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State of Washington
Respondent

VS.

Gregory Lee Allen
Appellant

COA: 63793-2-I

Statement of Additional
Grounds For Review
RAP 10.10

Comes now The appellant, Greg Allen,
and provides The court with his
Statement of Additional Grounds.

2010 JUL 26 10:00 AM
COURT OF APPEALS
3

Dated This 26TH day of July, 2010.

MR. Greg Allen
Petitioner

Ground #1

Evidence presented in count 3 did not prove beyond a reasonable doubt That a "Thought" constituted a True Threat To Kill.

A "Thought" does not constitute a True Threat.

Due process requires The state To prove every element of The Charged crime beyond a reasonable doubt. To obtain a conviction under RCW 9A.46.020, The state must satisfy both The Statutory elements of The crime and First Amendment demands.

Here, evidence presented did not prove beyond a reasonable doubt That a "Thought" constituted a True Threat.

In March 2005 The defendant, Greg Allen, petitioned The government for redress of grievances by filing a grievance with The Washington State Bar Association against Their Lawyer-member; Kevin McConnell.

MR. Allen's WSBA grievance was inspected prior To mailing by The Washington State Department of corrections and, once approved, was mailed by The State as "Legal mail." (Attachment: A)

WSBA employee, Felice Congalton, was assigned To investigate MR. Allen's grievance. MR. McConnell did not file a response To MR. Allen's grievance and Ms. Congalton sumarily dismissed MR. Allen's grievance without conducting an investigation.

MR. Allen was aggrieved by The wrongful dismissal of his grievance so on November 1st, 2005 he petitioned The wsBA for redress:

"The dismissal of my complaint against Kevin McConnell is wrong and it needs To be re-opened with a complete and Thorough investigation."

MR. Allen went on To List The awful Things McConnell did To him which resulted in his wrongful conviction and false imprisonment.

The combination of his wrongful conviction and false imprisonment had had a cumulative effect That placed him into extreme emotional distress:

"...This whole mess has inflicted an enormous amount of emotional and physical distress upon me. I've even had very strong Thoughts of murder suicide. I'm an innocent man who was convicted by his own freeking Lawyer."

MR. Allen closed by Telling The WSBA That if They didn't re-open his complaint Then he would be forced To Take civil action against McConnell.

Ms. Congalton did not re-open MR. Allen's grievance, nor did she consider MR. Allen's "Thought" That he "had" To be a True Threat: Just idle Talk.

wherefore The WSBA Took no further action.

On May 18TH 2009, some 3½ years Later, McConnell Testified That he didn't consider MR. Allen's "Thought" That he "had" To be a True Threat To Kill him, and That it was said in idle Talk:

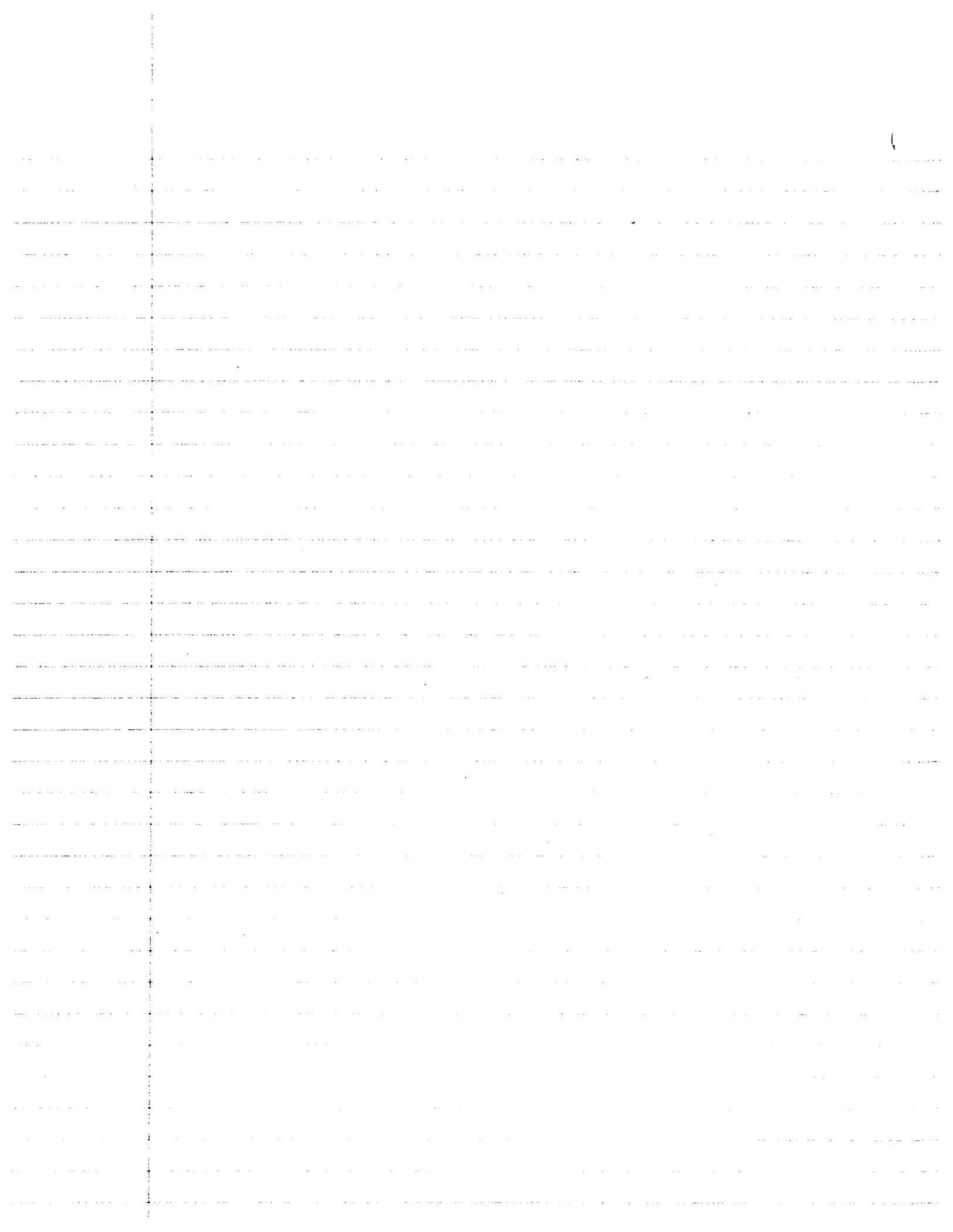
"I didn't consider it a...Threat To Kill me...he wasn't Talking To me. Just saying what was on his mind." (Idle Talk)

