

No. 91268-8

FILED
COURT OF APPEALS
DIVISION II
2016 JUN 13 PM 12:53
STATE OF WASHINGTON
BY
REPLY

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

IN THE MATTER OF
APPLICATION FOR RELEASE FROM
PERSONAL RESTRAINT OF:

NO: 45862-4-II

JERRY LEE SWAGERTY
Petitioner

REPLY BRIEF

A. IDENTITY

COMES NOW, pro se Petitioner, Jerry Lee Swagerty, and pursuant to RAP 16.10(a)(2), a reply to Respondent's answering brief.

B. SUPPORTIVE AUTHORITY

Petition was filed in accordance with RAP 16.3 et. seq. (see stenson, 174 Wn. 2d 474; Washington State Supreme Court held that even after a series of un-succesful PRP's, testing favorable to defendant and suppressed by State whereas defendant was prejudiced constitutes a reversal.)

C. FACTS

Assigned counsel, prosecutor, and Judge are employees of the County of Pierce in and "for the State" of Washington. And notwithstanding in part, Respondent's answering brief is frivolous on it's face; specious; Purposeful malice! With the previous strike and underline in emphasis of the definitive. Respondent's answering brief is overwhelmingly lacking whereas the following facts are tend-
entiously being suppressed, and pursuant RAP 16.9, Respondents must by certification:

- A. Prove chain of evidence has not been broken over 8 year period pursuant allegation Petitioner's DNA then found on victim's clothes that was not on clothes or victim at time of incident.
- B. Provide hospital report, victim statement, Court transcripts & 1989 King County judgment and sentences proving "same criminal conduct" robbery convictions must count as one strike. (See Mendoza, 139 Wn.App. 693, Simple list of prior convictions insufficient for criminal history score).

The herein above stated is that respondents are conspiring to undermine justice via exhibiting bias to keep the facts from being published. In support of that claim, Petitioner herein provides that existing exhibits 1-10 translate:

Exhibit 1 - Petitioner adamant about being vindicated of alleged crime having been working towards entire criminal history expunged since release from prison in 2003.

Exhibit 2 - Petitioner not ever associated with type & nature of alleged crime.

Exhibit 3 - Victim taken to hospital and thoroughly examined revealing nothing to convict Petitioner of crime at time of alleged incident.

- Exhibit 4 - Purposeful neglect of all (3) respondents in refusal to provide facts of case.
- Exhibit 5 - Petitioner competent to investigate and provide own defense.
- Exhibit 6 - At ~~the~~ time of alleged incident, Petitioner was a 39 year old man, 6'0", with brown hair vs. suspect described as a big kid, 5'9", with all gray hair.
- Exhibit 7 - Respondent's knew 1989 robberies were "same criminal conduct" and cannot claim harmless error. And hospital report & victim statement does exist containing compelling evidence Petitioner is not the suspect.
- Exhibit 8 - Judge Hogan replaced by Judge Nelson who violated Petitioner's right to evidentiary hearing and ignored co-defendant may exist in a single suspect incident.
- Exhibit 9 - Petitioner filed initial brief in a timely manner.
- Exhibit 10 Petitioner only wants truths to be promulgated pursuant fair review.

Respondents will receive the luxury of a quasi-judicial trial absolutely among peers whereas professional courtesy may trump unfavorable conduct unless all the facts of this case are made public whereupon malice of respondents and Petitioner's claim of being innocent will be weighed meritoriously.

D. PRIMA FACIE AFFIDAVIT ARGUMENT
& SUPPLEMENTAL CASE LAW

Police Report & victim's description of suspect does not depict Petitioner
whereas at the time of alleged incident, Petitioner's D.N.A. was not discovered
from swabs taken from victim, thus due diligence should consider "actual

innocence" under "best evidence". (In Carter, 172 WN. 2d 923, the WA State Supreme Court defined that a timely filed PRP pursuant clear and convincing evidence of the existence of improperly excluded true facts or the admission of false facts would constitute "actual innocence"). (See also Spence, 219 F.3d 162, 171-172 (2nd Cir. 2006))

