

FILED
May 12, 2015
Court of Appeals
Division I
State of Washington

No. 73785-6-I

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

IN RE THE PERSONAL RESTRAINT PETITION
OF:

PARAMJIT SINGH BASRA,

PETITIONER.

**PERSONAL RESTRAINT PETITION
(CORRECTED)**

Jeffrey E. Ellis #17139
Attorney for Mr. Basra

Law Office of Alsept & Ellis,
LLC 621 SW Morrison St., Ste
1025
Portland, OR 97205
JeffreyErwinEllis@gmail.com

A. STATUS OF PETITIONER

Paramjit Basra (hereinafter “Basra”) challenges his King County judgment of conviction (Case No. 09-1-05492-1) for murder. Mr. Basra (DOC # 357517) is currently incarcerated at the Clallam Bay Corrections Center in Clallam Bay, Washington.

This is Mr. Basra’s first collateral attack on his judgment

B. FACTS

Procedural History

Mr. Basra was charged with murdering his wife by an Information filed on July 29, 2009, in King County, Washington. Mr. Basra was convicted by a jury on February 22, 2012. He was sentenced to 20 years in prison on April 20, 2012. Basra appealed.

This Court affirmed Basra’s conviction, but remanded for resentencing. *State v. Basra*, 178 Wn.App. 1003 (2013) (unpublished opinion). The Washington Supreme Court denied review on April 2, 2014. 180 Wash.2d 1002. The mandate was issued on April 16, 2014.

In accordance with this Court’s mandate, an amended judgment was entered on May 28, 2014.

This petition timely follows.

Facts from Trial

Paramjit and Harjinder Basra were married in their native India and moved to the United States with their son and youngest daughter in 2006. RP 332. The family settled in Auburn, Washington.

Paramjit ran a transportation business in India and became a truck driver when he moved to the United States. RP 334, 460, 481. On July 27, 2009, Mr. Basra was to begin a new job. On his way to work, Mr. Basra realized he had left his wallet and cord for his GPS at home. RP 549, 731-32. Mr. Basra went home and began searching the master bedroom for the wallet and GPS cord. RP 176, 342.

On direct appeal, this Court summarized the State's case:

At trial in February 2012, 24-year-old Amandeep testified that on the morning of July 27, 2009, she was working on her homework on the computer in her parents' bedroom while her mother was lying awake on the bed. Then Basra returned to the house and came into the bedroom looking for his wallet. Basra and Harjinder began quarreling. Basra told Amandeep to leave the room. When Amandeep refused, Basra slapped her face. When Harjinder told Basra to stop, Basra grabbed Harjinder by the neck or shoulders and pushed her against the wall. As Basra held and pushed on Harjinder's neck, Amandeep called 911, screaming that Basra was killing her mother, but the call was disconnected. Amandeep then called her brother on the phone. Amandeep testified that she then saw Basra with his hands on Harjinder's neck while Harjinder was lying on the floor near the bedroom door. At some point during the altercation, Amandeep slapped Basra, knocking off his turban, in an attempt to make him stop attacking Harjinder. Amandeep then locked herself in the bathroom to speak to the 911 operator, who had called back. The State also played a recording of Amandeep's 911 calls, in which she said Basra was "beating" Harjinder, he tried to kill Harjinder by

“pushing her neck,” and “he grabbed a rope and just put it on my mom's neck.”

Detective Anna Weller of the Auburn Police Department testified that she interviewed Amandeep in October 2009. Amandeep told her that Basra's attack of Harjinder began when “he got mad and started beating her” by “[s]lapping and pushing” her.

Dr. Micheline Lubin, of the King County Medical Examiner's Office, testified that she found two parallel lines across Harjinder's neck, consistent with ligature strangulation, which she identified as the cause of death. Dr. Lubin testified that strangulation by ligature takes 10 to 20 seconds to produce unconsciousness and 30 to 60 seconds to produce irreversible brain damage. Dr. Lubin also testified that a Global Positioning System (GPS) cord found at the scene by police was consistent with the ligature impression on Harjinder's neck.

Mr. Basra's defense was diminished capacity. He called Dr. Vincent Gollogly in support, who diagnosed Basra as suffering from a single episode of a major depressive disorder. RP 508-16. According to Dr. Gollogly, Mr. Basra was panicked, anxious, and depressed which made it impossible for him to premeditate. RP 585-99.

On cross, the State challenged the basis of Dr. Gollogly's diagnosis, arguing that it was based entirely on Mr. Basra's self-reporting. Despite Mr. Basra's urging, defense counsel did not obtain blood tests until months after the homicide. See attached *Letter to Chief Justice*. Those tests showed an elevated thyroid level. See attached *Blood Test results*. Dr. Gollogly states in a declaration that because thyroid often cause depression-like symptoms this information would have supported his challenged diagnosis. See *Declaration of Dr. Vincent Gollogly*; RP 663.

Mr. Basra testified. However, he was only asked one question (the color of the turban he was wearing). RP 685. When the prosecutor asked Mr. Basra whether he killed his wife, defense counsel objected. RP 686-87. Because Basra took the stand for one question, he was not entitled to an instruction telling jurors they could not use his failure to testify against him. Attached to this petition is a declaration of Mark Larranaga, which states that it falls below the standard of practice for competent counsel to effectively negate a defendant's right to testify by asking only one question. By doing so, counsel effectively interferes with the right to testify, as well as eliminates the right to an instruction telling jurors not to draw any adverse inference from a defendant's silence. See *Declaration of Mark Larranaga*.

During closing arguments, defense counsel began by telling that he expected jurors to convict Mr. Basra of murder. "Guilty, Guilty. That's the finding we think the jury is going to make." RP 941. Defense counsel then urged Basra's jury to convict him of manslaughter, undercutting his expert's testimony. RP 941. Mr. Basra was not asked and did not authorize counsel to argue that he was guilty of manslaughter.

The jury found Basra guilty as charged.

Additional relevant facts appear below.

C. ARGUMENT

- 1.a. Mr. Basra was Denied the Right to be Present When Jurors Were Dismissed for Hardship.
- 1.b. Mr. Basra was Denied the Right to Effective Appellate Counsel When Counsel Failed to Assign Error to the Denial of Mr. Basra's Right to Be Present During Jury Selection.

Introduction

Without Basra present (“On February 6, 2012, with counsel for the parties present...”), several jurors were excused for hardship. *Transcript of Hardship and Private Voir Dire* attached. Conducting this portion of jury selection without Basra violated his constitutional right to be present. Nearly half of the jurors excused had a family member afflicted with mental illness or had some other knowledge of mental illness.

In addition, Mr. Basra was denied his right to effective assistance of appellate counsel when counsel failed to allege on appeal the denial of Basra's right to be present.

A Defendant Has a Right to be Present During Hardship Excusals

This claim is controlled by *State v. Irby*, 170 Wash.2d 874, 246 P.3d 796 (2011).

A criminal defendant has a fundamental right to be present at all critical stages of a trial. *Rushen v. Spain*, 464 U.S. 114, 117, 104 S. Ct. 453, 78 L. Ed. 2d 267 (1983); *Irby*, 170 Wn.2d at 880-81.

The federal constitution does not explicitly guarantee the right to be present, but the right is rooted in the Sixth Amendment's confrontation clause and the Fourteenth Amendment's due process guarantee. *United States v. Gagnon*, 470 U.S. 522, 526 (1985). Under the federal constitution, a defendant has the right to be present “whenever his presence has a relation, reasonably substantial, to the fullness of his opportunity to defend against the charge.” *Snyder v. Massachusetts*, 291 U.S. 97, 105-106 (1934). Stated another way, “the presence of a defendant is a condition of due process to the extent that a fair and just hearing would be thwarted by his absence.” *Snyder*, 291 U.S. at 107-108.

The federal constitutional right to be present for jury selection is well recognized. See *Lewis v. United States*, 146 U.S. 370, 373-74 (1892); *Gomez v. United States*, 490 U.S. 858, 873 (1989); *State v. Wilson*, 141 Wn. App. 597, 604, 171 P.3d 501 (2007).

“Jury selection is the primary means by which [to] enforce a defendant's right to be tried by a jury free from ethnic, racial, or political prejudice, or predisposition about the defendant's culpability[.]” *Gomez*, 490 U.S. at 873 (citation omitted). The defendant's presence “is substantially related to the defense and allows the defendant ‘to give advice or suggestion or even to supersede his lawyers.’” *Wilson*, 141 Wn. App. at 604 (quoting *Snyder*, 291 U.S. at 106); see also *United States v. Gordon*,

829 F.2d 119, 124 (D.C. Cir. 1987) (Fifth Amendment requires opportunity to give advice or suggestions to lawyer when assessing potential jurors).

In contrast to the United States Constitution, article 1, section 22 of the Washington Constitution explicitly guarantees the right to be present, and provides even greater rights. *State v. Irby*, 170 Wash.2d 874, 885 n.6, 246 P.3d 796 (2011). Under our state provision, the defendant must be present to participate “at every stage of the trial when his substantial rights may be affected.” *Id.* at 885 (quoting *State v. Shutzler*, 82 Wash. 365, 367, 144 P. 284 (1914)). This right does not turn “on what the defendant might do or gain by attending ... of the extent to which the defendant's presence may have aided his defense [.]” *Id.* at 885 n.6.

Washington courts have recognized that jury selection is a “critical” stage of trial to which the right to be present attaches. *Irby*, 170 Wn.2d at 883-84. In *Irby's* case, the trial court required prospective jurors to complete a questionnaire seeking information about their familiarity with the substantive issues in *Irby's* case, including whether any of the jurors' family members had been murdered. *Irby*, 170 Wn.2d at 877-78. Based on the jurors' questionnaire responses, the trial court and counsel used e-mail to excuse seven members of the jury pool “for cause,” specifically related to issues involved in *Irby's* case. *Irby*, 170 Wn.2d at 877-78. The Washington Supreme Court held that (1) the email exchange between the trial court and counsel was a portion of the jury selection process that *Irby*

had a constitutional right to attend, and (2) the trial court violated his right to be present by excusing jurors for cause in his absence. *Irby*, 170 Wn.2d at 882.

Like in *Irby*, Mr. Basra was denied his right to be present when numerous jurors were excused. Mr. Basra was prejudiced because if he had been present, he could have suggested that counsel not automatically agree to all of the excusals, especially given the fact that nearly half of the jurors who were excused were potentially favorable jurors. The State cannot show that Mr. Basra's presence would have been "meaningless."

Mr. Basra was also prejudiced by appellate counsel's failure to raise this issue on direct appeal.