"I didn't feel Like a victim."

Felony harassment statute criminalizes pure speech, and therefore, it must be interpreted with the commands of the First Amendment clearly in mind.
U.S.C.A. Const. Amend. 1

The First Amendment presupposes that the freedom to speak one's mind is not only an aspect of individual liberty, and thus a good unto itself, but also is essential to the common quest for the truth and the vitality of society as a whole. State vs. Kilburn, 151 Wn.2d 42, 84 P.3d 1215 (2004).

"While laws proscribe all sorts of conduct the same is not true of speech; the law is not free to interfere with speech for no better reason than promoting an approved message or discouraging a disfavored one, however enlightened either purpose may strike the government."
Huxley vs. Irish-Am. Gay, Lesbian and Bisexual Group, 515 U.S. 579, 115 S. Ct. 2388, 132 L. Ed. 2d 487 (1995). U.S.C.A. Const. Amend. 1.



○
Felony Harassment Statute requires a mental element in that the defendant must knowingly threaten the alleged victim. State vs. Kilburn, 151 Wash. 2d 36, 84 P.3d 1215 (2004).

For a defendant to knowingly threaten the alleged victim, in violation of the Felony Harassment Statute, he must be aware that he is communicating a threat. State vs. J.M., 144 Wash. 2d 472, 28 P.3d 720 (2001).

For a defendant to "knowingly" threaten the alleged victim, he must be aware that the threat is of an "intent" to cause bodily injury... The threat must be real or serious, and idle talk, joking, or puffery does not constitute a knowing communication of an actual intent to cause bodily injury. State vs. J.M., 144 Wash. 2d 472, 28 P.3d 720 (2001).

To avoid unconstitutional infringement of protected speech, The Felony Harassment-Threat To Kill-be read as clearly prohibiting only True Threats. State vs. Schaler, 145 Wash. App. 628, 186 P.3d 1170 (2008).

On appeal from conviction of Felony Harassment, The Supreme Court would apply The rule of independent review because The sufficiency of The evidence question raised involved The essential First Amendment question; whether defendant's statements constituted a "True Threat" and therefore unprotected speech; The court would independently review The crucial facts in The record, i.e., Those which bore on The constitutional question. State vs. Kilburn, 151 Wash. 2d 36, 84 P.3d 1215 (2004).

See: State vs. Schaler, 145 Wash. App. 628, 186 P.3d 1170 (2008) Review Granted.



(Attachment: A)

Greg Allen #806649
SMLA A-8
Airway Heights Correction Center
Box 2074
Airway Heights, WA. 99001

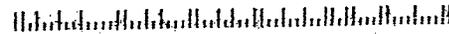


RECEIVED
NOV 03 2005
WSBA OFFICE OF
DISCIPLINARY COUNSEL

Felice Congalton
2101 4TH AVE #400
Seattle, WA. 98121

LEGAL MAIL

98121+2343-00 C064



TO: Felice Congalton,
W.S.B.A. File: N-A
Attorney: Kevin McConnell

RECEIVED
NOV 03 2005
WSBA OFFICE OF
DISCIPLINARY COUNSEL

11-1-05

Dear Ms. Congalton,

The dismissal of my complaint against Kevin McConnell is wrong and it needs to be re-opened with a complete and thorough investigation.

Kevin McConnell did assist the state in their malicious prosecution by omitting all impeachment evidence and eyewitnesses.

He omitted Charles Winters initial call to 911, The Des Moines police report, and the testimony of eyewitness Kulwant Singh.