Over (8) years later, law enforcement claims D.N.A. was discovered on victim's clothing and proclaims it's Petitioners. Prosecutor then exaggerated seriousness of the alleged crime and charged Petitioner with (2) separate 1st degree offenses for (1) single act that may only warrant (1) count of RCW 9A.44.083(1) at most pursuant actual element of alleged crime. (See WA. v. Birgen, 33 Wn.App. 1; The Washington State Legislature did not intend that a defendant be convicted of two separate crimes for a single act.) Petitioner's assigned counsel ignored all of these facts and tried to have Petitioner deemed incompetent to stand trial as the only defense, forcing Petitioner to wave speedy trial rights. When that didn't work, assigned counsel again forced Petitioner to sign another waiver of speedy trial rights to avoid immediately going to trial. And instead of then meeting with Petitioner to go over a proper defense, assigned counsel forced a plea deal of non-existent crimes of consecutive maximum sentences outside the guidelines under threat of a third strike when Petitioner's real criminal history does not justify such an agreement. All of Petitioner's class C felonies must wash, all of Petitioner's class B felonies should wash, and Petitioner's 2 robbery convictions were in fact adjudicated "same criminal conduct". (See Hunt, 107 Wn.App. 816; guilty plea coercedly forced constitutes remand)(See Fiore v. White 121 S.Ct.712; U.S. Supreme Court held it's a fundamental due process violation to convict a person for a crime without proof of all the elements). Furthermore, assigned counsel and prosecutor refused Petitioner equal protection of continuing to wave speedy trial rights when it would have benefited Petitioner

with a washed criminal history. The Judge then expedited a harsh excessive sentence without holding an evidentiary hearing whereas actually cancelling said scheduled hearing. (see re-exhibit 8, page 3 of 3) and (see Goodwin, 146 Wn. 2nd at 877; relief has been granted to personal restraint petitioners in the form of re-sentencing within the statutory authority a sentence in excess of that authority had been imposed, without regard to plea bargain agreements involved). When Petitioner got to prison and tried to receive all the facts of the case, Petitioner was repeatedly denied said materials on the sole ground of being too poor for legal records. (see Brady, 83 S.Ct. 1194; U.S. Supreme Court held that suppression of evidence by prosecution favorable to an accused upon request violates due process where evidence is material and there is a duty to disclose such evidence even when there has been no request by the accused.) When Petitioner did finally receive a partial amount of the record, Petitioner then discovered that victim refuses to testify pursuant a jury trial whereas assigned counsel never at any time disclosed this fact to Petitioner. [NO CRIME OCCURED?]

E. SUPPLEMENTAL EXHIBITS

1. A Pierce County Superior Court co-defendant exists as cause No: 13-9-01649-5, status open. However, police report & victim's statement clearly state there was only (1) single suspect acting alone in (1) single incident. (see attached re-exhibit 8, page 3 of 3).

2. Letter to Commissioner Bearse of the Court of Appeals, Division II, is a formal respectful request that the Honorable Chief Judge order the production of the complete record in this case, (see attached exhibit 10).

F. CONCLUSION

Congress who created the inferior tribunals of the United States Supreme Court, has never intended evidence of the possibility no crime occurred and probability that defendant is not the suspect be suppressed in any way, nor double jeopardy by substantiated as an immediate tool to leverage unlawful means, or any officer of the Court violate the 5th, 6th, 8th, 14th or any Amendment to the U. S. Constitution. Further-more, bearing on analysis requires strict scrutiny of Pierce County's Law Enforcement, evidence chain of command and testing processes, and Court System practices. Moreover, if Petitioner were a licensed Attorney, Amicus Briefs from 7 out of 10 other defendants from Pierce County would accompany Petitioner's Reply Brief to fully support all of Petitioner's claims, and some.

G. REQUEST FOR RELIEF

Based upon facts, matters, and laws, Petitioner respectfully requests the following as a whole in parts be considered:

1. If the Honorable Chief Judge and/or Panel Orders Petitioner be remanded for re-sentencing. Facts calculate instructions should infer concurrent Sentences within the guidelines at the low end of the greatest range of 82 to 102 months with current plea bargain. New plea deal should conform to a washed criminal history. Petitioner has been conviction free since August 2003 and especially crime free since after time of alleged incident in February 2004 whereby all time to date should be accredited. RCWA 9.94A. 525(2)(b) reads, "class B convictions shall not be included in offender

score if offender had spent 10 consecutive years in the community without committing any crime that subsequently results in a conviction," and RCWA 9.94A. 525(2)(c) reads the same replacing 10 years with "5 years for all class C felonies." The language is clear whereas the legal definition of "subsequent" is, "occurring later, coming after something else", and herein state the following:

(a) Substantial evidence before & after alleged incident proffers Petitioner is not of the character to commit the type & nature of crime in this case, thus no foundation to convict Petitioner of said felony or misdemeanor.

(b) Primary evidence gathered at the time of alleged incident proclaims Petitioner does not portray or resemble suspect nor was Petitioner's D.N.A. discovered on swabs taken directly from victim, thus no merit to convict Petitioner of said felony or misdemeanor.

(c) Feeble evidence against Petitioner can only be derived from D.N.A. allegedly found May 2012 on victim's clothes taken into custody at the time of alleged incident February 2004, thus subsequent felony can only begin to count upon final disposition of herein case.