A claim of ineffective assistance involves mixed questions of law and fact that this court reviews de novo. *In re Pers. Restraint of Brett*, 142 Wn.2d 868, 873, 16 P.3d 601 (2001). To prevail on a claim of ineffective assistance, a defendant must meet both prongs of a two part test: (1) counsel's representation was deficient, meaning it fell below an objective standard of reasonableness based on consideration of all the circumstances, and (2) the defendant was prejudiced, meaning there is a reasonable probability that the result of the proceeding would have been different, but for counsel's performance. *Strickland v. Washington*, 466 U.S. 668, 687, (1984); *State v. McFarland*, 127 Wn.2d 322, 334–35, 899 P.2d 1251 (1995). If the court decides either prong has not been met, it need not

address the other prong. *State v. Garcia*, 57 Wn.App. 927, 932, 791 P.2d 244 (1990). Courts presume counsel's representation was effective. *Strickland*, 466 U.S. at 689; *Thomas*, 109 Wn.2d at 226. The presumption is rebutted if there is no possible tactical explanation for counsel's performance. *State v. Reichenbach*, 153 Wn.2d 126, 130, 101 P.3d 80 (2004)

If counsel had raised the claim, there is at least a reasonable likelihood that this claim would have resulted in reversal on direct appeal. *See generally In re Morris*, 176 Wash.2d 157, 288 P.3d 1140 (2012) (“We reaffirm *Orange* and hold that Morris is entitled to relief under his ineffective assistance of appellate counsel claim because this error would have been presumed prejudicial on direct review. On this basis, we reverse and remand for a new trial.”).

Conclusion

This Court should reverse and remand for a new trial.

- 2.a. Mr. Basra was Denied His Right to a Public Trial
- 2.b. Mr. Basra was Denied His Right to Effective Assistance of Appellate Counsel

After the potential jurors filled out a questionnaire, three jurors were called back for individual questioning. The judge told those jurors that their answers were “just for the people in the room.” *See e.g.*, RP (2/6/12)

20.

There is a strong presumption that courts are to be open at all stages of the trial. A criminal defendant's right to a public trial is found in article I, section 22 of the Washington State Constitution and the Sixth Amendment to the United States Constitution, both of which provide a criminal defendant with a “public trial by an impartial jury.” The public trial right is not absolute but may be overcome to serve an overriding interest based on findings that closure is essential and narrowly tailored to preserve higher values. *Waller v. Georgia*, 467 U.S. 39, 45, 104 S.Ct. 2210, 81 L.Ed.2d 31 (1984). And “[i]t is well settled that the public trial right extends to jury selection [including] the questioning of individual prospective jurors.” *In re Pers. Restraint of Copland*, 176 Wash.App. 432, 439, 309 P.3d 626 (2013).

Like in *Morris, supra*, if this claim had been raised on direct appeal, there is a reasonable likelihood that Mr. Basra’s conviction would have been reversed.

3.a. Mr. Basra Was Denied His Right to Testify

3.b. Mr. Basra Was Denied His Right to Effective Assistance of Trial Counsel When Counsel Effectively Denied Mr. Basra His Right to Testify

At trial, Mr. Basra had a personal, fundamental right to testify—or not. Mr. Basra chose to testify. However, his right was effectively gutted when counsel asked him only one question. Moreover, when the prosecutor attempted to ask Mr. Basra obviously relevant questions on cross-examination, defense counsel objected. As a result, Mr. Basra was

not only denied his right to testify, he was stripped of his right to an instruction telling jurors not to draw any adverse inferences from his failure to answer questions.

“It is clear that a defendant has a ‘fundamental constitutional’ right to testify in his own defense, and that the right must be ‘unfettered.’”

Owens v. United States, 483 F.3d 48, 58 (1st Cir. 2007), quoting *Rock v. Arkansas*, 483 U.S. 44, 51–53 (1987), and *Harris v. New York*, 401 U.S. 222, 230 (1971).

Most of the published cases regarding a denial of the right to testify involve counsel’s failure to accurately advise a defendant about his choice whether to testify. See *e.g.*, *State v. Robinson*, 138 Wash.2d 753, 982 P.2d 590 (1999) (defendant who proves by preponderance of the evidence that his attorney actually prevented him from testifying establishes that waiver of his right to testify was not knowing and voluntary); *Reeves v. State*, 974 So. 2d 314 (Ala. Crim. App. 2007). (counsel ineffective in burglary case for preventing the defendant from testifying on his own behalf after the defendant insisted that he wanted to do so).

In this case, counsel acceded to Mr. Basra’s decision to testify. However, when counsel asked Mr. Basra only one marginally relevant question, they effectively stripped Mr. Basra of his right to testify. To make matters worse, counsel also stripped Basra of his right to an instructions telling jurors not to draw an adverse inference from his silence.

The right to testify must, at a minimum, include the right to testify to the most basic, relevant facts of the defense. Stated in the converse, when counsel asks a defendant only one marginally relevant question and then objects to questions on cross as beyond the scope of direct, counsel has denied a defendant his right to testify.

This Court should remand this claim for an evidentiary hearing so that prejudice can be assessed. There are two alternative means of determining prejudice. When a defendant is denied the exercise of a fundamental personal right, this Court's prejudice analysis focuses on whether defendant would have exercised the right, but for counsel's deficient performance. Here, the obvious answer is "yes." Alternatively, this Court should remand for a hearing where Mr. Basra is provided with his right to fully testify. At the conclusion of that hearing, the court should make a determination of whether there is a reasonable likelihood of a different trial outcome.

4. Mr. Basra Was Denied His Right to Effective Assistance of Trial Counsel When Counsel Failed to Investigate Any Medical Factors Contributing to Mr. Basra's Mental Illness. Mr. Basra Was Prejudiced Because He was Experiencing Thyroid Problems Which Are Medically Linked to Depression.

Thyroid disorders are associated with anxiety and depression. Despite Mr. Basra's urgings, defense counsel did not seek blood testing for Mr. Basra until months after the homicide. To make matters worse,

counsel then did not provide this information to his expert witness. As a result, the defense expert's testimony was attacked on the grounds that Basra's self-report was the only basis for Dr. Gollogly's diagnosis. RP 663.

Washington courts review claims of ineffective assistance of counsel *de novo* as they present mixed questions of law and fact. *State v. A.N.J.*, 168 Wash.2d 91, 109, 225 P.3d 956 (2010). A defendant who raises an ineffective assistance claim "bears the burden of showing that (1) his counsel's performance fell below an objective standard of reasonableness and, if so, (2) that counsel's poor work prejudiced him." *A.N.J.*, 168 Wash.2d at 109. "The benchmark for judging any claim of ineffectiveness must be whether counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result." *Strickland v. Washington*, 466 U.S. 668, 686, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). Although "[t]here is a strong presumption that defense counsel's conduct is not deficient," that presumption is rebutted if "no conceivable legitimate tactic explain[s] counsel's performance." *State v. Reichenbach*, 153 Wash.2d 126, 130, 101 P.3d 80 (2004).

It should have been obvious to reasonably competent counsel that establishing the cause of Mr. Basra's depression would significantly improve his defense. Indeed, Mr. Basra himself had been searching for the roots of his aberrant behavior. By failing to conduct the investigation,

defense counsel exposed their expert to a withering cross-examination, where Basra's self-report was the only basis for Dr. Gollogly's diagnosis.

Trial counsel's failure to investigate was deficient. Mr. Basra was prejudiced. This claim should be remanded for an evidentiary hearing.

5. Mr. Basra Was Denied His Right to Effective Assistance of Counsel When Counsel Conceded Basra's Guilt of Manslaughter Without Basra's Permission, Undercutting Basra's Defense.

After beginning his closing by telling jurors he expected that they would convict Mr. Basra of murder, defense counsel asked jurors to find Mr. Basra guilty of manslaughter. "But, again folks, we think that you may find that he's guilty of Manslaughter in the Second Degree after you consider it." RP 943. "That's what most closely fits here. Fill in guilty." RP 997 (see also RP at 982 – 984). "Go ahead and fill in "guilty" on Manslaughter in the Second Degree and you'll be done." RP at 997. Counsel's closing not only undercut his defense, Mr. Basra did not authorize counsel to concede guilt of the lesser crime. See *Declaration of Basra*. As a result, Mr. Basra was denied his Sixth Amendment right to effective assistance of counsel. Because counsel conceded guilt without Basra's permission, he urges this Court to automatically find prejudice.

In *State v. Anaya*, 592 A.2d 1142 (N.H. 1991), the New Hampshire Supreme Court applied the *Cronic* standard to overturn the defendant's accomplice to second-degree murder charge without finding prejudice.

Anaya's trial counsel's closing argument contained at least five requests for his conviction as an accomplice to second-degree murder, and for his acquittal on the charge of accomplice to first-degree murder. Defense counsel pursued this strategy even though Anaya had rejected a negotiated plea on the second-degree charge and had taken the stand at trial to testify that he was completely innocent.

This Court should follow *Anaya*.

RPC 1.2 provides that a lawyer shall abide by a client's decisions concerning the objectives of representation. As a result, counsel performed deficiently by failing to inform and seek the permission of Mr. Basra to affirmatively argue that Basra was guilty of manslaughter.

Mr. Basra was prejudiced not only because the argument was unauthorized by Basra, but also because it served to undercut Basra's defense. Defense counsel urged the jury to return a compromise verdict after counsel told jurors he was sure they would reject the defense. The proffered manslaughter verdict was, at best, an appeal to the sympathy of the jurors.

At a minimum, this Court should remand this claim for an evidentiary hearing.

//

//

//

D. CONCLUSION AND PRAYER FOR RELIEF

This Court should call for a response from the State. If the State contests Mr. Basra's evidence, this Court should remand to the trial court for either an evidentiary hearing or for a determination on the merits. RAP 16.11-.13. Otherwise, this Court should reverse and remand for dismissal, a new trial, or any relief that this Court determines is appropriate.

DATED this 12th day of May, 2015.