And there is a mountain of other admissible evidence and eyewitnesses as well as an expert witness that he omitted from trial.

He didnt motion To dismiss For violation of due process, assistance of counsel, and speedy Trial which occurred on December 22nd 2004.

The Joinder was prejudicial and He didnt motion To sever.

Case # 04-1-12335-2 is a Pierce county matter That needed To be severed and dismissed.

The states so-called evidence was only Testimony and not cross-admissible yet Kevin Mcconnell did nothing To stop it.

At sentencing He omitted The Pierce county Amended Information That clearly states That The Theft 2 and Forgery were charged as crimes based on The same conduct Thus counting as one (1) point. This is Further proven To be accurate by The Pierce county J+S.

The omission of That evidence added an extra point at sentencing which in turn added 14 months To an already illegal conviction.

And To Further show His attitude and Hostility, He quit His Job without Filing my appeal.

The court gives a defendent 30 days To File a direct appeal.

I called The office on The 32nd day To inquire about The appeal.

And sure enough, He didnt File it.

His Former supervisor made an emergency motion To accept The Late Filing.

If I Hadnt of called, I would Have been sitting in prison waiting For an appeal That was never Filed.

you know, This whole mess Has inflicted an enormous amount of emotional and physical distress upon me. I've even Had very strong Thoughts of murder-suicide. Im an innocent man who was convicted by His own Freeking Lawyer! If you dont re-open my complaint Then Ill just go after That Fucken myself.

Allen

Ground # 2

Counsel knew of his extreme emotional distress prior to, during, and after the offense. He failed to raise any defense. See Bouchillon v. Collins, 907 F.2d 589 (5th Cir. 1990).

He became too emotionally distant to think clearly and was not able to function as a normal person would. Maddox v. Lord, 818 F.2d 1058 (2nd Cir. 1987) (Defense counsel's failure to present affirmative defense of extreme emotional disturbance...constitutes ineffective assistance of counsel); see also DeLuca v. Lord, 77 F.3d 578 (2nd Cir. 1996); United States v. Swanson, 943 F.2d 1070 (9th Cir. 1991).

Intent ordinarily may not be proved directly, because there is no way of fathoming or scrutinizing the operations of the human mind. But you may infer the defendant's intent from the surrounding circumstances. You may consider any statement made by the defendant, and all other facts and circumstances in evidence which indicate his state of mind.

United States v. Reeves, 594 F.2d 536, 541 (6th Cir. 1979). Counsel did not present this information to the sentencing court; the record does not indicate it even being considered. Intent is necessary for any level of some crimes. See State v. Hall, 104 Wn.App. 56, 14 P.3d 884 (2000) ([I]n prosecution for third degree assault...intent was an essential element of the offense...consider diminished capacity...in determining whether defendant could form requisite intent) (emphasis added); Jackson v. Herring, 42 F.3d 1350 (11 Cir. 1995). Defense counsel's inaction is not mere defense strategy.

The Teague doctrine states that the "principal functions of habeas corpus [is] 'to assure that no man has been incarcerated under a procedure which creates an impermissibly large risk that the innocent will be convicted.'" Bousley v. United States, 523 U.S. 614, 118 S.Ct. 1604, 140 L.Ed.2d 828 (1998) (citing Teague v. Lane, 489 U.S. 288, 312, 109 S.Ct. 1060, 103 L.Ed.2d 334 (1989) quoting Desist v. United States, 394 U.S. 244, 262, 98 S.Ct. 1030, 1040-1041, 22 L.Ed.2d 248 (1969)). Even more so should due diligence be exercised by the courts during the direct appeal process.

See W.S.B.A. Bar Complaint dated 11/1/05:

"This whole mess has inflicted an enormous amount of emotional and physical distress upon me." Indeed, and it was MR. Allen's extreme emotional disturbance that affected his thinking process; he could not form requisite intent. Counsel knew of MR. Allen's extreme emotional distress prior to, during, and after the offense. She failed to raise any defense. Defense counsel's failure to present affirmative defense of extreme emotional disturbance constitutes ineffective assistance of counsel.

Ground #3

Evidence presented in count 4 and 5 did not prove beyond a reasonable doubt That a Last Will and Testament constituted a True Threat To Kill.

A Last will and Testament does not constitute a True Threat To Kill.

What The State presented was Just a blank form. There was no written Threat attached To it.

"Under The First Amendment only a True Threat suffices for a conviction for Felony Harassment."
State vs. Kilburn, 151 Wash. 2d 36, 84 P.3d 1215 (2004).

See: Baur vs. Simpson, 261 F.3d 775 (9TH cir. 2001).

Ground #5

Error in Jury Instruction No. 8

Here, Instruction No. 8 misled The Jury and did not inform The Jury of The applicable Law.

It read: "To convict The defendant of The crime of Stalking..."

It should have read: To convict The defendant of {Felony} Stalking

WPIC 36.21.01, Stalking-Felony-Definition:

"use This instruction if it will help The Jury understand The charged offense or if it is necessary To define This particular offense for The Jury.

Use The bracketed word {Felony} only if The Jury is also being instructed on The gross misdemeanor form of Stalking."