2. If the Honorable Chief Judge and/or Panel Orders that Petitioner be remanded for trial. Matters contributed that Petitioner should be granted a change of venue to King County Superior Court whereas Petitioner will at least have the chance of a fair trial with impartial parties, whereof Petitioner's

entire criminal history should immediately wash upon this decision.

3. If the honorable Chief Judge and/or Panel Orders that Petitioner's conviction be "reversed with Prejudice." Laws constitute that justice will be served in recognition that a 1st year law student could have previously won a not guilty verdict in a jury trial on multiple accounts of reasonable doubt whereas pro se Petitioner alone -- of less experience than a paralegal (with limited legal services & resources) -- has provided affluent points of Order underlining that all 4 grounds of Petitioner's claims are grossly evident.
- (see ADDENDUM)

H. STATEMENT OF FINANCES

Petitioner is too poor to pay filing , Attorney, and records fees. (see attached In Forma Pauperis Report & Inmate Banking Statement).

I. APPENDIX

Original Petition, Amended Petition. and Reply Brief adhere only the facts on paper that can be proven. Including but not limited to, two additional facts that can be proven are that there exists an age old grudge of a certain Pierce County Deputy Sheriff and his abuse of power friends against Burl Swagerty. And when you type the last name of Swagerty into the Westlaw computer software, you get the name of Alan Swagerty who was convicted of disgustingly repulsive crimes. So where's the relevance, get to the point you say? I, Pro Se Petitioner, Jerry Swagerty was adopted into the Swagerty family. I was born as Jerry Lee Adkins,

in relation to a Judge Adkins, co-author of Black's Law Dictionary, Circa 1968.

And Pierce County Law Enforcement and Superior Court opened up a can of worms

WHEREAS no dirt will be able to hide, as to wit;

WHEREAS I can not prove both assigned counsel at 1st meeting stated I would be prejudiced in this case...

WHEREAS I can not prove that at the hearing I was deemed fit to stand trial, assigned counsel pointed out the 30 day rule of a defendant's speedy trial rights to prosecutor to again force me to wave said rights, and stated he wouldn't want me to this case on a technicality to get me to act out irrationally...

WHEREAS I can not prove when the discovery of victim statement, police report & hospital report assigned counsel provided me suddenly disappeared after an altercation in the jail, that assigned counsel said I didn't need it and refused to re-provide me proof of innocence...

WHEREAS I can not prove that upon my adamant re-requests, assigned counsel would not over the phone nor visit me to address my claims of innocence in this case...

WHEREAS I can not prove that assigned counsel was irritated that I pointed out there were errors in calculating my criminal history...

WHEREAS I can not prove assigned counsel refused to address evidence room personnel tampered with other cases may have did so in my case too...

WHEREAS I can not prove that assigned counsel said such vile and demeaning things over the phone to my mother that it assisted in causing her to have a severe heart attack that left her hospitalized for several months...

WHEREAS I can not prove that assigned counsel told me not to talk about this case and instead talk about baseball. So I created a commercial set in Safeco field of an advertisement in honor of assigned counsel pursuant winning this case because I informed assigned counsel I was too poor to afford a paid attorney; thus the real/actual basis of assigned counsel's "claim" that questioned my competency...

WHEREAS I CAN PROVE THAT IF YOU GOOGLE "THE INDI DEMO REPO SHOW", YOU WILL SEE I OWN THE COPYRIGHT OF THE BEGINNINGS OF AN ON-LINE RADIO-TELEVISION SHOW!

WHEREAS primary evidence provides that no crime even happened adamantly ignored by assigned counsel!

***** Although this Honorable Court of Appeals, Division II, may not be able to weigh it's decision utilizing whistleblower proclamations within this APPENDIX. Notwithstanding the fact that the original petition & Amended Petition is unchanged except for added exhibits whereas reply brief re-strengthens core arguments of Petitioner. I pro se Petitioner, Jerry Lee Adkins-Swagerty, am now adamantly satisfied "malevolent counsel" has moreover been translated that legal representation characterized by intense ill-will and spite merits furthermore truths proffered by Petitioner.

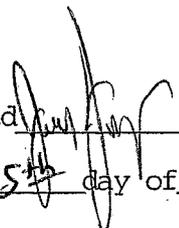
J. PETITIONER'S CLOSING ARGUMENT

It's prototypical for prosecutor's to make a lot of assumption to try to convince others that issues are worse than they actually are, as to wit;

1. Respondent claims I was mentally & physically out of character so as to need a psychological evaluation? Respondent makes the false claim while not providing any proof as while withholding "real evidence" relevant to this proceeding all while claiming I haven't proven my claims.

