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**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION I**

*In re the Personal Restraint Petition of*  
**ARMONDO RAY SEPULVEDA,**  
Petitioner.

NO. 62395-8-I  
PETITIONER'S SURREPLY TO  
STATE'S RESPONSE

**I. INTRODUCTION**

The State's response, requested by this Court, indicates only that there is no evidence contradicting Sepulveda's sworn declaration that he was not provided notice of the time bar when sentenced. Sepulveda has already responded to DOC's response.

**II. ARGUMENT**

Although not framed as such, the State admits that it does not have any evidence to contradict or challenge Sepulveda's sworn declaration that he was not provided with notice of the time limits on collateral attack at the time of sentencing. Thus, neither DOC nor the State have shown that Sepulveda personally received notice.

The State complains that no transcript can now be prepared of the sentencing hearing. That certainly is not Sepulveda's fault.

1 Further, it was the State who charged Mr. Sepulveda with being a persistent  
2 offender—reviving an old conviction. Sepulveda candidly admits that he is attacking this  
3 conviction only because it was made relevant again due to the State’s persistent offender  
4 allegation.  
5

6 The State makes no effort to explain what efforts were made to contact other  
7 witnesses to the sentencing.  
8

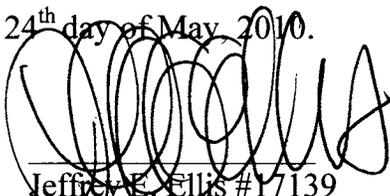
9 In the end, the State can only disparage, but it cannot dispute Sepulveda’s sworn  
10 declaration.  
11

12 This case vividly demonstrates why written notice is so valuable. It can be kept in  
13 a file for years to come. And, when official court file fails to contain that notice it is  
14 strong evidence that the notice was never provided.  
15

16 IV. CONCLUSION  
17

18 Based on the above, this Court should grant Sepulveda’s PRP.  
19

20 DATED this 24<sup>th</sup> day of May, 2010.  
21

22 

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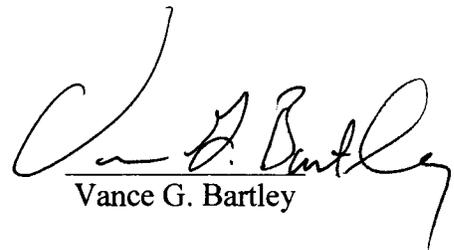
**CERTIFICATE OF SERVICE**

I, Vance G. Bartley, Paralegal for the Law Offices of Ellis, Holmes & Witchley, PLLC, certify that on May 24, 2010 I served the parties listed below with a copy of *Petitioner's Surreply To State's Response* as follows:

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Date and Place

  
Vance G. Bartley