judge throughout my entire case was Judge Hogan, who was familiar with most of the facts of the case. However, Judge

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Nelson filled in for Judge Hogan for the sole purpose of

# 13 cont.

a guilty plea & sentencing me to a harsh severe punishment without ordering an evidentiary hearing when I protested sentence was not justified via criminal history and facts of the case whereas criminal history was mis-calculated and crime only warranted (1) count of a 2nd degree offense at most, however, more likely (1) count of a 3rd degree offense. (see court transcripts). I claim I have (4) reasons for this court to grant me relief from excessive consecutive sentences outside the guidelines or completely reverse my conviction. And this Petition is the best way to get the relief I want and no other way will work except a Governor's Pardon, because my plea was made in duress, and (1) year since me being sentenced has almost expired pursuant to my lawful claims.

C. FIRST GROUND

1. I should be re-sentenced to standard con-current sentences within the guidelines pursuant to my actual criminal history because of an erroneous sentence.
  
2. The following facts are important when considering my case because:
  - a. My (2) Robbery II's count as (1) conviction / (1) Strike pursuant to "Same criminal conduct", adjudication.
  - b. ~~A previous court on a different matter had to re-sentence me counting my (2) Robbery II's as (1) conviction / (1) Strike.~~

C. FIRST GROUNDS CONT.

C. In my current case of Pierce County Superior Court Cause No: 12-1-01877-6, that court erred in calculating my criminal history and used false forced coercion to acquire a plea bargain of excessive consecutive Sentences outside the guidelines.

4.

3. The following reported cases support my Claim of an erroneous Sentence as well as what happened in previous cases:

- a. King County Superior Court, Cause No: 89-1-04009-0 & 89-1-04123-5.
- b. Clark County Superior Court, Cause No: 00-1-02270-4 & 00-1-02343-0.
- c. State v. Peltier, Wash. App. Div. I, 2001.
- d. State v. Huntley, 175 Wn. 2d 901.
- e. State v. Morreira, 27 P.3d 639.
- f. State v. Hunley, 287 P.3d 584.
- g. State v. Williams, 307 P.3d 819.
- h. Carle v. State, 93 Wn. 2d 31.
- i. State v. Talley, 923 P.2d 721, 83 Wash. App. 750.

4. The following statute(s) should be considered by this court:

- a. RCW 9.94A. 589 (1) (a).

C. FIRST GROUNDS CONT. # 4.

b. RCWA Const. Art. 1 § 9.

SECOND GROUND

1. I should be re-sentenced to standard con-current sentences within the guidelines or have my conviction overturned because of my claim of ineffective assistance of malevolent counsel.
2. The following facts are important when considering my case because:
  - a. Both of my assigned counsel tried to have me deemed incompetant to stand trial without even looking at my case.
  - b. Both of my assigned counsel ignored real facts of case case that proves beyond a reasonable doubt that I am not guilty of the crime pursuant to real evidence taken at the time of alleged incident and description of suspect that does not depict me.
  - c. Both assigned counsel would not even consider evidence tampering when real facts show no physical crime occured and my D.N.A. was not discovered when swabs were taken at the time of alleged incident. Both assigned counsel only relied upon D.N.A. testing 8 years after alleged incident occured.
  - d. Both assigned counsel would not simply research my criminal history after I repeatedly protested my criminal history was being erroneously calculated.

SECOND GROUND # 2 cont.

- e. I signed (2) separate wavers of my right to postpone sentencing until after my criminal history washed, and both assigned counsel did not honor those signatures.
- f. Neither of my assigned counsel would even look into facts of case that prosecutor was in fact erroneously charging me with (2) counts of 1st degree offenses for the occurrence of (1) crime that only warranted (1) 3rd degree offense or (1) 2nd degree offense.
- g. Neither assigned counsel requested evidentiary hearing when I protested unjust sentence.
- h. Both of my assigned counsel were only concerned with me receiving a harsh sentence and punishment to the fullest extent of the law and/or me being discredited.
- i. It is professional misconduct for any lawyer to engage in dishonesty, fraud, deceit or misrepresentation. Counsel is obliged to act in good faith and not hold any relevent information regarding the best interest of a client.