2. Respondent claims I'm a serious threat to society bad criminal? My "real criminal history" Shows my worst behavior was my 1989 "same criminal conduct conviction" that de-escalated into petty criminal behavior until 2000 whereas since the turn of the 21st Century, the record shows all previous & new criminal behavior ceased to exist. Legally since 2003.

3. Prosecutor claims Judge & Assigned Counsel did or didn't? Why didn't Judge & Assigned Counsel Provide a supplemental brief pursuant their own defense of my claims? To put ~~now~~ then into "real words". I was aggressively railroaded then, and I'm being passively railroaded now!

Signed  and dated
this 5th day of June 2014

JERRY LEE SWAGERTY
Jerry Lee Swagerty
Pro Se Rebuttal

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 10

Jerry Swagerty #903395

BB-11-1L

Coyote Ridge Corrections Center

P.O. Box 769

Connell, WA 99326

April 2nd, 2014

Court of Appeals, Division II

950 Broadway, Suite 300

Tacoma, WA 98402-4454

Commissioner Bearnse,

Thank you for granting my motion for an extension of time and filing my Amended Petition. Prosecutors are most often afforded the professional courtesy of an extension of time. And I am grateful I have been awarded equal protection under the rules. Otherwise the Rule of Law lacks standing and unfruitful pursuant truth as the basis of justice.

In October 2013, I was able to get my completely pro se Petition typed although as is with no corrections. However, after many unsuccessful attempts, I was not able to receive previous cases of King & Clark County Judgement & Sentence that pertains to my current erroneous sentence. As well as the complete record of my current Pierce County case of discovery, police report, hospital report, court records and court transcripts to support my arguments and 4 other grounds.

Due to timing constraints in the 11th hour, I was forced to file an initial PRP whereas finally after 4 months in the early part of the 12th hour. I was provided meager materials that I was able to label as exhibits to file an Amended Petition without changing the original brief that was prepared from memory after reviewing most of the record before it all mysteriously disappeared after an altercation while I was incarcerated in the Pierce County Jail.

Exhibit 10



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.

ADDENDUM



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
OFFICE OF CORRECTIONAL OPERATIONS
Coyote Ridge Corrections Center
P.O. Box 769 Connell WA 98326
(509)-543-5800

DATE: April 3, 2014

TO: All CRCC-MSU Staff and Post on all MSU Unit Pods for Offender Viewing

SUBJECT: Coyote Ridge Correction Center Legal Services Library Hours of Operation

The Coyote Ridge Corrections Center has taken over providing legal services to offenders. The hours of operation will be Sunday through Thursday 1300-1545 and 1800-2045, closed Friday and Saturday.

Those currently on the 0900-1045 will be moved to a new time frame. Those currently on the priority law library callout from 1300-1545 and those on the 1800-2045 will remain on those callouts. All new requests will be scheduled on the new time frames once posted.

Please be patient during this transition period. We are working as quickly as possible to get the new computers and Westlaw software installed to run properly.

Another memo will be sent as soon as all the process and procedures have been finalized.

* May 5th, 2014, previously provided carbon paper used to type legal work became a threat of safety & security whereas law library will not allow usage of 10 typewriters present in library.

Cc: Mr. I. Gonzalez, Program Manager, DOC Headquarters

* Although herein above stated admits the law library here at CRCC has not been functioning properly previous the 1st week of April, 2014. The scope of what this interagency-memo does not include is that CRCC's law library still does not have sufficient ways & means necessary to submit proper legal materials to the courts such as basic instructions to file a 7-B & PRP's, et cetera.

06/04/2014

AR1

Department of Corrections
COYOTE RIDGE CORRECTIONS CENTER

PAGE: 01 OF 01

OIRPLRAR

10.2.1.18

PLAINFORMA PAUPERIS STATUS REPORT
FOR DEFINED PERIOD: 11/30/2013 TO 05/31/2014

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
59.85	11.93	7.29	1.46

ARI

COYOTE RIDGE CORRECTIONS CENTER

OTRTASTA

TRUST ACCOUNT STATEMENT

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.
	DEBT				
CVCS	CRIME VICTIM COMPENSATION/07112000	03022001	UNLIMITED	10.51	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	5.13	90.87	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
05/05/2014	COPD	COPIES DEBT	2.14	3.20
05/05/2014	COP	COPIES - 4/28/14	(3.20)	0.00
05/07/2014	HYGA	INMATE STORE DEBT (AUTO)	32.44	32.44
05/07/2014	CRS	CRS SAL ORD #7743222	(32.44)	0.00
05/09/2014	P3	APRIL B UNIT P3 P/R	55.00	55.00
05/09/2014	DED	Deductions-CVC-03022001 D D	(2.75)	52.25
05/09/2014	DED	Deductions-COSXD-02122013 D D	(11.00)	41.25
05/10/2014	TV	I05 - TV CABLE FEE	(0.50)	40.75
05/15/2014	CDW	CDW - ACCESS SECUREPAK (WA)	(23.72)	17.03
05/21/2014	CRS	CRS SAL ORD #7763347	(16.83)	0.20