Here, The Jury was also being instructed on The gross misdemeanor form of Stalking in Jury Instruction No. 9. Wherefore, The court was required To bracket The word {Felony} in Jury instruction #8.

The Jury was misinstructed.

Ground #6

Consecutive sentences were not justified and should be remanded for appropriate sentencing.

"Fact That stalking defendant acted in retaliation against his former prosecuting attorney did not justify sentence consecutive to sentences on defendant's convictions for assault, where stalking had been charged as a felony rather than a gross misdemeanor based on retaliation": State vs. Chance, 105 Wash. App 291, 19 P.3d 490 (2001).
Sentencing and Punishment @ 594.

Ground #7

Twenty (20) year sentence for Harassment and Stalking-Harassment is excessive. MR. Allen has no history of drugs, weapons or violence, and These convictions are non-violent crimes.

20 years is for murder; Not Harassment.

Ground #8

Double Jeopardy

Defendant was unlawfully placed in double jeopardy when The State charged him for both Harassment and Stalking-Harassment because The Harassment was incidental To The Stalking-Harassment.

The State charged The Harassment and Stalking-Harassment as crimes based on The same conduct and That They are "so closely connected That it would be difficult To separate proof of one charge from proof of another," and That it was a continuous course of conduct from June 14TH 2005 Through To May 23rd 2007.

Ground #9

6TH Amendment entitles defendant To representation by conflict free counsel.

U.S. Vs. Adkins, 274 F.3d 444 (7TH cir. 2001)

Failure To conduct an adequate inquiry into defense counsel's potential conflict of interest constitutes a violation of The 6TH Amendment Right To Counsel That requires reversal: Atley vs. Ault, 191 F.3d 865 (8TH cir. 1999)

(Omnibus 11/14/08)

Defendant: "I had received a Letter from The Bar Association... Erica Bush at The Bar Association Stated Mosley explained he has withdrawn as counsel due To The conflict of interest."

Court: "Where are you going with This."

Defendant: "...MR. Mosley feels There's a conflict of interest-

Court: "Right now, I'm reassigning MR. Mosley To your case."



WSBA

OFFICE OF DISCIPLINARY COUNSEL

NOV 12 2008

Felice P. Congalton
Senior Disciplinary Counsel

Erica Bush
Consumer Affairs Assistant

November 7, 2008

Greg Allen
#207054422
King County Correctional Facility
500 Fifth Ave
Seattle, WA 98104-2332

Re: Your request for file

Dear Mr. Allen:

On September 7th I spoke to Mr. Mosley about your file and related documents. Mr. Mosley explained that he has withdrawn as council due to a conflict of interest. He is holding onto all discovery until you have new representation at which time he will provide all of your information and discovery to your new attorney.

Mr. Mosley expressed concern about leaving file with just anyone and wants to make sure it is in the hands of an attorney. Please feel free to contact me if there is anything we can do to further assist you in this matter. I will be including all of your original correspondence with our office.

Sincerely,


Erica Bush
Consumer Affairs Assistant

cc: Kirk Mosley Attorney At Law

Ground #10

Failure To conduct an adequate inquiry into defense counsel's potential conflict of interest constitutes a violation of The 6TH Amendment Right To Counsel That requires reversal: *Atley vs. Ault*, 191 F.3d 865 (8TH cir. 1999).

(Trial 5/18/09)

Defendant: "There's a conflict of interest. I Told Ms. Halverson she is fired because of The conflict of interest."

Court: "All right. Thank you, Sir."

Ground # 11

The defendant was subject to unfair prejudice and denied a fair trial when the state introduced evidence to the jury of defendant's prior conviction of "crimes of Dishonesty."

Prior convictions of crimes of dishonesty are not admissible unless the defendant testifies and/or the newly charged crime also is a crime of dishonesty where the state may introduce to show knowledge, intent and/or culpability.

In the instant case the defendant was charged with Harassment, which is not a crime of dishonesty.

The state introduced the defendant's prior conviction of Theft 1 to the jury in great detail (Punching the ignition and stealing a Corvette) essentially re-litigating the case for three purposes:

- (1) To attack the defendant's character;
- (2) To attack the defendant's credibility;
- (3) To inflame the jury.

This had a significant impact on the jury. The defendant was prejudiced and denied a fair trial. His convictions should be reversed and remanded for new trial.

Ground #12

Cumulative Error Doctrine

cumulative error may warrant reversal, even if each error standing alone would otherwise be considered harmless: State vs. Jones, 183 P.3d 307 Wash. App. Div. 2 (2008).

(1) counsel erred by failing to interview and subpoena witness Richard Morgan.

(2) counsel erred by failing to interview and subpoena witness Felice Congalton.

(3) Counsel erred by failing to interview and subpoena witness Jim Jellison.

(4) Counsel erred by failing to interview and subpoena witness Kulwant Singh.

(5) Counsel erred by failing to interview and subpoena witness Roland Budge.

(6) Counsel erred by failing to interview and subpoena witness Gregory Sheridan.

(7) Counsel erred by failing to interview and subpoena witness Donald Wackerman.