3. The following reported court cases support my claim of ineffective assistance of malevolent counsel as well as show what happened in current and previous cases pursuant to *Strickland v. Washington*, 542 U.S. 961, 125 S.ct. 21:

- a. *State v. Peltier*, Wash. App. Div I 2001.
- b. *State v. Huntley*, 175 Wn. 2d 901.
- c. *State v. Hunley*, 287 P.3d 584.
- d. *State v. Williams*, 307 P.3d 819.

SECOND GROUND # 3 cont.

- e. State v. Talley, 923 P.2d 721, 83 Wash. App. 750.
  - f. State v. Lyndsey, 288 P.3d 641, 171 Wash. App. 808.
4. The following statute rule of conduct, and constitutional provisions should be considered by this court:
- a. U.S.C.A. 6, 8, 14.
  - b. RPC 8.4(c).
  - c. RCW 9.94A. 589 (1)(a).

THIRD GROUND

1. I should be re-sentenced to Standard concurrent sentences within the guidelines or have my conviction reversed because of my claim of "Prosecutorial Misconduct".
2. The following facts are important when considering my case because:
- a. Prosecutor perpetrated more serious crimes resulting in double jeopardy and to avoid tolling of time statute of limitations.
  - b. Prosecutor used erroneous criminal history to perpetrate the forced coercion of a plea agreement that is severely harsh and unjust.
  - c. Prosecutor claimed I am an incorrigible threat to society ~~whereas no merit exists because I have gone over 9½ years~~ felony free.

THIRD Ground #2 cont.

- d. Prosecutor ignored real facts that I do not depict suspects, that no physical crime was evident and that my D.N.A. was not discovered when D.N.A. swabs were taken from victim at the time of alleged incident, and instead relied on D.N.A. allegedly discovered 8 years later.
  - e. Prosecutor did not honor my signature on (2) separate waivers of my speedy trial rights pursuant to criminal history washing a few short months later.
3. The following reported cases support my claim of prosecutorial misconduct:
- a. State v. Peltier, Wash. App. Div.I 2001.
  - b. State v. Thompson, 173 Wn. 2d. 865, 229 P.3d 901.
  - c. State v. Huntley, 175 Wn. 2d 901.
  - d. State v. Morreira, 27 P. 3d 639.
  - e. Carle v. State, 93 Wn. 2d 31.
  - f. State v. Talley, 923 P.2d 721, 83 Wash. App. 750.
  - g. State v. Lyndsey, 288 P. 3d 641, 171 Wash. App. 808.
4. The following Statutes and rule of conduct should be considered:
- a. RPC 8.4(c).
  - b. RCWA Const. Art 1 § 9.
  - c. RCW 9.94A 460.

FOURTH GROUND

1. I should be re-sentenced to standard concurrent sentences within the guidelines or have my conviction reversed because of my claim of "Judicial Prejudice".
  
2. The following facts are important when considering my case because:
  - a. The judge familiar with most of the facts of my case did not sentence me.
  - b. The Sentencing Judge Sentenced me to a severe harsh sentence of excessively consecutive outside the guidelines without holding an evidentiary hearing when I protested conviction was unfair & unjust.
  - c. "Real facts doctrine" provides that sentencing court may not use errs that establish more serious crimes and/or an erroneous calculation of criminal history as a basis for any punishment outside the presumative range.
  
3. ~~The~~ following reported cases support my claim of judicial prejudice:
  - a. Pierce County Superior Court, Cause No: 12-1-01877-6.
  - b. State v. Morreira, 27 P.3d 639.
  - c. State v. Talley, 923 P.3d 721, 83 Wash. App. 750.

FOURTH GROUND # 4 Cont.

4. The following Statute should be considered by this court:

a. RCWA 9,94A. 370 (2) 2000.

