Case #: 1041993

THE Appeal COURT FOR THE STATE OF WASHINGTON

IN AND FOR THE Divison 1

STATE OF WASHINGTON,
Plaintiff,
v.
Stephen V. Vasquez
Defendant.

No. 872095

Motion

COMES NOW the defendant, Stephen Vasquez, Pro se and submits this motion to File amended petition for review for the Court's consideration.

INFORMATION

On or about ___/___/2023 lefendant was charged/ sentenced for the crime of Robbery, cause No. _____ and is currently serving a 240 month sentence from Okanogan County Superior Court. His current release date is ___/2038.

GROUNDS

FACTS RELEVANT TO MOTION

I turned my petition in prematurely do to concern of timeliness. I was granted an extension after I turned My petition in that was not ready.

GROUNDS FOR RELIEF AND ARGUMENT

Accept my new petition because I was granted an extension

CONCLUSION

For the reasons put forth above, the petitioner respectfully requests that this Court grant his motion, and award any and all relief as provided for by law.

In addition, the petitioner respectfully requests that this Court Accept my New petition for discretionary review.

Furthermore, the petitioner respectfully requests that this Court appoint counsel to argue any issues this Court finds meritorious.

Respectfully Submitted,

Steve Vasquez

I, Stephen Vasquez, hereby swear under penalty of purjury of the laws of the State of Washington, that I have read the contents of the above Motion, and it is true and correct to the best of my knowledge.

signed this 17 day of June, 2025.

Steve Vasquez

Signature

No. 872095

Appeal COURT
OF THE STATE OF WASHINGTON

Appeal court, Respondent,

v.

Stephen Vasquez, Petitioner,

Petition / MOTION FOR DISCRETIONARY REVIEW

Stephen Vasquez
[Name of petitioner]

_____

_____

_____

_____
[Address]

A. Identity of petitioner.
Stephon V. Vasquez ask this court to accept review of the decision designated in part B of this motion

B. Decision
I want the Ineffective assistance of counsel claim reviewed.

I want the trial courts abuse of discreation claim reviewed.

I want the prosecutor misconduct claim reviewed.

I want the police misconduct claims reviewed.

I want the violation of due process claim reviewed.

I want the violation of my 4th amendment claim reviewed.

The decision on my direct appeal is ~~attach~~ attached. Date filed 3-10-25. The decision of the motion for reconsideration is attached. Date filed 4-21-25. See Attachments

C. Issues presented for Review.

Violation of Due process.

Violation of 4th amendment

Trial court abuse of discreation

Police misconduct

Ineffective assistance of counsel

Cumulation of errors violated my right to a fair ~~trial~~ St. trial.

D. Statement of the case.
I was conficted of Robbery, Attempted Robbery, assult and a few others.

The State secured a confiction with the use of evidence secured from a unlawful vehical pursuit and officers false identification of me as the suspect during a foot pursuit. The officers used the unlawful vehical pursuit to futher their investigation. Coerced witnesses to identify me as the suspect and used the tainted evidence to secure warrant to search and seize.

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State V. Stiltner, 80 wn. 2d
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State V. Tarica, 59 wn
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State V. Teems, 89 wn
Pg. 8-F, 9-D and 14-G

State V. Thomas, 109 wn
Pg. 8-F and 14-G

State V. Thompson, 68 wn
Pg. 8-F and 14-G

State V. Thompson, 151 wn
Pg. 6-G, 8-F, 10-C and 14-G

State V. Thompson, 169 wn
Pg. 6-G, 8-F and 14-H

State V. Townsend, 2 wn
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State V. Traweek, 43 wn
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State V. Vanness, 186 wash
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State V. Vazquez, 198 wn
Pg. 6-G and 14-H

State V. Young, 62 wn
Pg. 6-G, 8-G and 14-H

State V. Young, 123 wn
Pg. 6-G, 8-G, 10-C and 14-H

State V. Young, 167 wn
Pg. 6-G, 8-G, 10-C and 14-H

State V. Walker, 182 wn
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State V. Wall, 52 wn
Pg. 6-G, 8-G and 14-H

State V. Wheeler, 22 wn
Pg. 6-H, 8-G, 9-D and 14-H
State V. Winterstein, 167 wn.2d
Pg. 6-H, 8-G, 10-C and 14-H
State V. Workman, 90 wn. 2d
Pg. 6-H, 8-G and 14-H

Other Authorities

Washington State cases can be overturned due to unlawful vehical pursuits especialy if the pursuit violated State law or the defendants constitutional rights. For example a 2021 law restricked police pursuits requiring probable cause for specific felonies like assult, vehical assult or drunk driving. If police pursuits violate these laws the evidence gathered during the pursuit may be suppressed leading to dismissal or overturning charges.
Pg. 18