(8) Counsel erred by failing to interview and subpoena witness Ann Harper.

(9) Counsel erred by failing to interview and subpoena witness Don Madsen.

(10) Counsel erred by failing to interview and subpoena witness Jeanette Brinster.

(11) Counsel erred by failing to interview and subpoena witness Dane Bean.

(12) Counsel erred by failing to interview and subpoena witness Michael Olivieri.

(13) Counsel errored by failing To interview and subpeona witness Rick Stark.

(14) Counsel errored by failing To interview and subpeona witness Ed Trueblood.

(15) Counsel errored by failing To interview and subpeona witness Charles winters.

(16) Counsel errored by failing To interview and subpeona witness Dale Zlock.

(17) Counsel errored by failing To interview and subpeona witness Kathy Gilman.

(18) Counsel errored by failing To interview and subpeona witness Russ Goedde.

(19) Counsel errored by failing To interview and subpeona witness Stephen Teply.

(20) Counsel erred by failing to interview and subpoena witness Irene Lau.

(21) Counsel erred by failing to interview and subpoena witness Jackie Maclean.

(22) Counsel erred by failing to interview and subpoena witness Leesa Manion.

(23) Counsel erred by failing to interview and subpoena witness Dan Satterberg.

(24) Counsel erred by failing to schedule a Cr.R 3.5 confession procedure.

(25) Counsel erred by failing to schedule a Cr.R 3.6 suppression hearing.

(26) Trial Court erred by failing by failing to conduct a Cr.R 3.5 confession hearing.

"When a 'Statement' of The accused is to be offered in evidence, The Judge at The Time of omnibus shall hold or set The Time for a hearing, if not previously held, for The purpose of determining whether The Statement is admissible."

Here, The defendant was charged with Three (3) counts of Felony Harassment-Threat To Kill. RCW 9A.46.20. Felony Harassment Statute criminalizes pure speech. In order to preserve The vital right to free speech, it is imperative That The court carefully assess "Statements" at issue to determine whether They fall within or without The protection of The First Amendment.

Here, The court was required, but failed, to hold a Cr.R 3.5 confession hearing to determine whether The defendant's "Statements" are admissible in prosecution for Felony Harassment Statute: which criminalizes pure speech.

(27) Trial Court erred by failing to conduct an adequate inquiry into defense counsel's potential conflict of interest.

(28) Trial Court erred by allowing the prosecutor to admit defendant's prior conviction of Theft I, where defendant's prior conviction of "Crimes of Dishonesty" were not admissible and thus prejudiced the defendant by attacking his character and credibility without taking the stand.

(29) Counsel erred by failing to conduct a special Inquiry Hearing (RCW 10.27) and to subpoena Kirk Mosley and to compel him on the record to produce twelve (12) months worth of pre-trial defense investigation work product to support and justify each speedy trial waiver he had his client sign, and to inquire about his conflict of interest leading to his withdrawal: After being on the case for one (1) year.

(30) Counsel erred by omitting defendant's witnesses.

(31) Counsel erred by omitting defendant's evidence.

(32) Counsel erred by omitting defendant's expert witnesses.

(33) Counsel erred by omitting defendant's defense.

(34) Counsel erred by failing to obtain trial clothes for the defendant.

(35) Counsel erred by failing to raise an affirmative defense of diminished capacity.

(36) Counsel erred by refusing to impeach the state's witnesses.

(37) Counsel erred by failing to raise a significant and obvious state law claim: That defendant has the federally protected constitutional right to petition the government for redress of grievances; without fear of retribution.

(38) Counsel erred by failing To move for change of Venue due To conflict of interest with The prosecutors office. (Prosecutor as witness).

(39) Counsel erred by failing To object To The admission State's exhibit #49: "Order Prohibiting Contact" which was issued by The court at defendant's arraignment. The admission misled The Jury into believing That McConnell and Furness were in such fear That They went To The court and requested no contact orders. McConnell and furness did not ask The court for a no contact order. The Jury was misled.

(40) Counsel erred by failing To object To The admission of exhibit #39: Order on criminal motion, cause #04-1-12335-2.

(41) Counsel erred by failing To object To The admission of exhibit #40: Order on criminal motion, case #04-1-12335-2.

(42) Counsel errored by failing To object To The admission of exhibit #41: Order on Criminal motion, cause #04-1-12335-2.

(43) Counsel errored by failing To object To The admission of exhibit #42: notice of Appearance and Request for Discovery, cause #04-1-12335-2.

(44) Counsel errored by failing To object To The admission of exhibit #43: Order on criminal motion, cause #04-1-12335-2.

(45) Counsel errored by failing To object To The admission of exhibit #44: Order on Criminal motion, cause #04-1-12335-2.

(46) Counsel errored by failing To object To The admission of exhibit #45: Order on criminal motion, cause #04-1-12335-2.

(47) Counsel errored by failing To
object To The admission of exhibit
#46: Order on criminal motion, cause
#04-1-12335-2.

(48) Counsel errored by failing To
object To The admission of exhibit
#47: Order on criminal motion, cause
#04-1-12382-4.