Respectfully Submitted:

/s/Jeffrey E. Ellis
Jeffrey E. Ellis #17139
Attorney for Mr. Basra
Law Office of Alsept & Ellis
621 SW Morrison St., Ste 1025
Portland, OR 97205
JeffreyErwinEllis@gmail.com

FILED
KING COUNTY, WASHINGTON

APR 20 2012

SUPERIOR COURT CLERK
KIM C. DUNNETT
DEPUTY

✓
COPY TO COUNTY JAIL APR 20 2012

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)
)
) Plaintiff,)
)
 Vs.)
)
 PARAMJIT SINGH BASRA)
)
) Defendant,)

No. 09-1-05492-1 KNT

**JUDGMENT AND SENTENCE
FELONY (FJS)**

ORIGINAL

I. HEARING

I.1 The defendant, the defendant's lawyer, TIMOTHY JOHNSON AND ANURADHA LUTHRA, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: Manjit Basra

II. FINDINGS

There being no reason why judgment should not be pronounced, the court finds:

2.1 **CURRENT OFFENSE(S)**: The defendant was found guilty on 02/22/2012 by jury verdict of:

Count No.:	<u>I</u>	Crime:	<u>MURDER IN THE FIRST DEGREE</u>
RCW	<u>9A.32.030(1)(a)</u>	Crime Code:	<u>00124</u>
Date of Crime:	<u>07/27/2009</u>	Incident No.	_____
Count No.:	_____	Crime:	_____
RCW	_____	Crime Code:	_____
Date of Crime:	_____	Incident No.	_____
Count No.:	_____	Crime:	_____
RCW	_____	Crime Code:	_____
Date of Crime:	_____	Incident No.	_____
Count No.:	_____	Crime:	_____
RCW	_____	Crime Code:	_____
Date of Crime:	_____	Incident No.	_____

[] Additional current offenses are attached in Appendix A

SPECIAL VERDICT or FINDING(S):

- (a) While armed with a **firearm** in count(s) _____ RCW 9.94A.533(3).
- (b) While armed with a **deadly weapon** other than a firearm in count(s) _____ RCW 9.94A.533(4).
- (c) With a **sexual motivation** in count(s) _____ RCW 9.94A.835.
- (d) A V.U.C.S.A offense committed in a **protected zone** in count(s) _____ RCW 69.50.435.
- (e) **Vehicular homicide** Violent traffic offense DUI Reckless Disregard.
- (f) **Vehicular homicide** by DUI with _____ prior conviction(s) for offense(s) defined in RCW 46.61.5055, RCW 9.94A.533(7).
- (g) **Non-parental kidnapping** or unlawful imprisonment with a minor victim. RCW 9A.44.128, .130.
- (h) **Domestic violence** as defined in RCW 10.99.020 was pled and proved for count(s) _____.
- (i) Current offenses **encompassing the same criminal conduct** in this cause are count(s) _____ RCW 9.94A.589(1)(a).
- (j) **Aggravating circumstances** as to count(s) _____: _____

2.2 **OTHER CURRENT CONVICTION(S):** Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): _____

2.3 **CRIMINAL HISTORY:** Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.525):

- Criminal history is attached in **Appendix B**.
- One point added for offense(s) committed while under community placement for count(s) _____

2.4 SENTENCING DATA:

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count I	0	XV	240 TO 320		240 TO 320 MONTHS	LIFE AND/OR \$50,000
Count						
Count						
Count						

Additional current offense sentencing data is attached in **Appendix C**.

2.5 EXCEPTIONAL SENTENCE

Findings of Fact and Conclusions of Law as to sentence above the standard range:
Finding of Fact: The jury found or the defendant stipulated to aggravating circumstances as to Count(s) _____.
Conclusion of Law: These aggravating circumstances constitute substantial and compelling reasons that justify a sentence above the standard range for Count(s) _____. The court would impose the same sentence on the basis of any one of the aggravating circumstances.

An exceptional sentence above the standard range is imposed pursuant to RCW 9.94A.535(2) (including free crimes or the stipulation of the defendant). Findings of Fact and Conclusions of Law are attached in Appendix D.

An exceptional sentence below the standard range is imposed. Findings of Fact and Conclusions of Law are attached in Appendix D.

The State did did not recommend a similar sentence (RCW 9.94A.480(4)).

III. JUDGMENT

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and **Appendix A**.

The Court **DISMISSES** Count(s) II
VACATES

IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below.

4.1 RESTITUTION AND VICTIM ASSESSMENT:

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.
 - Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.753(5), sets forth those circumstances in attached Appendix E.
 - Restitution to be determined at future restitution hearing on (Date) _____ at _____ m.
 Date to be set *wants to be present*
 Defendant ~~waives presence~~ at future restitution hearing(s).
 - Restitution is not ordered.
- Defendant shall pay Victim Penalty Assessment pursuant to RCW 7.68.035 in the amount of \$500.

4.2 OTHER FINANCIAL OBLIGATIONS: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a) \$ _____, Court costs (RCW 9.94A.030, RCW 10.01.160); Court costs are waived;
- (b) \$100 DNA collection fee (RCW 43.43.7541)(mandatory for crimes committed after 7/1/02);
- (c) \$ _____, Recoupment for attorney's fees to King County Public Defense Programs (RCW 9.94A.030); Recoupment is waived;
- (d) \$ _____, Fine; \$1,000, Fine for VUCSA \$2,000, Fine for subsequent VUCSA (RCW 69.50.430); VUCSA fine waived;
- (e) \$ _____, King County Interlocal Drug Fund (RCW 9.94A.030); Drug Fund payment is waived;
- (f) \$ _____, \$100 State Crime Laboratory Fee (RCW 43.43.690); Laboratory fee waived;
- (g) \$ _____, Incarceration costs (RCW 9.94A.760(2)); Incarceration costs waived;
- (h) \$ _____, Other costs for: _____

4.3 PAYMENT SCHEDULE: Defendant's TOTAL FINANCIAL OBLIGATION is: \$ 600.00 *plus any restitution*. The

payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms: Not less than \$ _____ per month; On a schedule established by the defendant's Community Corrections Officer or Department of Judicial Administration (DJA) Collections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. **The Defendant shall remain under the Court's jurisdiction to assure payment of financial obligations: for crimes committed before 7/1/2000, for up to ten years from the date of sentence or release from total confinement, whichever is later; for crimes committed on or after 7/1/2000, until the obligation is completely satisfied.** Pursuant to RCW 9.94A.7602, if the defendant is more than 30 days past due in payments, a notice of payroll deduction may be issued without further notice to the offender. Pursuant to RCW 9.94A.760(7)(b), the defendant shall report as directed by DJA and provide financial information as requested.

- Court Clerk's trust fees are waived.
- Interest is waived except with respect to restitution.

4.4 **CONFINEMENT OVER ONE YEAR:** Defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows, commencing: immediately; (Date): _____ by _____ m.

240 months/days on count 1; _____ months/days on count _____; _____ months/day on count _____
_____ months/days on count _____; _____ months/days on count _____; _____ months/day on count _____

The above terms for counts _____ are consecutive / concurrent.

The above terms shall run CONSECUTIVE CONCURRENT to cause No.(s) _____

The above terms shall run CONSECUTIVE CONCURRENT to any previously imposed sentence not referred to in this order.

In addition to the above term(s) the court imposes the following mandatory terms of confinement for any special **WEAPON** finding(s) in section 2.1: _____

which term(s) shall run consecutive with each other and with all base term(s) above and terms in any other cause. (Use this section only for crimes committed after 6-10-98)

The enhancement term(s) for any special **WEAPON** findings in section 2.1 is/are included within the term(s) imposed above. (Use this section when appropriate, but for crimes before 6-11-98 only, per In Re Charles)

The **TOTAL** of all terms imposed in this cause is 240 months.

Credit is given for time served in King County Jail or EHD solely for confinement under this cause number pursuant to RCW 9.94A.505(6): _____ day(s) or days determined by the King County Jail.

For nonviolent, nonsex offense, credit is given for days determined by the King County Jail to have been served in the King County Supervised Community Option (Enhanced CCAP) solely under this cause number.

For nonviolent, nonsex offense, the court authorizes earned early release credit consistent with the local correctional facility standards for days spent in the King County Supervised Community Option (Enhanced CCAP).

4.5 **NO CONTACT:** For the maximum term of _____ years, defendant shall have no contact with _____

4.6 **DNA TESTING.** The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing, as ordered in **APPENDIX G.**

HIV TESTING: The defendant shall submit to HIV testing as ordered in **APPENDIX G.**
RCW 70.24.340.

4.7 (a) **COMMUNITY CUSTODY** for **qualifying crimes committed before 7-1-2000**, is ordered for one year (for a drug offense, assault 2, assault of a child 2, or any crime against a person where there is a finding that defendant or an accomplice was armed with a deadly weapon); 18 months (for any vehicular homicide or for a vehicular assault by being under the influence or by operation of a vehicle in a reckless manner); two years (for a serious violent offense).

(b) **COMMUNITY CUSTODY** for any **SEX OFFENSE** committed after 6-5-96 but before 7-1-2000, is ordered for a period of 36 months.

(c) **COMMUNITY CUSTODY** - for qualifying crimes committed after 6-30-2000 is ordered for the following established range or term:

- Sex Offense, RCW 9.94A.030 - 36 months—when not sentenced under RCW 9.94A.507
- Serious Violent Offense, RCW 9.94A.030 - 36 months
 - If crime committed prior to 8-1-09, a range of 24 to 36 months.
- Violent Offense, RCW 9.94A.030 - 18 months
- Crime Against Person, RCW 9.94A.411 or Felony Violation of RCW 69.50/52 - 12 months
 - If crime committed prior to 8-1-09, a range of 9 to 12 months.

The term of community custody shall be reduced by the Department of Corrections if necessary so that the total amount of incarceration and community custody does not exceed the maximum term of sentence for any offense, as specified in this judgment.

Sanctions and punishments for non-compliance will be imposed by the Department of Corrections or the court.

APPENDIX H for Community Custody conditions is attached and incorporated herein.

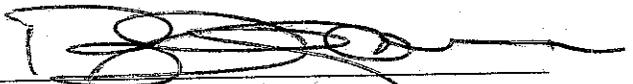
APPENDIX J for sex offender registration is attached and incorporated herein.

4.8 **WORK ETHIC CAMP:** The court finds that the defendant is eligible for work ethic camp, is likely to qualify under RCW 9.94A.690 and recommends that the defendant serve the sentence at a work ethic camp. Upon successful completion of this program, the defendant shall be released to community custody for any remaining time of total confinement, subject to the conditions set out in **Appendix H**.

4.9 **ARMED CRIME COMPLIANCE, RCW 9.94A.475, 480.** The State's plea/sentencing agreement is attached as follows:

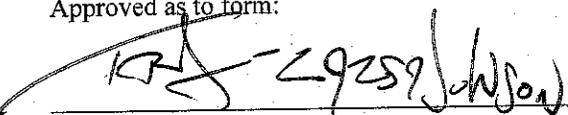
The defendant shall report to an assigned Community Corrections Officer upon release from confinement for monitoring of the remaining terms of this sentence.