RCW 10.116.060.
Pg. 18

Law § 840 > due process - conviction obtained by perjured testimony. The constitutional requirement of due process is not satisfied where a conviction is obtained by the presentation of testimony known to the prosecuting authorities to be perjured.
Pg. 14-I

Evidence (68). Evidence seized during an unlawful search cannot constitute proof against the victim of the search; the exclusionary prohibition extends as well to the indirect as the direct products of such invasion.
Pg. 10-C

Actual or constructive denial of the assistance of counsel altogether is legally presumed to result in prejudice.
Pg. 14-I

Criminal law and procedure counsel-substitution and withdraw. Justifiable dissatisfaction sufficient to warrant that new counsel be appointed includes a conflict of interest, an irreconcilable conflict, or a complete breakdown in communication between the attorney and the defendant.
Pg. 14-J

§ 2.05 Remedies for constitutional Violations.
Pg. 14-I

Where a fourth amendment violation is established and it is proved that the out-of-court identification is a direct fruit of the violation, the out-of-court identification is suppressed regardless of its reliability.
Pg. 14-I

Where a due process violation occurs at the out-of-court identification procedure so that the resulting out-of-court identification is constitutionally unreliable, the identification is suppressed.
Pg. 14-I

Criminal law and procedure > trials > defendants rights > right to due process. If, by fraud, collusion, trickery and subordination of perjury, on the part of those representing the State, the trial of an accused person results in his conviction, he has been denied due process of law. The case can stand no better if, by the same devices, a confession is procured, and used at trial.
Pg. 14-J

If law enforcement searches or seizes without a warrant or applicable warrant exception and thus obtains evidence through an unconstitutional search, the evidence is inadmissible under the exclusionary rule. Id at 931
Pg. 10-C

E. Argument why review should be granted.

Error 1

Ineffective assistance of counsel.

Argument

A) There was a complete breakdown in communication throughout every facet of the proceedings. Judge Rawson gave counsel instructions to communicate with me. on 5-2-22 during the readiness hearing. (See CP # 188).

The complete breakdown in communication is on record. on 1-3-23 at the motion hearing. When I asked Ms. Burka are we putting motions in next week and she lies and answers yes. Then I tell Judge Grimm counsel is not communicating offers to me or properly. Judge Grimm tells counsel to answer my questions. (See Pretrial RP pg. 84-89).

Judge Grimm recognized the complete breakdown in communication, Gave Counsel a I instructions to communicate and for counsel to answer my questions. on 1-9-23 during the pretrial motion hearing (See Pretrial RP pg. 103-105). 8 months after Judge Rawson told Counsel to communicate with me. During this hearing

there is three examples of counsels failure to consult with me and the complete breakdown in communication. Example one, counsels failure to inform me about admissible evidence. (See Pretrial RP pg 118). Example two, I tell the Judge counsel has no answers for me. (See Pretrial RP pg 170). Example three, I tell the Judge there should of been motions to suppress evidence. Counsel said they made a tactical decision. They made the decision without consulting with me. (See Pretrial RP pg 208).

Both the Judges instructions to counsel did not prevent the furtherance of the complete breakdown in communication. Counsel still did not advise me or communicate trial strategy and tactics with me. (See CP # 214).

Counsel was ineffective in the plea bargaining process do to the complete breakdown in communication. Counsel did not properly inform me of plea deals. Counsel told me they could not use evidence and we would suppress the evidence. Mr. Haas said I could appeal the ~~binder~~ binder. Mr. Haas said I would ~~the S.J.~~ win the motion to sever on appeal. This prejudiced me because because ~~I'll~~ counsel did not inform me

that I had to perserve the issue not how to perserve the issue for an appeal. They did not inform me of the disadvantages of the appeal process. I even said I would of agreed to a deal if it wasn't for the complete breakdown in communication caused by counsel. (See CP # 1588).

B) Counsel was ineffective for not motioning to sever charges. Mr. Haas said the Okanogan court would not sever the charges because it already made its ruling. Therefore it wouldn't over rule it's earlier ruling. Mr. Haas said we would win the motion to sever on an ~~appeal~~ SV. appeal though.

The binder should of been challenged because the evidence used to join the cases is unlawful and prejudical evidence. Obtained from the unlawful vehical persuit, officer Orr's unlawful identification and the witnessess unlawful identifications. Therefore the cases should of been severed

C) Counsel was ineffective and prejudiced me. By failing to file motions to suppress that the law supported. Judge Grimm tells me counsel

is required to bring motions the law supports. (See Pretrial RP pg 88-89).