(49) Counsel errored by failing To
move To supress State's exhibits
1; 2; 3; 4; 5; 6; 7; 8; 9; 10;
11; 12; 13; 14; 15; 16; 17; 18; 19; 20;
21; 22; 23; 24; 25; 26; 27; 28;
29; 30; 31; 32; 33; 34; 35; 36; 37;
38; 39; 40; 41; 42; 43; 44; 45; 46;
47; 48; 49; 50.

Ground #13

Brady Violation. Attorney misconduct.

In August 2008 The prosecutor Told The court That The State obtained "New Discovery" and would provide a copy To defense counsel, Kirk Mosley. Mosley was not served and he withdrew on January 9TH 2009.

On July 6TH 2009 The prosecutor filed a declaration concerning The new discovery. The prosecutor admitted Mosley was not served, That she misplaced The discovery and, upon finding it, faxed a copy To Karen Halverson:

"I faxed The documents To counsel on May 28TH 2009."

On July 9TH 2009 Halverson filed a declaration she knew To be False; Claiming To have found The new discovery "in a bundle of approximately 20 Letters."

Halverson filed The false declaration with The intent To harm The defendant on appeal: Knowing a Brady violation warrants reversal.

Even more disturbing is The fact That she made her false declaration in open court before The Judge and The prosecutor, both of whom knew she was lying, and they let it go uncorrected.

"Suppression of evidence favorable To The defense violates due process."
Brady vs. Maryland, 373 U.S. 113.

"Due process clause requires That state disclose any material exculpatory information To The defense."
Knox vs. Johnson, 224 F.3d 470 (5th cir. 2000).

The state admitted That The new discovery was not provided To The defense until May 28th 2009 after The Trial. Whether The new discovery would be admissible is determined pre-Trial: not after The Trial. The defendant's convictions must be reversed.

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)	
)	
)	Plaintiff,
)	No. 07-1-08675-3 SEA
)	
vs.)	
)	DECLARATION OF CORINN J.
GREGORY ALLEN,)	BOHN
)	
)	Defendant.
)	
)	
)	

I, Corinn J. Bohn, hereby declare as follows:

1. I am a Senior Deputy Prosecuting Attorney assigned the matter of State of Washington vs. Gregory Allen. I was pre-assigned this file and was the trial deputy. This case was filed on December 21, 2007, and the defendant was arraigned on January 4, 2008.

2. One of the victim's in this case is Kevin McConnell, a criminal defense attorney with the Northwest Defender's Association. During the pendency of this case, Kevin McConnell and I handled other cases wherein he represented the defendant and I represented the State. One of those cases was State of Washington vs. Martez Winters, and one was State of Washington vs. Leon Williams. Both of those cases were "third strike" cases, and Mr. McConnell and I were often in court together for hearings.

3. I do not have a specific recollection of a date, but I now have a very vague recollection that at some point during a hearing on a different matter (or at a time when I was talking to Mr. McConnell about one of our other matters) that he mentioned that he had documents in the Allen case that he had received from the Washington State Bar Association ("Bar"). At some point, again during a discussion on one of our other cases, he gave me the documents he had earlier referenced and are attached hereto as Exhibit A.

1 4. Although I received the documents, I have no recollection of ever reading them
2 upon receipt. (Apparently, at some point in time I placed the documents in the pocket part of my
3 trial notebook. I say "apparently" because this is where I subsequently found them, under other
4 sheets of paper, at the conclusion of the trial when I cleaned out the notebook. I have no
5 recollection of placing them there or of ever reading them.)

6 5. The documents I found were authored by the defendant and received by the Bar
7 Association on July 25, 2008, July 29, 2008, and August 21, 2008. Copies were subsequently
8 provided to Mr. McConnell with a cover letter dated August 27, 2008, and according to the "cc."
9 on the cover letter, Mr. Allen received a copy of the cover letter and the letters he had originally
10 authored.

11 6. This case was assigned to the Honorable Judge Fox for trial on May 18, 2009.
12 During the course of the trial, I heard Mr. Allen indicate to his lawyer that there were other
13 letters that were written to the Bar that the State had not produced. He inferred that the letters
14 contained an explanation of his actions. Counsel inquired of me, and I indicated I did not know
15 of the letters he referenced. However, I made it clear to counsel and to the court that I was not
16 representing that I had the entirety of letters written by Mr. Allen to the Bar. (In the course of
17 the testimony of the representative of the Bar the witness indicated that Mr. Allen has made
18 some 20 grievances about multiple lawyers.)

19 7. During the pendency of this case, Mr. Allan has been represented first by "Chip"
20 Mosley and then by Karen Halvorsen at the time of trial. To my knowledge, neither counsel
21 subpoenaed the files of the Washington State Bar Association.

22 8. A verdict of guilty was rendered on May 21, 2009 on all charged counts and all
23 aggravators.

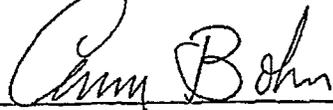
24 9. During the following week I began to clean out my notebook and prepare the file
for closure. As I went through my trial notebook I located the documents that are the subject of
this hearing. Upon reading the documents it became apparent to me that these were the
documents Mr. Allen had been referencing. I faxed the documents to counsel for Mr. Allen upon
discovery on May 28, 2009.