D. STATEMENT OF FINANCES

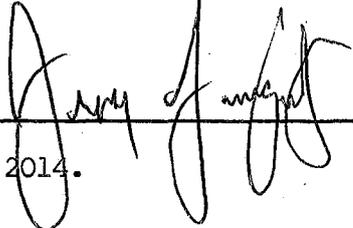
1. I ask this court to file this PRP without making me pay a filing fee or other incurred costs because I am so poor and can not pay the fees. (see attached Inmate Trust Account Statement & PLRA In Forma Pauperis status report).
2. I respectfully request this court to appoint a lawyer for me because I am so poor and can not afford to pay for an Attorney. (see attached Inmate Trust Account Statement and PLRA In Forma Pauperis status report).
3. During the past 12 months, I did not get any money from a business, profession, or other form of self employment.
4. During the past 6 months, I;
  - a. Did not receive any rent payments.
  - b. Did not receive any interest or dividends.
  - ~~c. Did receive \$10.00 once or twice a month from family.~~
  - d. Do not have any available cash.
  - e. Do have \$12.02 in my savings account.

STATEMENT OF FINANCES # 5 cont.

5. I have no real estate and other property or other things of value.
6. I am not married.
7. I have no persons who need me to support them.
8. I have outstanding bills & restitutions and court costs although I do not have proof of creditors addresses and amounts owed.

E. REQUEST FOR RELIEF

I, Pro se petitioner, JERRY LEE SWAGERTY, have made several attempts to receive court records from various counties without success and I respectfully request the assistance of an Attorney to represent me pursuant to this court vacating my excessive consecutive sentence outside the guidelines and Order the Pierce County Superior Court to return me to its jurisdiction and re-sentence me to standard concurrent sentences within the guidelines, or have this court completely reverse my conviction.

Signed  and dated this 3rd day of March, 2014.

JERRY LEE SWAGERTY  
JERRY LEE SWAGERTY # 903395

DSHILPERT

COYOTE RIDGE CORRECTIONS CENTER

OTRISTA

## TRUST ACCOUNT STATEMENT

10.2.1.3

DOC#: 0000903395  
 LOCATION: R01-124-BB111L

Name: SWAGERTY, JERRY L

DOB: 06/05/1965

ACCOUNT BALANCES Total: 27.18      CURRENT: 12.18      HOLD: 15.00

12/11/2013      03/17/2014

SUB ACCOUNT	START BALANCE	END BALANCE
SPENDABLE BAL	45.08	0.16
SAVINGS BALANCE	12.02	12.02
WORK RELEASE SAVINGS	0.00	0.00
EDUCATION ACCOUNT	0.00	0.00
MEDICAL ACCOUNT	0.00	0.00
POSTAGE ACCOUNT	0.00	0.00
COMM SERV REV FUND ACCOUNT	0.00	0.00