Counsel failed to suppress Vehical persuit evidence because, None of RCW 10.116.060 was met to engage in a Vehical persuit. (See Statement of arresting officer and preliminary finding of probable cause).

Counsel failed to suppress officer orr's out-of-court identification of me as the suspect. officer orr is on camera saying he never seen the suspects face. (See defense exhibit 13 and CP # 185).

Counsel failed to suppress the witnessess out-of-court identifications of me as the suspect. Counsel said the officer coerced the witnessess to identify me. (See Pretrial RP pg 207-208 and CP # 185).

Counsel failed to suppress the evidence secured by further investigation of the Vehical persuit, for it is fruit of the poisonous tree. Fruit of the poisonous tree evidence that should of been suppressed is: IId evidence, cell phone evidence, evidence from my house and car, and all identification evidence. (See warrents)

Counsel failed to suppress the Video/Audio recording do to it being of poor quality and distorted. (See Pretrial RP pg 207-208).

D) Counsel was deficient and prejudiced me by failing to object during trial.

Counsel should have objected and motioned to striken evidence from the record. When officer testified none of RCW 10.116.060 was met to engeage in a vehical persuit. (See trial RP pg 570-597). All evidence from the vehical persuit should of been suppressed.

Counsel should have obbected and motioned to suppress the out-of-court identification of me as the suspect. When the witnesses and officers confirmed. The officer told the witnessess I was the suspect and if they would identify me as the suspect for them. (See trial RP pg 659-660, 692-693, 800-810, 815 and 831-836).

Counsel failed to object and motion to suppress the Video/Audio recording. When the State played it and it was not distorted. I raised this issue three times. (See Pre/Post trial RP pg 207-208, 260 and CP # 214).

counsel failed to object to numerous prosecutor prejudical misconduct. The prosecutor asked the Jury to find me guilty and asked them to mark yes on all special verdict forms. (see trial RP pg 241, 1132 and 1134). The prosecutor used profile testimony and inflamatory name calling to heighten the Jurys prejudice. (See trial RP pg 1114 and 1154). The prosecutor testifys telling the Jury the letter I wrote was a confession. See trial RP pg 1130). The prosecutor testifys to the truthfulness of the witnesses. (See trial RP pg 1129 and 1158). The prosecutor testifys telling the Jury the knifes are deadly weapons and the evidence is beyond a reasonable doubt. (See trial RP pg. 1130 and 1160). Instead of allowing the Jury to come to their own conclusion.

E) counsel prejudiced me by failing to request a limiting instruction and lesser included instruction to be added to Jury forms. For it lessened the states burden and allowed the Jury to view evidence in an improper light.

Ineffective assistance of counsel case Law.

State V. Allen, 138

State V. Avila-Avina, 99

State V. Badda, 63

State V. Bluford

State V. Brashear, 32
unlike Brashear the error in my case is of constitutional magnatude. Counsel was ineffective for not objecting.

State V. Classen, 4

State V. Crane, 105 wn

State V. Crow, 8

State V. Crudup, 11
unlike Crudup the officers posting their reports of social media was inflammatory and prejudical. counsel was ineffective for not motioning for a change of venue.

State V. Dawkins, 71 wn

State V. Denham, 2020 wash

State V. Deweese, 169 wn
unlike Deweese, I was not granted new counsel or given the option to proceed pro se

State V. Drath, 7 wash

State V. Elwell, 199 wn
unlike Elwell. I was not allowed to raise any motions to suppress evidence.

State V. Estes, 188 wn

State V. Fisher, 74 wn

State V. Gambill, 2015 Wash

State V. Hamilton, 179 Wn

State V. Harris, 36

State V. Hawkins, 72 wn

State V. Higby 26 wn

State V. Huntley

State V. James, 48 wn

State V. Jones, 146 wn
officer ott said he didn't have probable cause for vehical pursuit. Counsel prejudiced me and my defense by not motioning to suppress evidence.

State V. Jones, 183 wn
Counsel had no tactical reason not to challenge and suppress evidence. Nor had any tactical reason not to have witnesses identify me through an audio montage. Counsel had no tactical reason not to have my grandma and mother testify.

State V. Jury, 19 wn
Counsel failed to acquaint themselves with my case. None of RCW 10.116.060 was met to engage in vehical pursuit. Evidence from pursuit should of been challenged and suppressed. The out-of-court identification of me as the suspect should of been challenged and suppressed. The officers told the witnesses I was the suspect and if they would identify me as the suspect.

State V. Kelly, 32 wn

State V. Kier, 164 wn.

