

No. 92975-1

**COURT OF APPEALS, DIVISION TWO
OF THE STATE OF WASHINGTON**

**In re the Personal Restraint of Heidi Charlene Fero,
Petitioner.**

Personal Restraint Petition

J. Christopher Baird
WSBA No. 38944
JCBaird@perkinscoie.com
Margaret C. Hupp
WSBA No. 43295
MHupp@perkinscoie.com

PERKINS COIE LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Telephone: 206.359.8000
Facsimile: 206.359.9000

M. Fernanda Torres
WSBA No. 34587
ftorres@uw.edu

Innocence Project Northwest
University of Washington School of
Law
PO Box 85110
Seattle, WA 98145-1110
Telephone: 206.543.5780

Attorneys for Petitioner Heidi Charlene Fero

I. STATUS OF PETITIONER

Petitioner Heidi Charlene Fero is currently serving a 120-month sentence at the Washington Corrections Center for Women in Gig Harbor, Washington upon conviction of a crime. She is now in custody because of the following type of court order: Judgment and Sentence entered in *State v. Fero*, Clark County Cause No. 02-1-01117-9, entered on May 2, 2003.

1. The Court in which she was sentenced is the Clark County Superior Court.
2. She was convicted of First Degree Assault of a Child.
3. She was sentenced after trial on May 2, 2003. Judge Roger A. Bennett imposed the 180-month sentence.
4. Ms. Fero timely appealed from the decision of the trial court. She appealed to the Court of Appeals, Division II, which issued a published decision. *State v. Fero*, 125 Wn. App. 84 (2005). The Court of Appeals remanded for resentencing in light of *Blakely v. Washington*, 542 U.S. 296 (2004).
5. On remand to the trial court for resentencing, Judge Bennett imposed a sentence of 120 months on February 17, 2006.
6. This is the first time that Ms. Fero has filed a personal restraint petition. Since her conviction, Ms. Fero has not asked a court for relief from her sentence, other than described above.

II. INADEQUACY OF OTHER REMEDIES

No remedies are available to Ms. Fero to challenge her restraint other than this Personal Restraint Petition or an equivalent habeas corpus petition in Superior Court.

III. GROUNDS FOR RELIEF

Ms. Fero has the following grounds for relief from her sentence. The relevant factual background and the evidence upon which this personal restraint petition is based are set forth in Petitioner's Opening Brief (Brief) and Declarations filed herewith pursuant to RAP 16.7(a)(2) and RAP 16.10(a)(1). Ms. Fero incorporates by reference the facts and evidence contained within the Brief and Declarations.

Ms. Fero should be given a new trial or released from confinement pursuant to RAP 16.4(c)(3). Newly-discovered medical evidence, which was unavailable at the time of Ms. Fero's trial in 2003, refutes key trial testimony of the State's medical experts. Without that trial testimony, a jury could not have found Ms. Fero guilty.

IV. STATEMENT OF FINANCES

Ms. Fero is unable to pay the filing fees, fees of counsel, or fees of the medical experts that have offered declarations in support of her personal restraint petition. She remains indigent. Ms. Fero respectfully requests this Court to waive any fees levied by the Court as a result of this

petition. She has a spendable balance of \$100 in her institution account. She is employed by Correctional Industries, but earns less than \$100 per month. She has no other employment. During the past 12 months, she did not get any money from a business, profession, other form of self-employment, or any other source. She has no assets. Her liabilities include an over \$1 million restitution order stemming from her Judgment and Sentence entered in *State v. Fero*, Clark County Cause No. 02-1-01117-9. She is married. Her husband is Dustin Goodwin, and he lives at 321 NW 19th Avenue, Camas, WA 98607.

V. REQUEST FOR RELIEF

Ms. Fero requests that this Court vacate her conviction. In the alternative, she asks that an evidentiary hearing be ordered to resolve any factual disputes about Ms. Fero's unlawful restraint.

VI. OATH

I, J. Christopher Baird, after being first duly sworn, on oath, depose and say:

That I am Ms. Heidi Charlene Fero's attorney. I have read the petition, know its contents, and I believe the petition is true.

[remainder of this page intentionally left blank]

Dated this 5th day of May, 2014.



J. Christopher Baird
WSBA # 38944

Subscribed and sworn to before me this 5th day of May,
2014.



Name: Cheryl Robertson

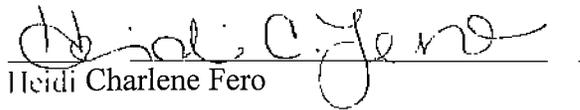
NOTARY PUBLIC in and For the State of

Washington, residing at Seattle

VII. VERIFICATION

I declare that I have received a copy of the petition prepared by my attorney and that I consent to the petition being filed on my behalf.

Dated this 5th day of May, 2014.


Heidi Charlene Fero

No. _____

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CERTIFICATE OF SERVICE

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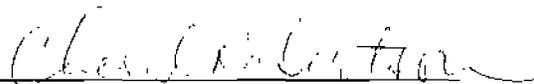
I, Cheryl Robertson, declare under penalty of perjury under the laws of the State of Washington, that on May 6, 2014, I caused to be served the following documents as indicated below:

1. *Personal Restraint Petition;*
2. *Opening Brief in Support of Personal Restraint Petition*
3. *Declaration of Heidi Charlene Fero;*
4. *Declaration of Dr. Janice Ophoven;*
5. *Declaration of Dr. Patrick Barnes; and*
5. *Certificate of Service.*

Tony Golik
Prosecuting Attorney
Clark County Prosecuting Attorney's Office
1013 Franklin Street
Vancouver WA 98666-5000
Telephone: (360) 397-2261

Via Hand Delivery

Dated this 6th day of May, 2014 at Seattle, Washington.


Cheryl Robertson