Date: 4/20/12


JUDGE
Print Name: Brian Cain

Presented by:

Deputy Prosecuting Attorney, WSBA# 17287
Print Name: DON LAZ

Approved as to form:

Attorney for Defendant, WSBA #
Print Name: _____

FINGERPRINTS **BEST IMAGE POSSIBLE**



RIGHT HAND
FINGERPRINTS OF:

DEFENDANT'S SIGNATURE:
DEFENDANT'S ADDRESS:

Paramjit Singh

Dept. of Corrections

PARAMJIT SINGH BASRA

DATED: *4-20-12*

ATTESTED BY: BARBARA MINER,
SUPERIOR COURT CLERK

[Signature]
JUDGE, KING COUNTY SUPERIOR COURT

BY: *[Signature]*
DEPUTY CLERK

CERTIFICATE

I, _____,
CLERK OF THIS COURT, CERTIFY THAT
THE ABOVE IS A TRUE COPY OF THE
JUDGEMENT AND SENTENCE IN THIS
ACTION ON RECORD IN MY OFFICE.
DATED: _____

OFFENDER IDENTIFICATION

S.I.D. NO.
DOB: FEBRUARY 10, 1958
SEX: M
RACE: W

CLERK

BY: _____
DEPUTY CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)
)
 Plaintiff,)
)
 vs.)
)
 PARAMJIT SINGH BASRA)
)
 Defendant,)
)

No. 09-1-05492-1 KNT
APPENDIX G
ORDER FOR BIOLOGICAL TESTING
AND COUNSELING

(1) DNA IDENTIFICATION (RCW 43.43.754):

The Court orders the defendant to cooperate with the King County Department of Adult Detention, King County Sheriff's Office, and/or the State Department of Corrections in providing a biological sample for DNA identification analysis. The defendant, if out of custody, shall promptly call the King County Jail at 296-1226 between 8:00 a.m. and 1:00 p.m., to make arrangements for the test to be conducted within 15 days.

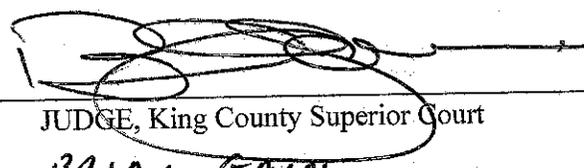
(2) HIV TESTING AND COUNSELING (RCW 70.24.340):

(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermic needles, or prostitution related offense.)

The Court orders the defendant contact the Seattle-King County Health Department and participate in human immunodeficiency virus (HIV) testing and counseling in accordance with Chapter 70.24 RCW. The defendant, if out of custody, shall promptly call Seattle-King County Health Department at 205-7837 to make arrangements for the test to be conducted within 30 days.

If (2) is checked, two independent biological samples shall be taken.

Date: 4/20/12



JUDGE, King County Superior Court
BRIAN CAIN

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

PARAMJIT SINGH BASRA

Defendant,

No. 09-1-05492-1 KNT

JUDGMENT AND SENTENCE
APPENDIX H
COMMUNITY CUSTODY

The Defendant shall comply with the following conditions of community custody, effective as of the date of sentencing unless otherwise ordered by the court.

- 1) Report to and be available for contact with the assigned community corrections officer as directed;
- 2) Work at Department of Corrections-approved education, employment, and/or community restitution;
- 3) Not possess or consume controlled substances except pursuant to lawfully issued prescriptions;
- 4) Pay supervision fees as determined by the Department of Corrections;
- 5) Receive prior approval for living arrangements and residence location; and
- 6) Not own, use, or possess a firearm or ammunition. (RCW 9.94A.706)
- 7) Notify community corrections officer of any change in address or employment;
- 8) Upon request of the Department of Corrections, notify the Department of court-ordered treatment;
- 9) Remain within geographic boundaries, as set forth in writing by the Department of Corrections Officer or as set forth with SODA order.

The defendant shall not consume any alcohol.

Defendant shall have no contact with: _____

Defendant shall remain within outside of a specified geographical boundary, to wit: _____

The defendant shall participate in the following crime-related treatment or counseling services: _____

The defendant shall comply with the following crime-related prohibitions: _____

Other conditions may be imposed by the court or Department during community custody.

Community Custody shall begin upon completion of the term(s) of confinement imposed herein, or at the time of sentencing if no term of confinement is ordered. The defendant shall remain under the supervision of the Department of Corrections and follow explicitly the instructions and conditions established by that agency. The Department may require the defendant to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants and/or detain defendants who violate a condition.

Date: 4/20/12

JUDGE

BRIAN EAIN

FILED
KING COUNTY WASHINGTON
MAY 28 2014

ANNIE JOHNSON

~~MAY 29 2014~~
COPY TO COUNTY JAIL

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

PARAMJIT SINGH BASRA.

Defendant.

No. 09-1-05492-1 KNT

ORDER AMENDING JUDGMENT
AND SENTENCE AS TO TERM OF
COMMUNITY CUSTODY ONLY

ORIGINAL

THIS MATTER having come on regularly before the undersigned judge of the above-entitled court upon the motion of the State of Washington, plaintiff, for an order amending the judgment and sentence in the above-entitled cause, and the court being fully advised;

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the judgment and sentence dated April 20, 2012, is amended as follows: **The term of community custody imposed under ¶ 4.7(c) is a range of 24-36 months.**

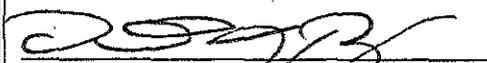
All other terms of the judgment and sentence remain in effect.

DONE IN OPEN COURT this 27th day of May, 2014.

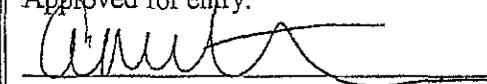

Hon. Brian Gain, Judge

BRIAN GAIN

Presented by:


Donald J. Raz, WSBA #17287

Approved for entry:


Anu Luthra, WSBA #40481

ORDER AMENDING JUDGMENT AND SENTENCE

Daniel T. Satterberg, Prosecuting
Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000 FAX (206) 296-0955



DECLARATION OF PARAMJIT SINGH BASRA

I, Paramjit Basra, declare:

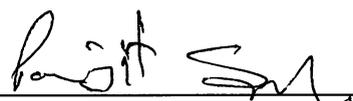
1. I am the Petitioner.
2. After my trial was over and on appeal, I reviewed a copy of the transcript.
3. During that review, I discovered for the first time that my attorneys, the prosecutor, and the judge met without me to excuse certain jurors for "hardship." I did not waive my right to be present at that part of my trial. Instead, if given a choice, I would have demanded to be present. In addition, I would likely not have agreed to excuse all of the jurors for cause.
4. Prior to and during trial, I told my attorneys that I wanted to testify. They told me they did not think it was a good idea for me to testify.
5. After I told my attorneys that I insisted on testifying, they told me that I could choose to testify, but they got to choose what questions to ask.
6. I told them that I wanted to explain everything, but they told me it was their decision and that they would also be allowed to object to any questions by the prosecutors.
7. My attorneys only asked me one question and then objected to the prosecutor's question. I did not think this was fair, but my attorneys told me that it was how the trial system worked.
8. I was surprised when my attorney told my jurors to convict me of manslaughter. I did not authorize counsel to make that argument. I did not want that argument made on my behalf. I did not want to be convicted of manslaughter. I wanted to be found "not guilty."

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

March 26, 2015

Date and Place

Clallam Bay Correction Center
1830 Eagle Crest Way
Clallam Bay, WA 98326



Paramjit Basra

DECLARATION OF MARK LARRAÑAGA

I, Mark Larrañaga, declare:

1. I am over 18 and am competent to make this declaration.
2. I am an attorney licensed in good standing in California (inactive), Oregon and Washington. I have primarily practiced in the area of criminal defense for the last twenty years. From 2001-2006, I was the director of Washington state's Death Penalty Assistance Center, which provided resources, training and consultation to capital defense attorneys throughout the state. I have presented at national and international seminars on a variety of topics, including: investigating traumatic brain injuries, investigating mitigation, jury selection, competence and ineffective assistance of counsel. I have been deemed qualified in state and federal courts to be appointed to capital trials, direct appeals and post-conviction matters; and have been appointed in that capacity in Alaska, Colorado, Idaho, Nevada, Oregon and Washington. I am a member of Washington State Bar Association's Council on Public Defense, which developed standards for indigent defense that were adopted by the Washington Supreme Court under Criminal Rule (CrR) 3.1 Stds.
3. As a result, I am familiar with the standards of practice for the defense of criminal cases in King County and in Washington State.
4. The decision whether or not to testify belongs to a criminal defendant. While counsel can and should provide advice to the defendant regarding this choice, defense counsel is bound to accept the defendant's decision.
5. When a defendant decides to testify, competent defense counsel should conduct a direct examination that covers the facts relevant to the defense. In my professional opinion, it falls below a reasonable standard of practice to ask the defendant on direct examination single or minimal questions on matters that are only tangentially relevant.
6. While defense counsel controls the conduct of direct and cross-examination, where defense counsel only asks one tangentially relevant question of his/her client, counsel has essentially overridden the client's decision to testify.

7. Additionally, when defense counsel limits the direct examination of his/her client, defense counsel forfeits the defendant's right to an instruction directing the jurors not to draw any adverse inference from the failure to answer questions. In other words, defense counsel's actions effectively deprive his/her client of two rights: the right to testify and the right to remain silent.

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

/s/ Mark A. Larrañaga
Mark A. Larrañaga,
WSBA#22715

April 8, 2015 / Seattle, WA
Date / Location

DECLARATION OF DR. VINCENT T. GOLLOGLY

I, Dr. Vincent T. Gollogly, declare:

1. I am a licensed psychologist.
2. I conducted an evaluation and testified in the case of *State of Washington v. Parmjit Basra*.
3. My testimony focused on Mr. Basra's capacity to premeditate the death of his wife. Generally speaking, I testified that Mr. Basra's capacity to premeditate was substantially impaired at the time of the crime; *i.e.*, that he suffered from diminished capacity.
4. As part of the basis for my opinion, I concluded that Mr. Basra was suffering from depression at the time he caused the death of his wife.
5. At both the time of the homicide and the time the case was in trial, it was well recognized in the psychological/psychiatric community that depression-like symptoms can be the result of a medical condition. Specifically, thyroid dysfunction can cause of depression-like symptoms.
6. As an expert witness in this case, I would have welcomed any information relevant to the issue of whether Mr. Basra's depression was caused by thyroid problems.

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

4/9/15 Lakewood, Washington
Date and Place

Vincent Gollogly
Dr. Vincent Gollogly

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

SUPERIOR COURT OF KING COUNTY, WASHINGTON

STATE OF WASHINGTON,
Plaintiff,
v.
PARAMJIT BASRA,
Defendant.

) Case No.10-1-05492-1 KNT
)
) COA: 68661-5-I
)
) February 6, 2012
)
)

VERBATIM REPORT OF PROCEEDINGS, JURY VOIR
DIRE, taken before the HONORABLE BRIAN GAIN, at the
Maleng Regional Justice Center.