TRANSACTION DESCRIPTIONS --

SAVINGS BALANCE SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
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TRANSACTION DESCRIPTIONS --

WORK RELEASE SUB-ACCOUNT
SAVINGS

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
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TRANSACTION DESCRIPTIONS --

EDUCATION ACCOUNT SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
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TRANSACTION DESCRIPTIONS --

MEDICAL ACCOUNT SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
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TRANSACTION DESCRIPTIONS --

POSTAGE ACCOUNT SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
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TRANSACTION DESCRIPTIONS --

COMM SERV REV SUB-ACCOUNT
FUND ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
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Jerry Swagerty #903395
BB-11-1L
Coyote Ridge Corrections Center
P.O. Box 769
Connell, WA 99326

June 5th, 2004

Court of Appeals, Division II
ATTN: Clerk of the Court
950 Broadway, Suite 300
Tacoma, WA 98402 - 4454

RECEIVED
JUN 13 2004

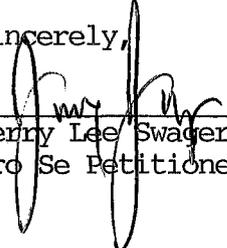
CLERK OF COURT OF APPEALS DIV II
STATE OF WASHINGTON

Dear Clerk of the Court,

I will appreciate it greatly if you will extend me the courtesy and return correspondence confirmation that you have received and filed my Reply Brief.

Thank you for your time and cooperation in this matter.

Sincerely,



Jerry Lee Swagerty
Pro Se Petitioner

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

RECEIVED
JAN 24 2014

January 10, 2014

CLERK OF COURT OF APPEALS DIV II
STATE OF WASHINGTON

Court of Appeals, Division II
950 Broadway, Suite 300 TB-06
Tacoma, Wa. 98402-4454

Dear Clerk of the Court,

I am respectfully requesting an extension of time and/or the assistance of an Attorney for the review of my Personal Restraint Petition (PRP) for the case No.: 12-1-01877-6, Pierce County Superior Ct.

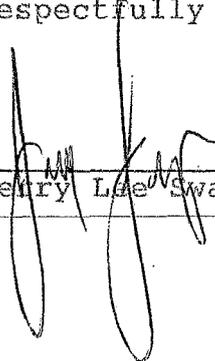
I have sent letters to several courts outlined in my brief for Judgment and Sentences and Court Records including to assigned counsel in my current case requesting the discovery and other Court records without response.

Although I did not keep copies of my previous letters, I am sending you copies of yet another attempt to receive simple facts that overwhelmingly support most or all of my claims.

At this time, this letter is also an informal complaint that my basic right to defend myself is being denied. I provided proof of indigency with all letters and am still being denied evidence of claims.

Thank you for your time and cooperation in this matter.

Respectfully Submitted



Jerry Lee Swagerty # 903395

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

Copy for
Court of Appeals
Division II

January 10, 2014.

Pierce County Superior Court
930 Tacoma Ave. S. # 110
Tacoma, WA. 98402

Dear Clerk of the Court,

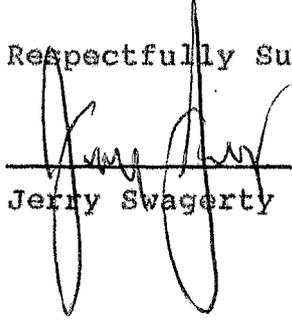
I am respectfully requesting all Court records in my case of Cause No: 12-1-01877-6.

Please provide me with the Discovery, All Court Documents, and especially all my Court appearance transcripts.

All materials are needed to support my claims in my Personal Restraint Petition (PRP), and I will appreciate it greatly if you will send me these materials at your earliest convenience. My deadline expires approximately February 7, 2014, and this is my second request for materials.

Thank you for your time and cooperation in this matter.

Respectfully Submitted,


Jerry Swagerty # 903395



THE FOLLOWING IS IN RESPONSE TO YOUR REQUEST:

() Enclosed please find a dissolution packet that contains all the necessary forms for dissolution with/without children. Please read the following instructions carefully as this will be your only guide to the strict procedures that need to be followed in order to complete a dissolution from prison.

() Your Note for Motion Docket , Motion and supporting documents have been filed with the court and forwarded to Department _____ for consideration, As of _____ we have had no response from said department.

