

Pierce County. No. 10-1-04055-4
COA Nos. 43039-8-II, 44780-1-II

No. 91578-4

SUPREME COURT
OF THE STATE OF WASHINGTON

IN RE THE PERSONAL RESTRAINT OF

Eduardo Sandoval,

Petitioner.

PERSONAL RESTRAINT PETITION

Received
Washington State Supreme Court

APR 17 2015

Ronald R. Carpenter
Clerk

Nathan W. Rouse, WSBA No. 46433
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Attorneys for Petitioner

4-17-2015
PAYMENT OF FILING
FEE WAIVED


Susan L. Cannon
Supreme Court Deputy Clerk

A. STATUS OF PETITIONER

Petitioner EDUARDO SANDOVAL is currently serving a sentence of 904 months at the Minnesota Correctional Facility in Bayport, Minnesota. He is in custody because of the following court order: Judgment and Sentence entered in *State v. Sandoval*, Pierce County Cause No. 10-1-04055-4.

1. On January 12, 2012, Mr. Sandoval was convicted of the crimes of Murder in the First Degree, Assault in the First Degree, and Conspiracy to Commit Murder in the First Degree. His counsel during trial was:

Mr. Stephen G. Johnson, WSBA No. 24214
925 South Ridgewood Avenue
Tacoma, Washington 98405

2. On February, 3, 2012, Mr. Sandoval was sentenced by the Honorable Linda Lee.

3. On February 7, 2012, Mr. Sandoval appealed his convictions by filing a timely direct appeal in the Washington Court of Appeals, Division Two under No. 43039-8-II. His counsel on appeal was:

Sheri Arnold, WSBA No. 18760
P.O. Box 7718
Tacoma, Washington 98417

Eric J. Nielsen
Nielsen Broman & Koch, PLLC
1908 East Madison Street
Seattle, Washington 98122

4. On April 2, 2013, Mr. Sandoval filed a Petition for a Writ of Habeas Corpus in the Superior Court of Washington for Pierce County, which was transferred by the Superior Court to the Court of Appeals, Division Two, to be considered as a Personal Restraint Petition under No. 44780-1-II.

5. On March 19, 2014, the Court of Appeals affirmed Mr. Sandoval's convictions and denied his Personal Restraint Petition in an unpublished opinion, *State v. Sandoval*, 180 Wn. App. 1005, Not Reported in P.3d, 2014 WL 1092844 (March 19, 2014).

6. On May 16, 2014, the Court of Appeals issued its mandate disposing of Mr. Sandoval's direct appeal from his convictions.

7. Mr. Sandoval did not file a Petition for Review with the Washington State Supreme Court.

B. GROUNDS FOR RELIEF

Mr. Sandoval should be released from confinement or given a new trial pursuant to RAP 16.4(c)(2) because his convictions were obtained and his sentence was imposed in violation of his rights guaranteed by the Constitution of the United States and/or the Constitution or laws of the

State of Washington. The facts, legal argument, and authorities supporting Mr. Sandoval's grounds for relief are set forth in Petitioner's Opening Brief ("Brief") and the Appendix in Support of Petitioner's Opening Brief ("Appendix"). Mr. Sandoval incorporates by reference the facts, argument, and authorities contained within the Brief and Appendix.

The instant Petition is not barred as a successive petition because it does not seek similar relief so as to require a showing of good cause as set forth in RAP 16.4(d). Further, this Court is not bound by the good cause requirement set forth under RCW 10.73.140 (requiring petitioner who files consecutive personal restraint petitions in the Court of Appeals to who "good cause why the petitioner did not raise the new grounds in the previous petition").

C. STATEMENT OF FINANCES

Mr. Sandoval is unable to pay the filing fee or fees of counsel. *See* Exhibit 1 (Sandoval Statement of Finances)¹. Accordingly, Mr. Sandoval respectfully requests that this Court waive any fees levied by the Court in connection with this Petition.

¹ After receiving Mr. Sandoval's signed Statement of Finances, we, as Mr. Sandoval's counsel, realized we had erroneously provided him the Statement on Court of Appeals pleading paper. We apologize for the error but given that Mr. Sandoval is in prison in Minnesota, we were unable to get a revised Statement in time to file with the instant petition.

D. REQUEST FOR RELIEF

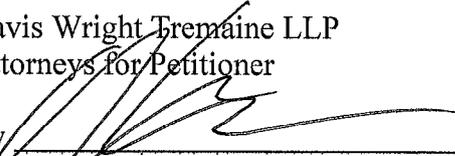
Mr. Sandoval respectfully requests that this Court reverse his convictions and sentences for Murder in the First Degree, Assault in the First Degree, and Conspiracy to Commit Murder in the First Degree.