APPEARANCES

FOR THE PLAINTIFF:

Mr. Don Raz
Deputy Prosecuting Attorney

FOR THE DEFENDANT:

Mr. Tim Johnson
Ms. Anu Luthra
Attorneys at Law

RECEIVED
SEP 13 2012
Washington Appellate Project

JOSEPH T. RICHLING
OFFICIAL COURT REPORTER
MALENG REGIONAL JUSTICE CENTER
KENT, WASHINGTON

1 (On February 6, 2012, with counsel for the
2 parties present, the following proceedings were had:)

3
4 THE COURT: Counsel, we are going to get the
5 forms and the questionnaires. My suggestion -- I have
6 to leave in a half hour -- is to just have the jury
7 room complete those. Excuse the jury until this
8 afternoon. Maria will make sufficient copies of the bio
9 forms and the questionnaires. And then we can discuss
10 the hardships and excuse those. And then bring up the
11 remainders or bring up those that feel they need to
12 discuss it outside the presence of the other jurors.

13 Any problems with that?

14 MR. JOHNSON: No, it sounds good.

15 THE COURT: Anything else we need to cover
16 before we do that?

17 MR. RAZ: No, I don't think so.

18 MR. JOHNSON: No.

19 THE COURT: Maria will be in touch with you
20 and get you the copies so you can review them, and
21 Defense can go over the forms with Mr. Basra.

22 Anything else?

23 MR. RAZ: Your Honor, the bailiff informed us
24 that the general questions the Court generally asks are
25 all committed to the Court's memory, which I'm certain

1 is extensive and thorough.

2 THE COURT: That's questionable, but they are
3 in my mind somewhere.

4 MR. RAZ: Should we just submit a list -- you
5 are right, what might be in Judge Gain's mind. I
6 suspect you ask all of the general questions on the
7 general question forms from department to department.

8 THE COURT: I usually ask about prior jury
9 service, connection with law enforcement, connection
10 with the legal system, whether they ever testified,
11 whether they have any close friends or relatives who
12 have been the victim of this type of offense. And I
13 have them introduce themselves, so they give that
14 information.

15 And in this case, I will ask if there's
16 anybody who is fluent or understands Punjabi. And
17 basically I leave it up to counsel if there are any
18 specific factors about this particular case that you
19 would like me to ask, I will ask.

20 You all know better than I do what may be
21 significant in this particular case.

22 MR. RAZ: I will probably submit a few
23 additional ones which are probably on the Court's list
24 anyway.

25 THE COURT: For example, it may be appropriate

1 to ask about the culture from which Mr. Basra comes and
2 that sort of thing. But I will leave it all up to you,
3 make any suggestions you think is appropriate.

4 Anything else? Okay. Because you will need
5 time to review all of those things, it isn't going to be
6 done before 10:00, so we will just excuse the jury after
7 they fill them out until this afternoon.

8 We will be in recess.

9 RECESS

10 THE COURT: Any suggestions on how you would
11 like to handle the hardships? I counted 39. My
12 inclination is to let them go and we will concentrate on
13 the ones that are likely candidates and are able to hear
14 it.

15 MR. RAZ: I have no objection to that.

16 MR. JOHNSON: That's fine with us, Your Honor.

17 THE COURT: Let me double check with you on
18 the ones that I believe indicated that it would be a
19 hardship for them to serve. And that's Juror Numbers 2,
20 4, 6, 10, 11, 12, 14, 15, 18, 23, 26, 28, 30, 32, 33,
21 37, 40, 41, 42, 44, 49, 51, 54, 55, 56, 57, 61, 63, 68,
22 70, 73, 76, 82, 84, 87, 91, 92, 95 and 96.

23 Any others?

24 MS. LUTHRA: I thought Juror 66 had a question
25 mark. Question number one, they said, "no, question

1 mark." So I didn't know about that.

2 THE COURT: I put that in my group to talk to
3 individually. Are we in agreement that those will be
4 excused?

5 MR. RAZ: The State is in agreement.

6 MR. JOHNSON: The Defense is as well.

7 THE COURT: Maria, go ahead and excuse them
8 from this case.

9 How do you want to handle the others? There
10 are a number that can serve but, because of the answers,
11 indicated they would like to speak outside the presence
12 of the other jurors.

13 MR. RAZ: Could we bring those up first? That
14 will bring down the number that the bailiff will have to
15 bring up en mass.

16 THE COURT: We can do it one of two ways. I
17 could bring everybody up and basically tell them what
18 the case is about. Excuse all but the ones that
19 indicated they wanted to speak outside the presence of
20 the jury. So we can send the other's home until
21 tomorrow. That's one possible way.

22 The other is, if we can agree on which ones
23 we're going to talk to, just bring those up and start
24 with them, and have the jury room excuse the others
25 until tomorrow.

1 MR. JOHNSON: No preference, Your Honor.

2 MR. RAZ: My one question would be, as I was
3 reading the way I phrased the last question about asking
4 for privacy, if you read it carefully, it's pretty
5 clear. Is it possible anyone could have read that --
6 because when I read it again, I had to think a moment
7 about the way I had it phrased.

8 If you want to bring everyone up and give
9 people one additional opportunity, if there was
10 something they wanted to address the Court in private,
11 there might be people who asked if they wish to address
12 the Court in private beyond the two questions.

13 Speaking to people in private tends to be
14 difficult because you have to set them aside. And we
15 can do those this afternoon, and they probably wouldn't
16 take that much longer. It might be efficient to bring
17 them all up, identify those from our paperwork. We
18 might want to keep and inquire of the pool if there's
19 anyone else who felt there was information they wish to
20 have addressed in private, and they could stay as well.

21 MS. LUTHRA: I thought that sounded like a
22 good idea. There was at least one person who said yes,
23 and then no, might have been confused initially by that
24 last question. So I think that would be efficient.

25 THE COURT: Why don't we bring them all up,

1 and I will tell them what the case is about. And then
2 we will indicate that a number had indicated they wanted
3 to discuss one of their answers outside the presence of
4 the other jurors, and then ask if there was anybody else
5 that, now that they know what the case is about, would
6 like to speak about something in their background
7 outside the presence of the other jurors. Does that
8 sound reasonable?

9 MR. RAZ: Yes.

10 MR. JOHNSON: That sounds good, Your Honor.

11 THE COURT: Let me ask you a question,
12 however. How do you wish to handle the fact that there
13 are two counts and only basically one crime? I could
14 say it involves a case that involves the charge of
15 murder, and then tell them the date and the individuals.

16 MR. RAZ: I think that would be better. I
17 know the Court will have to address the number of counts
18 later. In the past when I had to -- with both
19 intentional and felony murder, the Court -- when they
20 get to the point of reading the information, just read
21 the information and then let the attorneys address it
22 during closing.

23 THE COURT: After the instructions, that would
24 be my preference.

25 MR. JOHNSON: I think that we tell them that

1 it is a first degree charge. I know it gets to be
2 problematic if we try to differentiate them both at the
3 same time at this point. But I think they have to
4 understand it's a first degree charge, because that may
5 mean something even to some laypeople. I hate to have
6 to do it, but I don't see any other way to get around
7 it. Or we could indicate -- no. Just first degree.

8 THE COURT: Mr. Raz?

9 MR. RAZ: I guess what the Court can say is
10 that the Defendant has been charged, just for
11 description purposes, has been charged with first and
12 second degree murder.

13 MR. JOHNSON: You can say alternatively. with
14 first and alternatively second degree.

15 MR. RAZ: And the jury instructions clearly
16 say you deliberate on both counts separately. So I have
17 no trouble with that.

18 THE COURT: We will do it that way. The ones
19 that I have that indicated that they wanted to talk
20 outside the presence of the other jurors are Jurors 1,
21 5, 9, 13, 27, 31, 34, 43, 45, 46, 47, 50, 53, 59.

22 MR. RAZ: Your Honor, can I interrupt.

23 THE COURT: Sure.

24 MR. RAZ: I think that might be the very
25 problem I mentioned, the way the question is written, it

1 said, will you be able to fully answer any follow-up
2 questions in the presence of other jurors? So if they
3 said yes --

4 MR. JOHNSON: I read it wrong as well.

5 MR. RAZ: I wrote the question and I read it
6 wrong.

7 MR. JOHNSON: We need to make sure they
8 understand what the question means, to begin with.

9 THE COURT: We will bring them up in two
10 sections. And I will tell them what the case is about.
11 And I will ask them again if, based on the questionnaire
12 or the nature of the charge, they would be more
13 comfortable answering questions about either mental
14 illness or the charge outside the presence of the other
15 jurors. And I will get the numbers and we will work
16 from there.

17 MR. JOHNSON: We agree.

18 MR. RAZ: The ones I identified were 66, 77
19 and 98, had said no to that question.

20 THE COURT: There were a number who just left
21 it blank.

22 MS. LUTHRA: I think they were following the
23 instruction, because if you answered yes --

24 MR. JOHNSON: Your Honor, if we could, there
25 was something else before we bring them up, before I

1 forget. Think about how we are going to -- how the
2 peremptories are conducted by Your Honor.

3 THE COURT: I think 20, 77 and 98 answered
4 that last question no.

5 MR. RAZ: 66 said possible.

6 THE COURT: In my reading of Mr. Raz's
7 question, yes, 66 also possible.

8 why don't we see what kind of response we get.
9 Mr. Johnson, you indicated you had something
10 else?

11 MR. JOHNSON: I did, Your Honor. I'm just
12 trying to remember. The peremptories would be for only
13 those potential jurors that are seated in the box, is
14 that right?

15 THE COURT: Right. And I fill in the empty
16 seats when I get to that point.

17 MR. JOHNSON: And then on the alternates, I
18 don't think the Court has any preference. You can
19 strike anybody in the box even if it's the alternate
20 seats?

21 THE COURT: You get eight peremptories to use
22 any way you want as long as it's in the box, eight
23 peremptories.

24 MR. JOHNSON: Should we switch around?

25 THE COURT: No. Because if we do talk to them

1 outside the presence of the other jurors, they are going
2 to be up here.

3 I will leave the bench, and Maria will bring
4 up those remaining jurors that we haven't excused
5 between 1 and 60. And then we will bring up the others.

6 RECESS

7 JURY PANEL PRESENT

8 THE COURT: Ladies and gentlemen, we are
9 trying to get down to a number that we can manage to
10 select a jury to hear this case. So I'm going to
11 explain to you a little bit about the case. And I'm
12 going to ask you that because of the questionnaire and
13 the questions about mental illness or the nature of this
14 case, whether there is any of you that would like to
15 talk about certain aspects of your life outside the
16 presence of the other jurors.

17 We are going to bring you up into sections to
18 get an idea of who we need to talk to individually, and
19 will tell you about the case.

20 The title of this case is the State of
21 Washington versus Paramjit Basra, Defendant. It is a
22 criminal case. There are two counts.

23 The counts are, the crime alleged is murder in
24 the first degree and, in the alternative in count two,
25 murder in the second degree.

1 needs to inquire about that. They need to be there. So
2 I'm inclined to excuse 24 unless you have an objection.