State V. Kyllo, 166 wn

State V. LeaVitt, 49 wn

State V. Lee, 132 wn

State V. Lennon, 94 wn

State V. Lewis, 115 wn

State V. Light-Roth, 2019 Wash

State V. Linville, 199 Wash

State V. Martell, 22 wn

State V. Mayfield, 192 wn

State V. McDonald, 40 wn

State V. McGee, 3 wn

State V. McKelson, 133 wn

State V. McReynolds, 64 wn

State V. Michaels, 60 wn

State V. Miles, 24 wn

State V. Mitchell, 30 wn

State V. Moon, 108 wn

State V. Neth, 165 wn

State V. Nichols, 161 wn
unlike ~~Mr~~ Nichols the officer in my case said he did not have probable cause to engage in a vehical pursuit, therefor Suppression of evidence was called for.

State V. Norman, 24 wn

State V. Parnell, 77 wn

State V. Peterson, 3 wn

State V. Peterson, 73 wn

State V. Pittman, 134 wn

State V. Ramirez, 46 wash

State V. Reichenback, 152 wn

State V Reyes, 98 wn
Counsel prejudiced me and my defense. There was no probable cause to engage in vehical pursuit the officers actions were aimed at accelerating discovery. Evendence should of been Suppressed

State V. Romero, 95 wn

State V. Scott, 93 wn

State V. Simpson, 95 wn

State V. Simpson, 22 wn

State V. Smith, 104 wn

State V. Smith, 154 wn

State V. Solomon, 3 wn

State V. Spencer, 9 wn

State V. Stiltner, 80 wn

State V. Strickland

State V. Swenson, 62 Wn

State V. Tarica, 59 Wn

State V. Thompson, 151 Wn

State V. Thompson, 169 Wn
unlike Thompson. The complete breakdown in communication was caused by counsel in my case.

State V. Traweek, 43 Wn
unlike Traweek. The State made no showing suggestiveness was necessary. In my case.

State V. Vanness, 186 Wash

State V. Vazquez, 198 Wn

State V. Young, 62 Wn

State V. Young, 123 Wn

State V. Young, 167 Wn

State V. Wall, 52 Wn

State v. Wheeler, 22 Wn

State v. Winterstein, 167 Wn

State v. Workman, 90 Wn

Error 2
Judical misconduct and abuse of discretion
Argument

A) The court signed warrants even though the evidence used to secure the warrants were unlawfully obtained. (See warrants)

B) The court used the unlawful evidence to prejudice me and join the cases for trial. (See Pretrial RP pg 18).

C) Judge Lawson abused his discretion. By not hearing my verbal motions for change of venue and substitution of counsel and by not making a formal inquiry into my dissatisfaction with counsel. (See Pretrial RP pg 40-41 and CP # 188).

Judge Grimm abused his discretion when I asked for new counsel and made no inquiry of my dissatisfaction with counsel. (See Pretrial RP pg 85-86). He abused his discretion again when he asked me if I wanted new counsel and recognized there was a complete breakdown in communication. Then denied to grant me new counsel. (See Pretrial RP pg 97-103).

The court abused it's discretion by not

granting me a evidentiary hearing to hear my verbal and writen motions. (See Pre/Post trial RP pg 40-41, 51, 62, 85-90, 95-105, 118, 170-171, 207-208, 211, 260, 263 and CP # 185, 188 and 214).

D) The court abused its discretion by not putting a limiting instruction in the Jury instructions and by only giving one Single set of Jury forms to the Jury. For it deprived the Jury of the opportunity to Separately consider the circumstances determing each of the robberys and it allowed the Jury to view evidence in an improper light. (See Jury forms, CP # 104 and States respondent brief pg 16-17).

E) Judge Grimm abused his discretion. He said it is his duty to rule on evidence. (See trial RP pg 1089-1090). AS Soon as officer orr testified none of RCW 10.116.060 was met to ~~eg~~ s.v. engage in a vehical persuit and officers testified the out-of-court identification were coerced. Judge Grimm should of ruled the evidence inadmissible. The evidence was unlawfully obtained and Judge Grimm has a duty to uphold the law.

Judical misconduct and abuse of discreation case law.

State V. Allen, 138 wn

State V. Avila-Avina, 99 wn

State V. Brashear, 32

State V. Coe, 101 wn

State V. Cory, 62 wn

State V. Crane, 105 wn

State V. Crigler, 23 wn

state V. Crudup, 11

State V. Cruz, 88 wn

State V. Cummings, 31 wash

State V. Denham, 2020 wash

State V. Deweese, 169 wn

State V. Dowell, 26 wn

State V. Elwell, 199 wn

State V. Gambill, 2015
Trial court failed to conduct an adequate inquiry before denying my request for new counsel.