## DEBTS AND OBLIGATIONS

TYPE	PAYABLE	INFO NUMBER	AMOUNT OWING	AMOUNT PAID	WRITE OFF AMT.
COPD	COPY COSTS DEBT	10012001	51.20	0.32	0.00
COSUD	COS - OMMU DEBT (206)	08302004	0.00	75.00	0.00
HYGA	INMATE STORE DEBT	12272001	0.00	1.94	0.00
HYGA	INMATE STORE DEBT	04062001	0.00	0.56	0.00
POSD	POSTAGE DEBT	10012001	14.09	0.34	0.00
COI	COST OF INCARCERATION	03022001	UNLIMITED	55.29	0.00
DEND	DENTAL COPAY DEBT	01092014	4.00	0.00	0.00
TVD	TV CABLE FEE DEBT	02082014	1.00	0.00	0.00
TVD	TV CABLE FEE DEBT	05122001	0.00	1.50	0.00
LMD	LEGAL MAIL DEBT	03272002	0.00	4.67	0.00
POSD	POSTAGE DEBT	12182001	0.00	0.28	0.00
COSFD	COS - FELONY DEBT (206)	08302004	0.00	21.00	0.00
SPHD	STORES PERSONAL HYGIENE DEBT	09172001	0.00	4.60	0.00
MEDD	MEDICAL COPAY DEBT	05232002	0.00	2.79	0.00
HYGA	INMATE STORE DEBT	04032013	148.67	0.00	0.00
DEND	DENTAL COPAY DEBT	01152003	0.00	3.00	0.00
LFO	LEGAL FINANCIAL OBLIGATIONS	20130220	UNLIMITED	12.79	0.00
TVD	TV CABLE FEE DEBT	01122002	0.00	3.00	0.00
LMD	LEGAL MAIL DEBT	07062001	0.00	0.68	0.00
SPHD	STORES PERSONAL HYGIENE DEBT	11252002	0.00	1.47	0.00
POSD	POSTAGE DEBT	11212002	4.67	0.00	0.00
POSD	POSTAGE DEBT	04262001	0.00	5.04	0.00
CVC	CRIME VICTIM COMPENSATION	03022001	UNLIMITED	39.89	0.00
EL	ESCORTED LEAVE	09-2011	UNLIMITED	0.00	0.00
UPSD	PERSONAL PROPERTY POSTAGE DEBT	04112001	0.00	1.80	0.00
MISCD	MISCELLANEOUS DEBT	04112001	0.00	0.61	0.00
SPHD	STORES PERSONAL HYGIENE DEBT	04232001	0.00	1.08	0.00
CVCS	CRIME VICTIM	03022001	UNLIMITED	10.51	

DSHILPERT

COYOTE RIDGE CORRECTIONS CENTER

OTRTASTA

## T R U S T A C C O U N T S T A T E M E N T

10.2.1.3

DOC#: 0000903395 Name: SWAGERTY, JERRY L

DOB: 06/05/1965

LOCATION: R01-124-BB111L

## DEBTS AND OBLIGATIONS

TYPE	PAYABLE	INFO NUMBER	AMOUNT OWING	AMOUNT PAID	WRITE OFF AMT.
	COMPENSATION/07112000				0.00
COIS	COST OF INCARCERATION /07112000	03022001	UNLIMITED	42.04	0.00
COSFD	COS - FELONY DEBT (206)	06262010	0.00	0.00	0.00
COSXD	COST OF SUPERVISION DEBT	02122013	26.71	69.29	0.00
COSUD	COS - OMMU DEBT (206)	06262010	0.00	0.00	0.00
TVD	TV CABLE FEE DEBT	01112003	0.50	1.50	0.00
HYGA	INMATE STORE DEBT	01032003	51.49	14.79	0.00
644D	CSRF LOAN DEBT	04152000	0.00	0.32	0.00

## TRANSACTION DESCRIPTIONS --

## SPENDABLE BAL SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
12/12/2013	CRS	CRS SAL ORD #7548086	( 44.28)	0.80
12/14/2013	TV	I05 - TV CABLE FEE	( 0.50)	0.30
12/20/2013	POS	POSTAGE 12/19/13	( 0.20)	0.10
12/20/2013	POSD	POSTAGE DEBT	0.10	0.20
12/20/2013	POS	POSTAGE 12/19/13	( 0.20)	0.00
12/23/2013	POSD	POSTAGE DEBT	0.20	0.20
12/23/2013	POS	POSTAGE - 12/20/13	( 0.20)	0.00
12/23/2013	POSD	POSTAGE DEBT	0.20	0.20
12/23/2013	POS	POSTAGE - 12/20/13	( 0.20)	0.00
12/23/2013	POSD	POSTAGE DEBT	0.20	0.20
12/23/2013	POS	POSTAGE - 12/20/13	( 0.20)	0.00
12/23/2013	POSD	POSTAGE DEBT	0.20	0.20
12/23/2013	POS	POSTAGE - 12/20/13	( 0.20)	0.00
12/23/2013	OTH	OTHER DEPOSITS-S. GOULD-SWAGER	10.00	10.00
12/24/2013	POS	POSTAGE - 12/23/13	( 0.20)	9.80
12/24/2013	POS	POSTAGE - 12/23/13	( 0.20)	9.60
12/24/2013	POS	POSTAGE - 12/23/13	( 0.20)	9.40
12/24/2013	POS	POSTAGE - 12/23/13	( 0.20)	9.20
12/24/2013	POS	POSTAGE - 12/23/13	( 0.20)	9.00
12/24/2013	POS	POSTAGE -- 12/23/13	( 0.20)	8.80
12/27/2013	CRS	CRS SAL ORD #7568391	( 8.71)	0.09
01/02/2014	POSD	POSTAGE DEBT	0.77	0.86
01/02/2014	POS	POSTAGE - 12/30/13	( 0.86)	0.00
01/08/2014	COFD	COPIES DEBT	18.60	18.60
01/08/2014	COP	COPIES LEGAL 12/30/13	( 18.60)	0.00
01/09/2014	DEND	DENTAL COPAY DEBT	4.00	4.00
01/09/2014	DEN	I05 - DENTAL COPAY	( 4.00)	0.00
01/10/2014	P3	CLASS 3 GRATUITY - B unit Dec/13	54.60	54.60
01/10/2014	DED	Deductions-CVC-03022001 D D	( 2.73)	51.87
01/10/2014	DED	Deductions-COSXD-02122013 D D	( 10.92)	40.95
01/11/2014	TV	I05 - TV CABLE FEE	( 0.50)	40.45
01/13/2014	CRS	CRS SAL ORD #7587689	( 39.41)	1.04
01/16/2014	POSD	POSTAGE DEBT	0.48	1.52