3 MR. RAZ: No objection from the State.

4 MR. JOHNSON: Nor from the Defense.

5 THE COURT: 24 will also be excused.

6 We will be in recess until the next crew comes
7 up. After we deal with them, we will send that group
8 down. Depending on how many we need to talk to
9 individually, we will give the jury room some
10 instructions. But before we bring anybody back up, we
11 will take a recess.

12 RECESS

13 (JURY PANEL PRESENT)

14 THE COURT: Ladies and gentlemen, let me
15 explain to you what we are doing. Because of the number
16 of potential jurors, we are trying to get down to a
17 manageable number. So we brought you up into sections.

18 What I'm trying to find out now is if there is
19 anything about this case that we are selecting the jury
20 for or your answers on the questionnaire that you think
21 would be better spoken to the parties outside the
22 presence of the jury, the other jurors.

23 I'm going to explain to you what this case is
24 about, and then ask you the question about talking about
25 certain aspects of your private life or family situation

1 outside the presence of the other jurors.

2 The case that we have to hear is entitled the
3 State of Washington, Plaintiff, versus Paramjit Basra,
4 Defendant.

5 There are two counts. Count 1 is a count that
6 alleges murder in the first degree. Count 2, in the
7 alternative, alleges murder in the second degree. That
8 the Defendant, Paramjit Basra, on or about July 27th,
9 2009, caused the death of another person, Harjinder
10 Basra, a human being, who died on or about July 30,
11 2009.

12 The question is based on your answers to the
13 questionnaire about mental illness or anything about the
14 nature of this charge and this case, that you feel it
15 would be appropriate to talk about certain aspects of
16 your life or family situation without the other jurors
17 being present.

18 Are there any among you who feel that they
19 would rather talk about either of those two aspects
20 without the other jurors present? If you would, would
21 you hold up your number.

22 Jurors 86, 77. Anyone else?

23 Okay. I'm going to ask you to leave your
24 numbers here. We will send you back down and give you
25 some additional instructions while we continue this jury

1 selection process.

2 (JURY NOT PRESENT)

3 THE COURT: Let's take the recess. After the
4 recess, I will bring up those three.

5 RECESS

6 THE COURT: I'm going to bring them in, put
7 them under oath, and then put them in the jury room.
8 And I will explain what we are doing.

9 (JURY PANELISTS PRESENT)

10 THE COURT: what's going to happen, you
11 answered the question that you want to talk to us
12 without the other jurors present. What is going to
13 happen is I'm going to put the three of you under oath,
14 and then I will have Maria take you into the jury room,
15 and we will bring you out one at a time.

16 JURY PANELISTS SWORN

17

18

19

20

21

22

23

24

25

1 JURY PANELIST 13 PRESENT

2 THE COURT: Those are microphones so they can
3 hear you. The attorneys have some questions for you
4 about your answers. What you tell us is just for the
5 people in the room. And I'd ask you not to talk about
6 it to the other jurors.

7 Mr. Raz, any questions?

8 EXAMINATION

9 BY MR. RAZ:

10 Q. On your questionnaire you indicated that you
11 were familiar with someone who had a mental illness and
12 also familiar with someone who had been accused of or
13 arrested or convicted of some type of assaultive
14 behavior against someone they were in a relationship
15 with.

16 A. Right.

17 Q. Are both of those things that you wish to talk
18 about outside the presence or was there one over the
19 other?

20 A. Both. And there was a third thing that wasn't
21 on there.

22 Q. That's fine, too.

23 A. So I'll talk about those that were on the list.

24 A good friend of mine that I've known since
25 sixth grade is schizophrenic. He will come to our house

1 and talk about things that he sees. And we have to go
2 over to his house and make sure he's all right.

3 He did -- his wife at one point was arrested.
4 Got divorced. So we still interact with them. Every
5 few months we check up on him and make sure he's doing
6 okay.

7 And then the third thing was a friend of mine
8 was murdered a few years ago. We had to go to court.
9 Not as witnesses. Just to support the family. Clean
10 the house. Was there for the sentencing. Some child --
11 who is going to get the kid, kind of thing.

12 Q. Let me follow up on the last one first. Was
13 this a close friend?

14 A. I've known their family for 18 years. I'm
15 friends with the brother. But we did see her on a
16 regular basis every couple months, holiday kind of
17 things, parties.

18 Q. Do you think that being asked to be a juror, or
19 if you ended up being one of our jurors, and having had
20 that happen to a family member of a close friend, who
21 arguably is a close friend as well, and having sat
22 through a trial in that case, that it would have an
23 influence on your abilities to sit there and be
24 impartial in a totally separate case?

25 A. I think it would.

1 Q. would it also have any emotional impact on you
2 as well?

3 A. Yes.

4 MR. RAZ: I don't have any other questions.

5 EXAMINATION

6 BY MR. JOHNSON:

7 Q. It sounds like when you are saying that it would
8 have an effect on your ability to be fair, that it might
9 be negative, meaning it may affect your ability to be
10 fair to Mr. Basra?

11 A. Yes.

12 Q. You also said you had some feelings about
13 understanding what this particular case is after the
14 judge read the charges, right, that probably is what
15 triggered it for you?

16 A. Yes.

17 Q. Based on your prior experience with this kind of
18 situation, understanding what the charges are in this
19 case, also knowing you may be biased against Mr. Basra
20 at this point --

21 A. Yes.

22 Q. -- is it going to be so far to the point that
23 you don't think you can give Mr. Basra a fair shake, in
24 which case I would ask the judge not to let you be on
25 the jury, you wouldn't hold that against us?

1 A. No. It was a pretty taxing time before trial.

2 Q. You think you would be able to be fair?

3 A. Not be fair.

4 Q. Not be fair to Mr. Basra. Do you think you
5 would be better served to be on a different kind of
6 jury?

7 A. Yes.

8 MR. JOHNSON: Thank you.

9 THE COURT: I am going to excuse you from this
10 case. Thank you for your candor.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 JUROR PANELIST 77 PRESENT

2 THE COURT: The reason I have you up here is
3 because there's some microphones and everybody can hear
4 you.

5 what you tell us is just for the people in the
6 room. I would ask you not to talk about it to the other
7 jurors. The attorneys may have some questions about
8 your response.

9 Mr. Raz.

10 EXAMINATION

11 BY MR. RAZ:

12 Q. On your questionnaire you indicated that you
13 knew someone who suffered a mental illness, that you
14 have knowledge about mental illness, and then also
15 someone had assaulted a spouse or a partner or someone
16 close to them.

17 Is it one of these three that you wish to speak
18 about outside the presence of the other jurors, or all
19 of them?

20 A. All of them. I realized it after I came in. I
21 thought it would be okay. But after I came in, I felt
22 differently.

23 Q. You provided some background as to each of those
24 two areas, right, the mental illness area and the
25 assault area?

1 A. My father most likely was not stable. He was
2 very intelligent, but he would go through periods where
3 he wasn't coherent. And when he was clearheaded, he was
4 fine, extremely intelligent. But he wasn't always
5 there. And my mother was very violent.

6 I spent most of my life out of the country.
7 When I was in college, I worked and volunteered in the
8 battered women's shelter in Herzliya. And that meant
9 not only taking women from the hospital, sometimes in
10 giving them shelter or sometimes just working there and
11 being part of the counselors, and it also meant some
12 time taking women with some kind of security to the
13 courtroom, just being there, just being an advocate for
14 the woman, and going back. And I did that for about two
15 years.

16 So it's a lot of exposure, in my opinion.

17 Q. Do you think that having been an advocate for
18 battered women and not only provided them with
19 assistance, but then observed the courtroom situation,
20 that it would have an effect on your impartiality in a
21 case like this? You heard the name of the victim and
22 the name of the Defendant are the same.

23 A. I don't believe so. Until I'm there, but I
24 don't believe that it would.

25 Q. We understand it's near impossible to guarantee

1 anything. But you will be in a position to best know
2 yourself. And that's why we have to ask you. You can
3 gauge by other situations you had in life where you had
4 to be impartial. Although, in your past you may have
5 encountered something where you really prefer not to be
6 impartial, and if you're the type of person that can set
7 past experiences aside and be fair to both sides.

8 A. In the course of two years, most women, they
9 stayed there for like two weeks and some stayed longer,
10 most of the women truly were battered. But there were
11 occasional women that we had to step back and try to
12 look impartially, whether or not she was truly battered.
13 It wasn't like on face value. We have to step back and
14 try to make a decision about that. Life is like that.

15 Q. Suppose you have a set of facts presented to you
16 where you come to the conclusion that a woman was
17 injured at the hands of someone else. That you are
18 asked, of course, to answer other legal questions about
19 the scenario. Would you be able to be impartial and
20 address the additional questions that might issue?

21 A. Yes.

22 Q. You said your mother was violent at times and
23 your father had mental illness at times?

24 A. Yes.

25 Q. Do you think that having lived with that

1 experience would make it difficult for you to be
2 impartial in a case where mental illness will be
3 discussed and where violence will be discussed?

4 A. Quite honestly, 20 years ago I ran away from
5 that. But now I think that it's changed, it helps me be
6 more impartial. Because things change when you get
7 older.

8 MR. RAZ: Thank you. I don't have any other
9 questions.

10 THE COURT: Counsel, any questions?

11 EXAMINATION

12 BY MR. JOHNSON:

13 Q. On the issue of your father's mental illness,
14 how comfortable are you talking about that in front of
15 others?

16 A. I don't feel uncomfortable about it. If
17 somebody asked me, I don't pull away. Because I thought
18 that was part of the problem, that he didn't get help.
19 Because he was a kind man. I just thought that in a
20 foreign group of people, other jurors, it wasn't good.

21 Q. You said he didn't get help because he was a
22 kind man?

23 A. He didn't get help because that's the way things
24 were. It wasn't acceptable. I think things have
25 changed. But in a small Jewish community, traditional

1 family, something like that is harder, even though my
2 father was an engineer in America or in our other
3 country. It wasn't acceptable to talk about. Too
4 traditional.

5 Q. That kind of thing was kept in the family?

6 A. I don't know. I think the people knew about it,
7 but you just kind of pretend that you don't know it.

8 Q. If I could, you were saying your mother was
9 violent?

10 A. Yes.

11 Q. Is that with her husband?

12 A. No, she was violent with the children.

13 Q. Was that at all related to your father's mental
14 illness?

15 A. No.

16 Q. Was it Herzegovina, is that the country you
17 referenced?

18 A. No. It was a battered woman's center in
19 Herzliya, Israel.

20 Q. What we are all here to do is to make sure Mr.
21 Basra is going to get a fair trial. You asked to speak,
22 and we understand why, but I will ask you straight out,
23 is there any reason why you wouldn't be able to give him
24 a fair trial based on what you know about yourself, what
25 you know about the case so far?