I take my obligations to provide discovery to the defendant seriously. Had I been
aware of the documents in my possession I would have provided them to counsel without
hesitation (as I did upon their discovery).

11. The documents contain self-serving hearsay and were authored by the defendant
only after charges in this matter had been filed and asserted against the defendant. The
suppression of these documents would have been the subject of a pretrial motion just as I made a
motion to suppress the defendant's self serving statements to the detective even before the filing
of charges. The court granted that pre-trial motion in limine.

1
2 Under penalty of perjury under the laws of the State of Washington, I certify that the
3 foregoing is true and correct to the best of my knowledge and belief.

4 Signed and dated by me this 2nd day of July, 2009, at Seattle, Washington.

5 
6 CORINN J. BOHN

RECEIVED

JUL 25 2008

WSBA OFFICE OF
DISCIPLINARY COUNSEL

Please return a copy for my records

RECEIVED

JUL 25 2008

WSBA OFFICE OF
DISCIPLINARY COUNSEL

To : W.S.B.A.

W.S.B.A. File #05-00424

Lawyer : Kevin McConnell

Re : Grievance Dated 11-1-2005

Dear W.S.B.A.,

I've recently Learned That my grievance dated 11-1-2005 is being misconstrued as containing some sort of physical Threat Toward Kevin McConnell. To clarify when I Stated :

"I'm an innocent man who was convicted by his own Freeking Lawyer! If you don't re-open my complaint Then I'll Just have To go after That Fucker myself."

I am referring To going after McConnell
with a civil suit For misrepresentation,
Slander and defamation, and For
Failing To act in my best interest

Dated This 23rd day of July, 2008.

MR. Gregory Allen
Petitioner

RECEIVED

JUL 29 2008
WSBA OFFICE OF
DISCIPLINARY COUNSEL

(Please return a copy For my records)

RECEIVED

JUL 29 2008

WSBA OFFICE OF
DISCIPLINARY COUNSEL

To: Felice Congalton
W.S.B.A. File No. 05-00424

Re: Grievance dated 11-1-2005

Dear Ms. Congalton,

I've recently become aware That my grievance against Kevin McConnell dated 11-1-2005 is being misconstrued as containing some sort of physical Threat Toward MR. McConnell.

I'm sorry For your confusion and or misunderstanding but my grievance does not contain a single Threat of bodily harm.

Firstly, when I stated I "had" Thoughts of murder suicide please look up The definition of "Had" and "Have". Also, Those Thoughts That I "Had" were not Toward MR. McConnell anyway. It was Toward another of whom I believe may have killed my 81 year old Father.

Secondly, when I stated:

"I'm an innocent man who was convicted by his own Freeking Lawyer... If you don't re-open my case Then I'll Just have To go after That Fucker my self"

I'm referring To obtaining a Lawyer To File a civil suit against MR. McConnell For Tort, Libel, Slander, Defamation, Professional Negligence and misrepresentation.

In March of 2006 I requested From The office of Public Defense Through Public Disclosure a copy of Their malpractice insurance as well as of That of The North West Defenders. I notified both agency's of what MR. McConnell did and I Told Them That if They wanted To settle The matter out of Court That I would be open To negotiations. They Then ran To Daniel Satterbergs office and devised a scheme or plan To silence me.

Dated This 27TH day of July, 2008.

MR. Greg Allen

Petitioner

page 2 of 2

RECEIVED

AUG 21 2008

WSBA OFFICE OF
DISCIPLINARY COUNSEL

To: Felice Congalton
W.S.B.A. File #05-00424

Re: Your Letter dated 12-15-2005 To
Walla Walla Superintendent
Richard Morgan

Dear Ms. Congalton,

As you are aware, I Filed a grievance against prosecuting public defender Kevin McConnell. MR. McConnell never Filed a response and you dismissed my grievance without conducting an investigation Thus endorsing McConnell's misconduct.

On 12-15-2005 you released a copy of my grievance Letter dated 11-1-2005 To prison Superintendent Richard Morgan, Telling him you were "Concerned" about The Final paragraph grievance.

You did not have The authority To release That grievance as grievances are exempt From public record unless The attorney was sanctioned. Doc put your Letter and my grievance into my central File which is available Through Public Disclosure.

And please explain The Following:

- (1) why were you not "Concerned" That McConnell Slandered me and defamed when I refused To accept his guilty plea conviction
- (2) why were you not "Concerned" That McConnell was refusing To investigate and interview defense witnesses
- (3) why were you not "Concerned" That McConnell was refusing To investigate and subpoena defense records
- (4) why were you not "Concerned" That McConnell was refusing To investigate and execute Two (2) Court orders To inspect evidence dated July 6TH 2004 and Signed by Judge Dean Lum
- (5) why were you not "Concerned" That McConnell Lied To Judge Kessler on 3-10-05, and 3-22-05, Telling The court That he was in The process of executing The Two (2) Court orders, when he knew he was not, Thus misleading The court.