DSHILPERT

COYOTE RIDGE CORRECTIONS CENTER

OTRTASTA

## T R U S T A C C O U N T S T A T E M E N T

10.2.1.3

DOC#: 0000903395 Name: SWAGERTY, JERRY L

DOB: 06/05/1965

LOCATION: R01-124-BB111L

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
01/16/2014	POS	POSTAGE-1/15	( 1.52)	0.00
01/16/2014	POSD	POSTAGE DEBT	1.52	1.52
01/16/2014	POS	POSTAGE-1/15	( 1.52)	0.00
01/23/2014	COPD	COPIES DEBT	11.00	11.00
01/23/2014	COP	COPIES 1/22/14 LEGAL	( 11.00)	0.00
01/23/2014	COPD	COPIES DEBT	20.00	20.00
01/23/2014	COP	COPIES 1/22/14 LEGAL	( 20.00)	0.00
01/23/2014	OTH	OTHER DEPOSITS-SHELLEY GOULD-SWAGER	10.00	10.00
01/24/2014	POS	POSTAGE 1/22/14	( 1.92)	8.08
01/24/2014	LM	LEGAL MAIL 1/22/14	( 1.92)	6.16
01/24/2014	LM	LEGAL MAIL 1/22/14	( 2.12)	4.04
01/24/2014	POS	POSTAGE	( 0.20)	3.84
01/24/2014	POS	POSTAGE	( 0.20)	3.64
01/24/2014	POS	POSTAGE	( 0.20)	3.44
01/24/2014	POS	POSTAGE	( 0.20)	3.24
01/24/2014	POS	POSTAGE	( 0.20)	3.04
01/24/2014	POS	POSTAGE	( 0.20)	2.84
01/24/2014	POS	POSTAGE	( 0.20)	2.64
01/24/2014	POS	POSTAGE	( 0.20)	2.44
01/24/2014	POS	POSTAGE	( 0.20)	2.24
01/24/2014	POS	POSTAGE	( 0.20)	2.04
01/24/2014	POSD	POSTAGE DEBT	0.08	2.12
01/24/2014	POS	POSTAGE	( 2.12)	0.00
01/28/2014	HYGA	INMATE STORE DEBT (AUTO)	16.86	16.86
01/28/2014	CRS	CRS SAL ORD #7607763	( 16.86)	0.00
01/28/2014	POSD	POSTAGE DEBT	0.21	0.21
01/28/2014	POS	POSTAGE 1/27/14	( 0.21)	0.00
02/08/2014	TVD	TV CABLE FEE DEBT	0.50	0.50
02/08/2014	TV	I05 - TV CABLE FEE	( 0.50)	0.00
02/10/2014	P3	P3 B UNIT JAN	52.92	52.92
02/10/2014	DED	Deductions-CVC-03022001 D D	( 2.65)	50.27
02/10/2014	DED	Deductions-COSXD-02122013 D D	( 10.58)	39.69
02/11/2014	CRS	CRS SAL ORD #7625106	( 39.50)	0.19
02/12/2014	POSD	POSTAGE DEBT	1.21	1.40
02/12/2014	POS	POSTAGE-2/11/14	( 1.40)	0.00
02/13/2014	COPD	COPIES DEBT	1.60	1.60
02/13/2014	COP	COPIES LEGAL 2/11/14	( 1.60)	0.00
02/14/2014	POSD	POSTAGE DEBT	6.00	6.00
02/14/2014	POS	POSTAGE-2/12/14	( 6.00)	0.00
02/26/2014	HYGA	INMATE STORE DEBT (AUTO)	47.88	47.88
02/26/2014	CRS	CRS SAL ORD #7644516	( 47.88)	0.00
03/08/2014	TVD	TV CABLE FEE DEBT	0.50	0.50
03/08/2014	TV	I05 - TV CABLE FEE	( 0.50)	0.00
03/10/2014	P3	CLASS 3 GRATUITY - B UNIT FEB 14 P/R	50.40	50.40
03/10/2014	DED	Deductions-CVC-03022001 D D	( 2.52)	47.88
03/10/2014	DED	Deductions-COSXD-02122013 D D	( 10.08)	37.80