E. OATH

I declare under penalty of perjury under the laws of the State of Washington that I am the attorney for the Petitioner, that I have read the Petition, know its contents, and I believe the Petition is true.

Dated this 16th day of April, 2015.

Davis Wright Tremaine LLP
Attorneys for Petitioner

By 

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nathanrouse@dwt.com
katetylee@dwt.com

Subscribed and sworn to before me this 16th day of April, 2015.




Name: Michelle F. Hall-Griffith
NOTARY PUBLIC in and for the
State of Washington, residing at
Tacoma.

My commission expires: 5-10-17

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

IN RE THE PERSONAL)
RESTRAINT OF:)
) COA No. 91578-4
)
) Pierce County No. 10-1-04055-4
EDUARDO SANDOVAL,)
)
) **STATEMENT OF**
Petitioner.) **FINANCES**
)
)
_____)

If you cannot afford to pay the \$250 filing fee or cannot afford to pay an attorney to help you, fill out this form. If you have enough money for these, do not fill this part of the form. **If currently in confinement you will need to attach a copy of your prison finance statement.**

I, Eduardo Sandoval, hereby declare:

1. I do ask the court to file this without making me pay the \$250 filing fee because I am so poor and cannot pay the fee.
2. I have \$ 45.08 in my prison or institution account.
3. I do ask the court to appoint a lawyer for me because I am so poor and cannot afford to pay a layer.

4. I am ___ am not employed. My salary or wages amount to \$_____ a month.

My employer is: _____
Name and address of employer

5. During the past 12 months I did ___ did not get any money from a business, profession or other form of self-employment. (If I did, it was: _____
Type of self-employment

And the total income I received was \$_____.

6. During the past 12 months I:

Did ___ Did Not Receive any rent payments. If so, the total I received was \$_____

Did ___ Did Not Receive any interest. If so, the total I received was \$_____

Did ___ Did Not Receive any dividends. If so, the total I received was \$_____

Did ___ Did Not Receive any other money. If so the total I received was \$_____

Do ___ Do Not Have any cash except as said in question 2 of Statement of Finances. If so the total amount of cash I have is \$_____.

Do ___ Do Not Have any savings or checking accounts. If so, the total amount in all accounts is \$_____

Do ___ Do Not Own stocks, bonds or notes. If so, their total value is: \$_____.

7. List all real estate and other property or things of value which belong to you or in which you have an interest. Tell what each item or property is

worth and how much you owe on it. Do not list household furniture and furnishings and clothing which you or your family need.

Items	Value
_____	_____
_____	_____
_____	_____

8. I am _____ am not married. If I am married, my wife or husband's name and address is:

9. All of the persons who need me to support them are listed below:

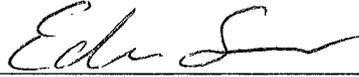
Name & Address	Relationship	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

10. All the bills I owe are listed here:

Name & Address of Creditor You Owe Money To	Amount
_____	_____
_____	_____
_____	_____
_____	_____

3/24/2015

DATED This ~~24~~ day of _____ 2015 at _____.



EDUARDO SANDOVAL

DISPLAY TRUST ACCOUNTS - (OTDTACC)

ID#	Last Name	First Name	Middle Name	Birth Date	Age	Gender	Alerts
0000242835	SANDOVAL	EDUARDO		02/14/1991	24	MALE	
BKG#	Facility	Status	In/Out	Reason	Classification	Ind	
	01 [A-W-TIER 3-GALLERY 3 FRONT-325]	ACTIVE-IN	In		Unclass	<input type="checkbox"/>	

Offender Balances

Closed Account? Total Current Hold Indigent?

Disbursement Freeze?

Offender Sub Accounts

Acnt Code	Type	Description	Balance	Indigent Since	Days Remaining
2101	REG	Spending	45.08		
2102	GAT	Gate	142.73		
2103	SAV	Savings	.00		
2104	DEP	Deposits	.00		

Offender Payables

Type	Description	Create	Info Number	Orig Amt	Total Paid	Write off Amt.	Total Owing
OHCC	Health Care CoPay-Oblig	01	03172014	1.24	1.24	0.00	0.00
FCC	Facility Cost Conf.	03	FCC		230.50	0.00	UNLIMITED
AVP	Aid to Victims of Crime	03	AVP		0.00	0.00	UNLIMITED

Next Page

My Offenders	My Work	My Calendar	Offender Updates	Offender Detail
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Gate Savings are not accessible until release.