Per RCW 36.18.016(4) the fee for copies made by the Superior Court is \$5 for the first page and \$1 for each additional page of each document for certified copies. The fee for an uncertified copy of a document is \$0.50 per page. Payment must be received prior to forwarding of the documents and must be in the form of a money order or cashier's check. Personal checks will **NOT** be accepted.

() You must provide a separate set of original documents for each case number.

() Your Motion was filed with the court on _____, a Note for Motion Docket form needs to be filed along with all motions. Working copies will then be forwarded to the sentencing/assigned judge on the case for consideration.

() You must fill out every section of your document. The Judge will not fill them out.

() The attached forms are being returned because they are not necessary to be filed with your motion.

Other: Enclosed is your case docket. It lists all documents available for purchase. Please indicate which documents you want and remit with proper payment.

By: M.E., Deputy Clerk



Pierce County Superior Court Criminal Case 12-1-01877-6

Defendant: **JERRY LEE SWAGERTY**

Access: Public

Jurisdiction: SUPERIOR CT - PIERCE CTY

Attorneys

Type	Name	Firm	Role
Pros	ANGELICA WILLIAMS	Prosecuting Attorney	LEAD COUNSEL
Defe	DAVID S. SHAW	Pierce County Dept of Assigned Counsel	LEAD COUNSEL
Defe	MARK T. QUIGLEY	Pierce County Dept of Assigned Counsel	CO COUNSEL

Charges

Count	Type	Description	RCW	Disposition	Sentence Date
1	Original	RAPE OF A CHILD IN THE FIRST DEGREE	, <u>9A.44.073</u>		
	Amended	RAPE OF A CHILD IN THE THIRD DEGREE	, <u>9A.44.079</u>		
	Final	RAPE OF A CHILD IN THE THIRD DEGREE	, <u>9A.44.079</u>	PLED GLTY LESSER CHG	02/08/2013
2	Original	CHILD MOLESTATION IN THE FIRST DEGREE	, <u>9A.44.083</u>		
	Amended	LURING	, <u>9A.40.090</u>		
	Final	LURING	, <u>9A.40.090</u>	PLED GLTY LESSER CHG	02/08/2013
3	Original	BURGLARY IN THE SECOND DEGREE	, <u>9A.52.030(1)</u>		
	Final	BURGLARY IN THE SECOND DEGREE	, <u>9A.52.030(1)</u>	PLED GLTY AS CHGD	02/08/2013
4	Original	INTIMIDATING A WITNESS	, <u>9A.72.110(2)</u>		
	Final	INTIMIDATING A WITNESS	, <u>9A.72.110(2)</u>	PLED GLTY AS CHGD	02/08/2013

Filings

Filing Date	Filing	Access	Pages	Microfilm
05/22/2012	INFORMATION	Public	2	
05/22/2012	AFFIDAVIT/DETERMINATION FOR PROBABLE CAUSE	Public	2	
05/22/2012	ORDER DIRECTING ISSUANCE OF BENCH WARRANT	Public	1	
05/22/2012	BENCH WARRANT	Public	1	
06/28/2012	ORDER ESTABLISHING CONDITIONS OF RELEASE	Public	2	
06/28/2012	ORDER PROHIBITING CONTACT PENDING DISP	Public	2	
06/28/2012	ORDER FOR HEARING	Public	1	
06/28/2012	ORDER OF PREASSIGNMENT	Public	1	
06/28/2012	LAW ENFORCEMENT INFORMATION SHEET	Sealed	1	
07/02/2012	NOTICE OF APPEARANCE	Public	1	
07/02/2012	NOTICE OF APPEARANCE	Public	1	
07/10/2012	SHERIFF'S RETURN ON BW	Public	1	
07/17/2012	RECEIPT OF DISCOVERY	Public	1	
07/20/2012	ORDER FOR HEARING	Public	1	
07/20/2012	ORDER FOR HEARING	Public	1	
07/20/2012	ORDER FOR EXAM	Public	5	
07/20/2012	CLERK'S MINUTE ENTRY	Public	2	
07/25/2012	RECEIPT OF DISCOVERY	Public	1	
08/10/2012	LETTER FROM D.S.H.S.	Public	1	
08/10/2012	ORDER FOR HEARING	Public	1	
08/20/2012	RECEIPT OF DISCOVERY	Public	1	
08/21/2012	LETTER FROM D.S.H.S.	Public	1	
08/24/2012	CLERK'S MINUTE ENTRY	Public	2	
08/24/2012	ORDER FOR HEARING	Public	1	
08/27/2012	LETTER FROM WESTERN STATE	Public	1	
09/13/2012	FORENSIC PSYCHOLOGICAL EVALUATION	Public	11	
09/18/2012	FORENSIC PSYCHOLOGICAL EVALUATION	Public	13	
09/28/2012	ORDER DETERMINING COMPETENCY TO STAND TRIAL	Public	2	
09/28/2012	ORDER FOR HEARING	Public	1	
09/28/2012	MOTION TO TAKE SAMPLE	Public	3	
09/28/2012	ORDER ESTABLISHING CONDITIONS OF RELEASE	Public	2	
09/28/2012	CLERK'S MINUTE ENTRY	Public	2	
09/28/2012	ORDER FOR BIOLOGICAL SAMPLE	Public	2	
10/01/2012	ORDER FOR HEARING	Public	1	

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

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: Thursday January 16, 2014 3:21PM

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[Copyright Notices](#)

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

Copy for
Court of Appeals
Division II

January 10, 2014.