(6) why were you not "Concerned" That
McConnell Told Judge Kessler:

"I don't wish him well"

(7) why were you not "Concerned" That
McConnell Told Judge Canova:

"I'm so disaffed From This man"...

"I am worried That I may violate
The RPC's because I have such
Feelings now..."

"I Feel I Should Communicate with
him... but I don't want To..."

"I don't Trust him"...

"I don't wish him well"...

"I would Love To be out of This case"...

note: McConnell was angry and retaliating
against me because I wouldn't accept
his guilty plea conviction. He was
also protecting a states witness,
Charles Winters, who lied To The police
and Filed Two (2) False police reports.
Winters is an ex-cop.

(8) Why were you not "Concerned" That McConnell intentionally omitted all admissible impeachment defense evidence, and defense witnesses, To assist The State in a malicious prosecution

(9) Why were you not "Concerned" That McConnell Told The Jury That he was Friends with The prosecutor and That They work Together:

"Matt Anderson, obviously, we know each other, and work"

(10) Why were you not "Concerned" That McConnell refused To impeach ex-cop Charles Winices

(11) Why were you not "Concerned" That McConnell refused To impeach Federal Way police officer Ellis, officer walker, officer Lunt, officer Riggles

(12) Why were you not "Concerned" That McConnell intentionally omitted Pierce County records which affected my offender Score Thus adding 14 months To an already wrongful conviction

(13) Why were you not "Concerned" That McConnell quit his Job and Left The office without Filing my appeal. This was no oversight, he Told me That he Filed it.

(14) Why were you not "Concerned" That McConnell was Lying To Anne Harper and Carole Furness at The office of Public Defense when They inquired about my complaints against him

(15) Why were you not "Concerned" That McConnell made False and desparaging allegations against me To The Court at Sentencing.

(16) Why were you not "Concerned" That McConnell Slandered me, defamed me, and made False and desparaging allegations against me To The Jury in closing arguments.

(17) Why were you not "Concerned" That McConnell praised officer Ellis, The Lying cop who said I was in The driver's seat when I was Just a passenger in The Stolen Car, and The same cop who planted my Jacket and sunglasses in The Trunk of The Car.

(18) Why were you not "Concerned" That an Innocent man was sitting in prison being subjected to Threats, intimidations, and assaults because he was rail-roaded Through Trial without his admissible defense evidence, and without his defense witnesses by a mentally ill Lawyer who's actions border on criminal.

The way you mishandled my grievance is absurd and you sent out The wrong message To The Community by wrongfully dismissing my grievance, and misconstruing my grievance dated 11-1-2005. It's messed up That you allow mcconnell To abuse his client and Then attack The grievant.

I should sue you, Too.

Sincerely,

Mr. Allen

FILED

09 JUL 06 PM 2:02

KING COUNTY
SUPERIOR COURT CLERK
E-FILED

CASE NUMBER: 07-1-08675-3 SEA

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SUPERIOR COURT OF WASHINGTON
IN AND FOR THE COUNTY OF KING

STATE OF WASHINGTON,)	
)	NO. 07-1-08675-3
Plaintiff,)	
v.)	SECOND DECLARATION
)	OF KAREN HALVERSON
GREGORY ALLEN,)	
)	
Defendant.)	

Hearing date: July 10, 2009 at 11:00 am

I. DECLARATION

I, Karen Halverson depose and state:

1. I represent the defendant, Gregory Allen on the above-entitled cause.

2. Before trial Mr. Allen mentioned that he had sent the Washington State Bar Association a letter or letters explaining that he did not intend to threaten or harass Kevin McConnell or Carole Furness. He asked me to get those letters from the bar association. I called the bar association on April 3, 2009 and left a voicemail message for Felice Congalton. I received the attached letter from the bar association on April 10, 2009. Appendix A. On April 13, 2009 I sent Mr. Allen the attached letter. Appendix B.

SECOND DECLARATION OF
KAREN HALVERSON- 1

Karen A. Halverson
Attorney at Law
3231 Lombard Avenue, Everett, WA 98201
Phone 425.257.2027 Fax 425.257.2047
Karen@karenhalversonlaw.com

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3. After discussing the letters in question with Kirk Mosley I again went through all of the paperwork and information I have in reference to this case on July 6, 2009. Shortly after I began representing Mr. Allen, Mr. Mosley mailed me a box containing over 100 magazines and catalogs. Also contained in the box were several copies of discovery and a lot of correspondence.

4. After going through the box today, I found the attached letters which appear to be the same letters I received from Deputy Prosecuting Attorney Corinn Bohn on May 28, 2009. Attached as Appendix C. I had not noticed these letters before. They were contained in a bundle of approximately 20 letters total, nine of which were from the bar association disciplinary counsel in regard to bar complaints Mr. Allen had filed against Mr. Mosley.

I declare under penalty of perjury that the above is true and correct.

DATED this 6st day of July, 2009.



Karen Halverson

SECOND DECLARATION OF
KAREN HALVERSON- 2

Karen A. Halverson
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