1 A. I don't know anything about him.

2 Q. You do know what he's charged with. And Mr. Raz
3 made a big reference to it, that the woman involved is
4 actually his wife who is dead. And so anything along
5 those lines that would cause you to have --

6 A. No.

7 MR. JOHNSON: Thank you.

8 THE COURT: Maria will give you some
9 additional instructions. Thank you.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 JUROR PANELIST 86 PRESENT

2 THE COURT: Ms. Bennett, the reason you are
3 here is your answer, what you tell us is just for the
4 people in the courtroom. And I would ask you not to
5 talk about it in to the other jurors.

6 Mr. Raz, go ahead.

7 EXAMINATION

8 BY MR. RAZ:

9 Q. You indicated on your questionnaire that you are
10 aware of somebody who has injured or assaulted their
11 spouse, their partner, a family member, and also someone
12 who has been held responsible for that. I assume that
13 that is at least one of the reasons why you wish to
14 speak with us outside the presence of the other jurors?

15 A. Yes.

16 Q. And if there are others besides that, we're
17 willing to listen to those. But can you kind of fill us
18 in as to what your relationship with these people are?

19 A. Yes. It was my best friend, Tina, and her
20 husband who is a crack person, waited until she got her
21 inheritance, and then he hit her in the back of the head
22 with a baseball bat and then attacked her grandson. And
23 the grandson went and got a knife and stabbed him in the
24 stomach.

25 He's doing five years now. He had another

1 conviction in California. She wouldn't tell me what it
2 was, but it must've been pretty bad that she wouldn't
3 tell me.

4 Q. She survived?

5 A. Yes, she did. And so did the grandson. And so
6 did he.

7 Q. Other than her reporting this, were you more
8 involved in --

9 A. Only that he told me -- I went over and asked
10 where she was. And he said something to the effect of,
11 do you think I got rid of her or something like that?
12 And the attorney was going to have me testify in court,
13 but then changed his mind.

14 Q. So do you think with a baseball that could
15 easily --

16 A. She had stitches back here.

17 Q. It could have been far worse, right?

18 A. Yes.

19 Q. It could have been the ultimate worst.

20 You might have heard that the last name of the
21 Defendant and the name of the victim in this case are
22 the same and they are husband and wife. Do you think
23 that having had a close friend experience a similar type
24 of assault, fortunately not to the ultimate degree,
25 would make it difficult for you to be fair and impartial

1 in a case if you were picked as one of our jurors?

2 A. No. I actually have another issue that I'm
3 really uncomfortable talking about. I have an issue
4 with cultures that treat women the way that they do.
5 And I do believe that would make a difference to me.
6 I'm afraid of them, is what I'll say. A lot of it is
7 fear. It's probably ignorance.

8 Q. Let me ask you, do you think, on what little you
9 know and what little you have seen of the case, that
10 that belief -- we all have opinions, right? We have
11 feelings and that's how we make it through life -- would
12 be such that you couldn't look at the Defendant -- and
13 you need to presume him innocent. You need to
14 impartially weigh the evidence that will be presented at
15 trial. You have to put aside any beliefs or opinions
16 you might hold about certain groups or cultures.

17 And you know yourself best. We have known you
18 for the past two minutes. There is nothing wrong with
19 having beliefs. There's nothing wrong with having
20 beliefs, and it's important for us to know whether how
21 you currently view the world would cause you to be --
22 would prevent your impartiality.

23 A. I'm really sorry to say this, but I have a real
24 issue with people coming into our country and not
25 adapting to our ways.

1 Q. Let me ask it this way. Is it such a strong
2 belief that you are pretty certain you wouldn't be able
3 to put it completely aside?

4 A. I would try to.

5 Q. And I know you would try to. But you're the one
6 who would know inside how strong --

7 A. I know how I felt the minute I came in here.

8 MR. RAZ: I would have no objection to a
9 motion.

10 MR. JOHNSON: We would ask the Court to --

11 A. I'm sorry.

12 THE COURT: Thank you for your candor. I am
13 going to excuse you from this case. And Maria will give
14 you some additional instructions.

15 (JURY PANEL NOT PRESENT)

16 THE COURT: Anything else that we need to
17 discuss before tomorrow?

18 MR. RAZ: No, Your Honor.

19 MR. JOHNSON: No.

20 THE COURT: what will happen is I will swear
21 the entire panel in tomorrow. We will have the
22 introductions.

23 Basically, I have them stand, state their
24 name, what part of King County they're living in, what
25 they do for a living, what they do in their spare time,

1 and if there are other adults in the household, what
2 they do.

3 After the introductions, I ask the general
4 questions. And then if you supply additional ones, I'll
5 be happy to ask those. After that we go into the
6 session.

7 I think you said an hour each?

8 MR. RAZ: I said a couple hours each. And I
9 think what you suggested was how about half an hour
10 segments and we will see how it goes.

11 THE COURT: why don't we figure at least two
12 30-minute sessions and then we will see where we are,
13 particularly if we get sidetracked.

14 Does that work?

15 MR. JOHNSON: That would be fine.

16 THE COURT: Anything else?

17 MR. RAZ: No.

18 MS. LUTHRA: I have one question. Does the
19 court like us to make for-cause challenges as they come
20 up?

21 THE COURT: Just indicate if you have a
22 challenge and I will decide on the context whether to
23 try the challenge right then or to wait.

24 Anything else?

25 MR. RAZ: No.

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

MR. JOHNSON: No.

THE COURT: We will be in recess until 9:00
tomorrow morning.

PROCEEDINGS ADJOURNED

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

CERTIFICATION

I, Joseph T. Richling, certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Joseph T. Richling

Date

I N D E X

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

JURY VOIR DIRE OF:

13 - GINGER O'FARRELL	16
20 - RUTH KENNER	20
86 - LINDA BENNETT	26

MEDICAL PROVIDER REVIEW NOTE

DATE: 08/24/2010 14:02	
PATIENT NAME: BASRA, PARAMJIT S	
VITAL SIGNS:	
MOST RECENT: 8/17/2010	
BP: 131 / 83 (Sitting)	Pulse: 68 (Sitting) Temperature: 96.4 (Oral) Respiration: SO2: 99 %
PRIOR: 8/14/2010	
BP: 130 / 82 (Sitting)	Pulse: 84 (Sitting) Temperature: 98.2 (Oral) Respiration: SO2:
Current Height: 69 In. Current Weight: 157 Lbs.	
MEDICATIONS:	AMITRIPTYLINE HCL 25 MG, 1 TABS ORAL(po) Q BED <i>Special Instructions: 25 MG PO Q HS, THEN 50 MG PO Q HS X 1 YEAR</i> CITALOPRAM HBR 10 MG, 1 TABS ORAL(po) QAM <i>Special Instructions: START</i> IBUPROFEN 800 MG, 1 TABS ORAL(po) TID <i>Special Instructions: R X 1</i>
ALLERGIES:	NO KNOWN ALLERGIES

Laboratory review

Provider Review Information:

Asked by Psych to review lab findings in depression w/up.
 Non-fasting labs, elevated glucose is insignificant.

Drawn: 08/17/10 12:54 Received: 08/18/10 03:00
 Procedure: TSH
 TSH 4.840 H uIU/mL 0.450-4.500

Assessment and Plan:

Will get more labs and updated the reminder to see in clinic to discuss.

Procedures Ordered:

- T3, TOTAL: other abnormal lab clinical findings
- T4, FREE, THYROXINE: other abnormal lab clinical findings
- T-4, THYROXINE, T4: other abnormal lab clinical findings

Provider Name: SCHROEDER, CATHERINE A.R.N.P.

 <p>Public Health Seattle & King County <small>HEALTHY PEOPLE. HEALTHY COMMUNITIES.</small></p>	<p style="text-align: center;">Jail Health Services</p> <p>500 5th Avenue 620 West James St Seattle, WA 98104 Kent, WA 98032 Ph: 206.296.1090 Ph: 206.205.2400 FAX: 206.296.1771 FAX: 206.205.2439</p>	<p>PATIENT NAME: BASRA, PARAMJIT S BA #: 209026661 HRN: 1G-075519 CCN: 1869564 DOB: 02/10/1958 BOOKING DATE: 7/27/2009 04:39PM SEX: male LOCATION: D--028L</p>
--	---	---

Revised - Medical Provider Review Note - Form #4709 (Rev. 04/07)



08/31/2011 10:07:32

DynaCare Laboratories
550 17th Av, Suite 300
Seattle WA 98122
David J Corwin, MD, Medical Director
CLIA #50DO631639

Patient Name : BASRA, PARAMJIT S
Patient Id : 1G-075519
Patient Phone :
Date of Birth : 02/10/1958
SS# : -- Sex : Male

Ordering
Physician : Benjamin Sanders
Client Name : KING COUNTY JAIL HEALTH SERVICES

Test Name	Result	ABN	Unit	Reference Range
-----------	--------	-----	------	-----------------

Accession: A10230925 Requisition: 9307071002
Drawn: 08/17/10 12:54 Received: 08/18/10 03:00

Procedure: Group 459 (C-23, Lipd, Fe)				
LD, Serum	152	N	U/L	100-250
Potassium	4.0	N	mEq/L	3.5-5.2
Total CO2	27	N	mmol/L	20-32
Creatinine	0.91	N	mg/dL	0.76-1.27
Calcium	9.9	N	mg/dL	8.7-10.2
Phosphorus	3.1	N	mg/dL	2.5-4.5
BUN	11	N	mg/dL	5-26
GGT	24	N	U/L	0-65
Uric Acid	6.5	N	mg/dL	2.4-8.2
Protein, Total	7.8	N	g/dL	6.0-8.5
Albumin	4.6	N	g/dL	3.5-5.5
Bilirubin, Tot	0.4	N	mg/dL	0.1-1.2
Bilirubin, Dir	0.1	N	mg/dL	0-0.4
Sodium	141	N	mEq/L	135-145
Chloride	103	N	mEq/L	97-108
Glucose	136	H	mg/dL	65-99

Normal printed is for fasting.

No normals for random.

ALT (GPT)	21	N	U/L	0-55
AST (GOT)	27	N	U/L	0-50
Alk Ptase	94	N	U/L	25-150
Cholesterol	208	H	mg/dL	100-199
Triglyceride	519	H	mg/dL	

<150 Normal

150-199 Borderline high

200-499 High

>499 Very high

HDL Cholesterol	28	N	mg/dL	>39
-----------------	----	---	-------	-----

LDL Cholesterol	TNP	N	mg/dL	
-----------------	-----	---	-------	--

<100 Optimal

100-129 Near or above optimal

130-159 Borderline high

Page: 1/2

DynaCare Laboratories
550 17th Av, Suite 300
Seattle WA 98122
David J Corwin, MD, Medical Director
CLIA #50DO631639

Patient Name : BASRA, PARAMJIT S
Patient Id : 1G-075519
Patient Phone :
Date of Birth : 02/10/1958

Electronically generated by the PEARL(R) Electronic Medical Record System

PB000995

PARAM JIT SINGH BASRA.
BA # 209026661
R.J.C KING COUNTY JAIL
620, JAMES ST.
KENT. W.A. 98032

August 15, 2011

Honorable chief Justice Barbra Madsen.