DSHILPERT

COYOTE RIDGE CORRECTIONS CENTER

OTRTASTA

## T R U S T A C C O U N T S T A T E M E N T

10.2.1.3

DOC#: 0000903395 Name: SWAGERTY, JERRY L

DOB: 06/05/1965

LOCATION: R01-124-BB111L

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
03/11/2014	COP	COPIES - 3/4/14	( 0.20)	37.60
03/12/2014	CRS	CRS SAL ORD #7664231	( 37.44)	0.16

## TRANSACTION DESCRIPTIONS -- SAVINGS BALANCE SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
		TRANSACTION DESCRIPTIONS --	WORK RELEASE SAVINGS	SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
		TRANSACTION DESCRIPTIONS --	EDUCATION ACCOUNT	SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
		TRANSACTION DESCRIPTIONS --	MEDICAL ACCOUNT	SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
		TRANSACTION DESCRIPTIONS --	POSTAGE ACCOUNT	SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
12/18/2013	RACCSP	RECEIPT ACCESS SECUREPAK - TV HOLD	15.00	15.00

12/18/2013	HOA	HOLD - RECEIPT ACCESS SECUREPAK - TV	( 15.00)	0.00
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TRANSACTION DESCRIPTIONS -- COMM SERV REV SUB-ACCOUNT  
FUND ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
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03/17/2014

Department of Corrections

PAGE: 01 OF 01

SDERICKSON 

COYOTE RIDGE CORRECTIONS CENTER

OIRPLRAR

10.2.1.18

**PLRA IN FORMA PAUPERIS STATUS REPORT**  
**FOR DEFINED PERIOD: 08/31/2013 TO 02/28/2014**

DOC#: 0000903395      NAME: SWAGERTY JERRY      ADMIT DATE: 02/12/2013

DOB: 06/05/1965      ADMIT TIME: 10:53

AVERAGE MONTHLY RECEIPTS	20% OF RECEIPTS	AVERAGE SPENDABLE BALANCE	20% OF SPENDABLE
45.73	9.15	4.99	1.00

E. Oath of Petitioner

THE STATE OF WASHINGTON )  
 )  
COUNTY OF Pierce )

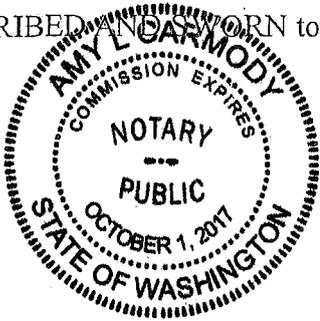
SS 12-1-01877-6

After being first duly sworn, on oath, I dispose and say, that I am the petitioner, that I have read the petition. I know it's contents, and believe that the petition is true.