Clark County Superior Court
1200 Franklin St.
Vancouver, WA. 98660

Dear Clerk of the Court,

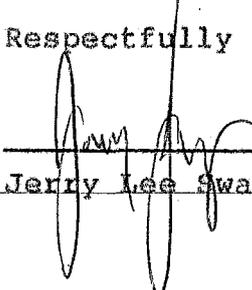
I am respectfully requesting that you provide me the judgment and sentence, and the Amended judgment and sentence in the cases of Clark County Superior Court, Cause No. 00-1-02170-4 and 00-1-02343-0.

I was originally Sentenced and then had to be re-sentenced due to an error in calculating my criminal history of (2) Counts of Robbery II, and I need the records that Ordered my offender score be re-calculated and that my Sentence be re-adjudicated. This is my second request.

This material is needed for grounds in a different current case pursuant to my Personal Restraint Petition (PRP), so please provide me this material at your earliest convenience.

Thank you for your time and cooperation in this matter.

Respectfully Submitted,


Jerry Lee Swagerty

Date: 1-17-14

Dear:

YOUR REQUEST and/or PAPERWORK IS BEING RETURNED TO YOU FOR THE FOLLOWING REASON(S):

- () Ex-parte Fee. In accordance with RCW 36.18.016(11), a \$30.00 fee will be charged by the Clark County Clerk for processing ex-parte orders for the purpose of presentment to Superior Court for approval, action or signature.
- () Satisfaction of Judgment or Liens must be fully acknowledged before a Notary Public, to include affixing the Notary's Seal (RCW 4.56.100; 64.08.060; 64.08.070)
- () Modifications; \$56.00 filing fee required upon filing a petition on an existing case filed in Clark County, WA.
- () Issuance of a WRIT, \$20.00 fee.
- () \$85.00 Unlawful Detainer, the \$112.00 filing fee must be paid prior to the entry of any order except a default judgment and an order for writ of restitution.
- Pursuant to RCW 36.18.016(4), the fee for court certified copies (with court seal) is \$5.00 first page plus \$1.00 each additional page per document. Non certified copy fee is \$.50 per page. The fee for the copies you requested is \$23⁰⁰. Please resubmit your request with the appropriate fee. (money order or cashiers check payable to Clark County Clerk) along with a postage paid pre-address return envelope.
- () Clark County Clerk's Office does NOT ACCEPT PERSONAL CHECKS; we only accept cash, credit/debit card, cashiers check, or money order.
- () Postage paid, pre-addressed return envelope required for the return of any copies through the mail.
- () The enclosed document does not conform to GR 14. Please reformat according to that rule and resubmit for filing.
- () Other:

Please return this letter with your corrections. Thank you.

Sincerely,

Scott G. Weber, Clark County Clerk

By *Phares* Deputy Clerk

This 17 Day of Jan, 20 14

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

*Cofe for
Court of Appeals
Division II*

January 10, 2014.

Department of Assigned Counsel
Attn: David Shaw
949 Market St., Suite 334
Tacoma, WA. 98402

Dear Attorney David Shaw,

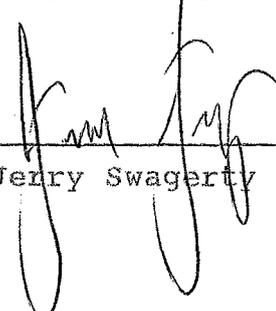
I am respectfully requesting all court records in my case of cause No. 12-1-01877-6.

Please provide me with the Discovery and all Court records including Proof that my Florida Conviction cause No: 672006CF000236 was overturned.

All materials are needed to support my claims in my Personal Restraint Petition, and I will appreciate it greatly if you will send me these materials at your earliest convenience.

Thank you for your time in this matter.

Respectfully Submitted,



Jerry Swagerty # 903395

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

Copy for
Court of Appeals
Division II

January 10, 2014.