Your honour. I have a limited knowledge of english. I will try to do my best to explain my situation.

I would like you to know that unfortunately I am in the R.J.C King County Jail Kent W.A. Since July 27, 2009. with the Charge of Murder in Second degree.

I regret to see those guys and authorities which have a responsibility to defend the law and promote the Justice when they mislead and misuse the law and makes the comment to provoke the injustice.

I had a paid attorney Mr Richard Hansen since August 19, 2009. I have had.

Cont. - P. 2

P-2

paid to him \$ 20,000. with the assistance of my son Manjit S. Basra and my daughter Amandeep. K Basra. But MR Hansen did mal practice in my case as below.

1. He did not competent communication with me in criminal case. He visited to me one time between August 19, 2009 to June 18, 2010. He did not received my phone calls. (see letter dated August 10, 2010)
2. He did not competent representation. He did not arrange my mental evaluation, ^{and blood test} in a week or a month. However I was told to him in our first meeting on Nov. 09, 2009 that I have suffering the symptom of Depression, Anxiety and Chemical unbalance according to Book of Acupressure which I am reading. It took him evaluation 10. months later.
3. He made a fee agreement signed by unauthoris-ed person (Gurcharan Dhaliwal) without my knowledge and permission. Who was the agent or introduces. (see fee agreement and letter dated Nov 18, 2010)
4. He also violated the terms of the fee agreement
 - (a) According to terms of fee agreement write is, "The total legal fee for negotiated settlement only is \$ 20,000 plus costs". MR Hansen had billing \$ 35,336.00 However he paid to the experts and interpreters only \$ 4460~~00~~

(b) According to the terms of fee agreement, no write anywhere, MR Hansen will charge fee hourly rate \$ 400.00 Despite he had billing 88.34 hours and made \$ 35,336.00

5. MR Hansen violated the RPC 1.5(9)(b). He provided me a copy of fee agreement 15 months later. After withdrew from my case On Nov. 18, 2010.

6. MR Hansen was pushing to me to sign the unacceptable guilty plea. (see letter dated Nov. 02, 2010)

On Sep. 03, 2010 meeting with MR Hansen. I asked him that, "you donot take care of my case, you did not give me a complete discovery, you do not received my phone calls. (see letter dated Aug, 10, 2010 and Sep 07, 2010) you do not discuss with me, what is going on the case. How you ^{will} get the Justice for me." He said, "you fire me." when I asked, "I had paid to you \$ 20,000. How can I hire other attorney? Can you give me money back?" He answered that, "I need \$ 15000. more from you according to my billing." Then I requested to him to show me billing." He said, "I will send you." But he never show me or sent me until Nov. 17, 2010.

On Nov. 17, 2010. When MR Hansen came to give me a copy of, "declaration of the defence Counsel in support of motion to withdraw." I asked him for a copy of fee agreement and billing. Then he show me the fee agreement. When I saw. I asked, "Who had signed this fee agreement." He said, "your son". I was told him that "this is not signature of my son". Then he said, "may be who gave the checks." I asked to show the copy of checks. which was given my son Manjit S. Barra and my daughter Amandeep K Barra. He showed me then I told him that, "this signature are not match with checks." Then he said that, "I don't know who signed". then I said that, "I need to know who signed. and I also need copies of every document related with payments and fee agreement He said. "I will mail you."

After received the Copies and letter dated Nov. 18, 2010. I learnt that there are huge conspiracy to cheated to me.

After pushing to me to sign the unacceptable guilty plea. On Nov. 15, 2010

P-5

Nov. 15, 2010, I asked the permission to speak from Honourable Judge Mary E Roberts and was told in the open court that "my attorney has doing malpractice. I want a legal action against MR Hansen. If the court give me a deal in Manslaughte in Second degree. I am ready to sign. I also requested to the court that I need money back from MR Hansen. the court ordered that Consider this offer.

On Dec 02, 2010 the court allowed to withdraw MR Hansen and appointed the public defender MR John Randolph and Ms. Debra S. Redford.

When the prosecutor MR Donald J Raz learnt from the prosecutor Toel (who was attend the hearing on Nov 15, 2010) that what's going in the court. MR Don Raz wrote an email to MR Hansen. (see email dated Nov. 18. 2010) in email commented that, "It just further proves the axiom that no good act or acts go unpunished."

Later that email used against me by the Washington ^{State} Bar association.

My question is "is this comment acceptable in the Justice system?"

P-6

I filed a grievance to the Washington State Bar Association against MR Hansen, with the written evidence, on Dec 07, 2010 (see exhibit) Disciplinary Counsel assigned my grievance to the Review Committee. I also wrote in letter dated January 13, 2011 that I have more evidence, but I can't collect because I am in the Jail and asked for help. I was also requested for assistance in the letter dated February 07, 2011.

Despite all of that the Review Committee, ignored the written evidence, my request for assistance, to appoint the investigator and accepted the prosecutor's email dated Nov, 18, 2010 (Which is MR Hansen provided to the Bar Association to use against me) The Review Committee used it and gave the decision on March, 18, 2011 that, "There is no evidence or insufficient evidence of unethical behavior to prove misconduct by a clear preponderance of the evidence, and It is ordered: that the grievance should be dismissed with no further action. Should there be a judicial finding of impropriety, the grievant may request that the grievance be reopened." (see Finding and order of Review Committee II)

I believe that discrimination did with me. Because I am from minority and different Religion and native and MR Hansen is associate of the Bar Association that's why ignored his Conspiracy of forgery.

Then I was wrote a letter dated May 18, 2011 to the Assistant General Counsel Julie Anne Shankland that, I have some question about the decision of the Review Committee (see the letter dated May 18, 2011) and asked that what should I do for appeal or reopen my grievance.

The Assistant General Counsel gave the answer in letter dated May 23 2011. That, "we do not have authority to provide an investigator" and also wrote, "we do not have any authority to review the Committee's decision." (see letter dated May 23, 2011)

However The Bar Association had written in the prospect. Your rights and duties on filing a grievance that, "If we determine that it is appropriate to investigate your grievance we will give you the name of the person in investigating your grievance and you will have a reasonable

P. 8

opportunity to speak with that person." I do not understand why the Bar Association did not obey their own rules.

On the other hand my new attorney MR John Randolph and Ms Debra S. Redford started mislead to me from their assigned to my case until 6 months. They failed to comply me and failed to explain the prosecutors letter dated March 30, 2011. What prosecutor wants to say which was also written in the complicated manner. (see letter dated March 30, 2011)

Despite I was wrote to them letters. (see letters dated, April 20, 2011, April 27, 2011 and May 15, 2011) They did not answer.

Then On June 09, 2011, I requested to the Honourable Judge Mary E. Roberts that, "due to my limited english speaking I have written what's going by my attorneys in my case with evidence (see exhibit) please read it.

The Honourable Judge read my letter and seen the evidence and commented that, "MR John Randolph and Ms Debra S. Redford are good lawyers and also MR Hansen has 36 years experience!"

Cont - P. 9

P-9

When I requested to the Honourable Judge that, I have written evidence what Mr Hansen did. Can you see please? The Honourable Judge denied to see and ordered to POD to appoint the Counsel. I ~~was~~ believed that the Judge have a chair of Justice. His or her have a duty to see what is the truth. So people can trust on Justice system.

On the other hand. I have had written a request kite to the Jail programme office that I need The Sikh, religious Book in my language (Punjabi). I gave the address of the Sikh Temple Renton WA. and requested that if someone or chaplain can provide me.

The programme co-ordinator Mary Anne Morbley gave the answer on March 04, 2010 that I have religious material I will provide you till next monday.

I had waited three or four months during this period I requested several times to the officer Swagger to ask for religious book. She called to Mary Anne and told me that Mary Anne answered, she sent for approval due to the hard cover.

book. But I never got.

After that I requested to the officer Fernandez to help me to write a grievance kite. He wrote and attached that answer sheet of March 04, 2010, with the grievance and sent it. But got no answer.

After one month I wrote another grievance kite. Again I got no answer.

On 08-09-10 I wrote 3rd grievance kite. Then I got answer on 8-18-10 by captain Jh. Hardy. That, 'No Hard cover Books or soft cover books in inmate property bag. (see exhibit)

Then I requested to my new attorney Ms Debra S Redford on January 04, 2011. for approval from Jail department of my religious Book. She said I will do.

But she did not any response. Despite I wrote letter dated May 15, 2011. I never got my religious Book or response.

Then I was asked from my nephew if some one provide me religious Book from the temple. After some days. my sister in law told me that she gave the Book to the ^{Jail} programme office.

After two weeks waiting I asked my son if he called to Mary Anne. Then he told me that he called and ~~to~~ Mary Anne answered. She sent the Book for approval. But I never got

On June 19, 2011 I requested to the officer Anderson, wheather I need to write Kite again, for religious Book. He said I will call the programe office and answer me later. On June 25, 2011 the Officer Anderson told me "you need write white kite to ~~to~~ Mary Anne. Then I did. But they did not any ~~to~~ response.

Then On June 30, 2011. my new attorney Edwin Lee Aralica visited to me. I request him about this matter and ask for help. He said. he talk with the Jail department. Then next day July 01, 2011 Jail department gave me religious Book.

I believe that if some one got an attorney who have a discriminat thought or have no attorney you never got your right or Justice.

You see the fee agreement, billing, the Review Committee's discison, Assistant General Counsel's letter dated.

P-12

May 23, 2011, prosecutor's email dated Nov 18, 2010 letter dated March 30, 2011. You can imagine how the corrupt people spread in the Justice system and exploiting the minorities.

In the prosecutor's email dated Oct 25 2010 and letter dated March. You can also see how prosecutor misuse the law to pushing and threaten to the defendants and ~~the~~ to affray their families.

If you conduct an investigation I have more evidence. which I am unable to collect because I am in Jail And my attorney refused to help me. they said. they will work only ^{on} criminal case.

I would like a humble request to you to stop this corruption and discrimination in the Justice system. So minorities also can enjoy their rights and Justice.

I hope you would take a prompt action to do the needful.

I would appreciate and thank you very much.

Yours Sincerely,

Paramjit Singh

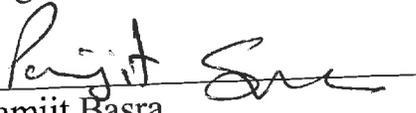
(PARAM JIT SINGH BASRA)

CC: Governor of the Washington.
U.S. Department of the Justice.
Acting Director of the Washington

VERIFICATION OF PETITION

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 28 day of April, 2015


Paramjit Basra