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JUN 27 2011

King County Prosecutor
Appellate Unit

COURT OF APPEALS
STATE OF WASHINGTON
2011 JUN 27 PM 4:26

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

In the Matter of the Application for Relief)
From Personal Restraint of:)
)
)
JEFFREY McKEE,)
)
Petitioner.)
)
_____)

No. 67484-6

**PERSONAL
RESTRAINT
PETITION**

I. STATUS OF PETITIONER

Petitioner McKee is now in custody at the Coyote Ridge Corrections Center. In 2005, a jury found McKee guilty of two counts of first degree rape while armed with a firearm. McKee appealed. By published opinion entered on July 27, 2007, this Court affirmed McKee's convictions, but granted the state's cross-appeal of McKee's exceptional sentence below the standard range and remanded for resentencing. McKee appealed the judgment and sentence imposed on remand, but this Court affirmed by unpublished opinion on September 28, 2009. McKee sought further review pro se, but it was denied, and this Court issued the mandate on June 25, 2010.

III. Statement of Finances

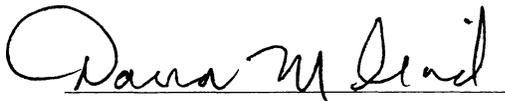
The Superior Court declared McKee indigent for purposes of his direct appeal. His position has not changed. He has been incarcerated since his conviction and has no significant assets. Under RAP 16.15(h), McKee respectfully requests that this Court waive his filing fee and other costs necessary for consideration of his petition.

IV. Request for Relief

Mr. McKee respectfully requests that this Court overturn his convictions based on the violation of his constitutional public trial right. Alternatively, he requests this Court vacate his firearm enhancements as the instructions regarding the special verdicts for the firearm enhancements violated his due process rights.

I declare that I have examined this petition and to the best of my knowledge and belief it is true and correct.

DATED this 27th day of June, 2011.



DANA M. LIND
WSBA No. 28239
Nielsen, Broman & Koch
Attorneys for Petitioner