March 18<sup>th</sup>  
Date

[Signature]  
Signature of petitioner

SUBSCRIBED AND SWORN to me this 18 day of March, 2004



Amy L. Casmody  
NOTARY PUBLIC in and for the State of Washington  
Residing at Franklin Ct.

My commission expires: 10-1-17

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:

Acknowledgment of signature

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

Dated at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_,  
(City and State)

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Print/Type Name



Washington State Court of Appeals  
Division Two

950 Broadway, Suite 300, Tacoma, Washington 98402-4454

David Ponzoha, Clerk/Administrator (253) 593-2970 (253) 593-2806 (Fax)

General Orders, Calendar Dates, and General Information at <http://www.courts.wa.gov/courts> OFFICE HOURS: 9-12, 1-4.

March 25, 2014

Jerry Lee Swagerty  
#903395  
Coyote Ridge Corrections Center  
PO Box 769  
Connell, WA, 99326

Mark Evans Lindquist  
Pierce County Prosc Office  
930 Tacoma Ave S Rm 946  
Tacoma, WA, 98402-2102

**CASE #: 45862-4-II**  
**Personal Restraint Petition of Jerry Lee Swagerty**

Dear Counsel:

We have received the Personal Restraint Petition for post-conviction relief noted above. Since this petition is in proper form, we have filed it. RAP 16.3 et seq.

As RAP 16.9 requires, the respondent must, within 60 days of receiving this letter and the attached copy of the petition, file and serve a response to the petition on petitioner or petitioner's counsel and this court. If referring to the record of another proceeding answers the petition, include a copy of the relevant parts of that record. If a brief supports the petition, we have attached a copy, and the respondent's answering brief is likewise due within 60 days. RAP 16.10. If the respondent determines that the relief sought is appropriate, he should so stipulate. Petitioner may file a reply brief if done so within 30 days of receiving service of the respondent's brief. *See* RAP 16.10(a)(2).

This court has initially waived petitioner's filing fee based on his affidavit stating that he is indigent. Please include in the response any information you possess with regard to indigency and state whether you will contest petitioner's indigency claim.

When the time for filing briefs has expired, the Chief Judge will consider the petition and enter appropriate orders. **The court will defer any decisions on motions for appointment of counsel and/or motions for production of the record at public expense, if any, until we submit your petition to the Chief Judge for consideration. RAP 16.11(a). Any request limited solely to the status of the petition will be placed in the file without further action.** You will be notified if the court decides to call for additional briefs or portions of the record other than what the parties filed or decides that oral argument will be scheduled. Thank you for your attention to this matter.

Very truly yours,

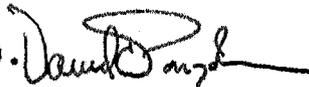
David C. Ponzoha,  
Court Clerk

DCP: rgh.

FOURTH GROUND # 4 Cont.

4. The following Statute should be considered by this court:  
Petitioner may file the petition  
without payment of a filing fee,

a. RCWA 9,94A. 370 (2) 2000.

  
Court Clerk

filing fee waived on: 02/19/14  
dp

D. STATEMENT OF FINANCES

1. I ask this court to file this PRP without making me pay a filing fee or other incurred costs because I am so poor and can not pay the fees. (see attached Inmate Trust Account Statement & PLRA In Forma Pauperis status report.
2. I respectfully request this court to appoint a lawyer for me because I am so poor and can not afford to pay for an Attorney. (see attached Inmate Trust Account Statement and PLRA In Forma Pauperis status report).
3. During the past 12 months, I did not get any money from a business, profession, or other form of self employment.
4. During the past 6 months, I;
  - a. Did not receive any rent payments.
  - b. Did not receive any interest or dividends.
  - c. Did receive \$10.00 once or twice a month from family.
  - d. Do not have any available cash.
  - e. Do have \$12.02 in my savings account.