King County Superior Court
516 3rd Ave., Rm. C-203
Seattle, WA. 98104

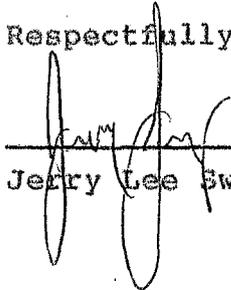
Dear Clerk of the Court,

I am respectfully requesting that you provide me a copy of the judgment and sentence of the case(s) of King County Superior Court, Cause No: 89-1-04009-1 and 89-1-04023-5. This is my second request.

This material is needed for grounds in a different current case pursuant to a Personal Restraint Petition (PRP), and I will appreciate it greatly if you will send me this material at your earliest convenience.

Thank you for your time and cooperation in this matter.

Respectfully Submitted,



Jerry Lee Swagerty

cc: File

Jerry Swagerty #903395
BB-11-1L
Coyote Ridge Corrections Center
P.O. Box 769
Connell, Wa. 99326

August 15th, 2014

Case #: 45862-4

Court of Appeals, Division III
ATTN: Commissioner Bearse
950 Broadway, Suite 300
Tacoma, Wa. 98402-4454

RECEIVED
AUG 20 2014
CLERK OF COURT
STATE OF WASHINGTON

Dear Commissioner Bearse,

I am writing this letter and submitting a response to State's response to your Order to file a supplemental response addressing the impact of the amended information on the statute of limitations for each offense charged in my case. [Motion to Stay PRP]

1st of all I would like to say that in my previous filings, I had to rely on another offender to type up my briefs and was limited to the information I could write, as well as the nature of my rebuttal argument pursuant the charges against me. That has all changed now that I have my own typewriter, although Law Library time to complete any document under rule constraints is a continuing dilemma geared around the over-crowding situations at this facility.

The facts are is as it is. There was no d.n.a. evidence of mine taken directly from the victim at the time of the alleged incident. The suspect was described as no where matching my description. And no-one could identify me as being anywhere near the area where the alleged incident occurred. The only evidence of a real crime was that "an adolescent child followed a male subject out of a Safeway Store; a crime no more than luring, a class c felony! This still is my prima facie argument whereas I have repeatedly asked this Honorable Court to adhere RAP 16.9 and Order respondent to produce all relevant material of "my"

argument supported by case Law pursuant "an actual innocence claim". There is everything proving "I am not the suspect" whereas a co-defendant may exist in a single suspect incident included. Notwithstanding not ever in my entire criminal history has this type of crime been any part of my personality and/or persona. In all honesty I sincerely believe it is downright disgusting to lick the pee of little girls, boys, it's, animals, or aliens. Seriously, I'm truly offended that I am even alleged to be such an offender!!!

Anyways, I have every confidence that this Honorable Court of Appeals, Division II & The Washington State Supreme Court all decisions grounded in the U.S. Constitution and Legal precedence foremost based on facts & matters at hand. However, when the lower courts manipulate truths like supressing real evidence to convict innocent people who are less affluent & illiterate of the Law and circumstances they are in. Not only is justice blinded by deception. It is entirely perpetrated by those very individuals in our society who proclaim to be the best choice to uphold the Rule of Law being more criminal than those they hold power over...

ORAL ARGUMENT

The only specious evidence the State via the Pierce County Prosecutor's Office may have against me is the crime of luring; a class c felony with a statute of limitations of 3 years whereas it has been 8.2 years since the alleged incident occurred whereof Assistant Prosecutor Kimberley Ann Demarco did in fact manipulate false charges to avoid the statute of limitations! And then to top

it off. This alleged upholder of the Law charge me twice for a single incident calling into action a double jeopardy violation just to make sure she got a "conviction for her record" pursuant any plea bargain. The "real facts doctrine" is there in black & white whereupon I reviewed every bit of it because for two very simple reasons:

1. I WAS NOT THERE TO BE WITNESS TO ANYTHING.
2. SO MY ONLY SOURCE IS THAT OF WHICH I CONSISTENTLY WITHOUT HESITATION PROCLAIM THAT MY ONLY SUBJECTIVE OBJECTIVE IS TO PROMULGATE ALL THE TRUTHS OF THIS CASE SO THAT I WILL BE FULLY VINDICATED OF ANY WRONGDOING!!!

footnote:

I sincerely have spent 9 1/2 years since my last incarceration in 2003 not committing any crime so I could be clean of all my past as I attempted to get into the entertainment business with my copywrite screenplay & radio-television show you can see for yourself if you Google --->>> THE INDI DEMO REPO SHOW . So State v. Peltier or bust if that what it takes. I just want to get back to my correcting all the wrongs I really did as a petty criminal against the good citizens of Washington State by bringing about showing our Washatonian weathered pride off to everyone everywhere on the Planet.

ps: sorry 'bout type-o's, I'm trying to get this done so I can watch our Superbowl heros in pre-season.....

Respectfully Submitted,