State V. Harris, 36

State V. Hawkins, 72 wn

State V. Higby, 26 wn

State V. Huntley

State V. Jones, 146 wn
officer in my case said he did not have probable cause to engage in vehical pursuit the evidence should of been suppressed. The court should not of used evidence to secure a conviction.

State V. Keller, 35 wn

State V. Kelly, 32 wn
The court should of granted me new counsel do to the complete breakdown in communication caused by counsel.

State V. Kier, 164 wn

State V. Lampshire, 74 wn

State V. Lee, 132 wn

State V. Lennon, 94 wn
The court used evidence from unlawful vehical pursuit to secure warrants and a confiction in my case violating my right to due process.

State V. Lewis, 115 wn

State V. Linville, 199 wash

State V. Lopez, 79 wn
Judge failed to make investigation into my claim

State V. Martell, 22 wn

State V. Mayfield, 192 wn
There was no unforeseeable intervening circumstances in my case. The evidence should of been suppressed and not used to secure a confiction.

State V. McCullum, 98 wn

State V. McDonald, 40 wn
The officer asked the witnessess to identify me as the suspect. The court should of recognized my motion to suppress.

State V. McGee, 3 wn
The evidence in my case was all tainted from the unlawful vehical pursuit violating my right to due process.

State V. McNeil, 20 wn

State V. McReynolds, 104 wn

State V. Michaels, 60 wn

State V. Miles, 24 wn

State V. Mills, 154 wn

State V. Mitchell, 30 wn

State V. Moon, 108 wn

State V. Neth, 165 wn

State V. Nichols, 161 wn

State V. Norman, 24 wn

State V. Parnell, 77 wn

State V. Peterson, 3 wn

State V. Pittman, 134 wn

State V. Potts, 2014 Wash
unlike Potts. The Judge, in my case did
not make deeper inquiry into my dissatisfaction
with counsel or asked if there was anything
else I wanted to address.

State V. Ramirez, 46 wash

State V. Reyes, 98 wn

State V. Romero, 95 wn

State V. Scott, 93 wn

State V. Simpson, 95 wn

State V. Simpson, 22 wn

State V. Smith, 104 wn
The evidence was unconstitutionally obtained in my case
and should of been suppressed

State v. Smith, 174 wn

State v. Solomon, 3 wn

State v. Spencer, 9 wn

State v. Stiltner, 80 wn

State v. Swenson, 59, wn

State v. Swenson, 62 wn

State v. Tarica, 59 wn

State v. Teems, 89 wn

State v. Thomas, 109 wn

State v. Thompson, 68 wn

State v. Thompson, 151 wn

State v. Thompson, 169 wn
Trial court should of granted me new counsel do to the complete breakdown in communication caused by counsel.

State v. Traweek, 43 wn

State v. Vanness, 186 wash

State v. Young, 62 Wn

State v. Young, 123 Wn

State v. Young, 167 Wn

State v. Wall, 52 Wn

State v. Wheeler, 22 Wn

State v. Winterstein, 167 Wn

State v. Workman, 90 Wn

Error 3

Prosecutor misconduct

A) The prosecutor used tainted evidence from unlawful Vehical persuit and unlawful out-of-court identification of me as the suspect, to secure warrents and join cases for trial. Then the prosecutor used the unlawful evidence and the fruit of the poisonous tree evidence from futher investigation of unlawful vehical persuit to seciue a confiction.

B) The prosecutor used profile and inflamatory testimony to arose the juys bias and prejudice. Prosecutor testified to the truthfulness of the witnessess testimony, told the jury the letter I wrote was a confession. Asked the jury to find me guilty and to mark yes on special verdict forms. Testified saying the knifes were deadly weapons and the evidence was beyond a reasonable doubt. Instead of allowing the jury to come to their own conclusion. (See trial RP pg 241, 1114, 1129 - 1130, 1132, 1134, 1154, 1158 and 1160).

Prosecutor misconduct case law

Cranford V. O'Shea, 75 wash

State V. Alexander, 64 wn

State V. Allen, 182 wn

State V. Badda, 63 wn

State V. Bagby, 200 wn

State V. Black, 109 wn

State V. Belgarde, 110 wn

State V. Bluford, 188 wash

State V. Braham, 67 wn

State V. Case, 49 wn

State V. Charlton, 90 wn

State V. Classen, 4 wn

State V. Coe, 101 wn

State V. Cory, 62 wn

State v. Crane, 116 wn

State v. Crigler, 23

State v. Crow, 8 wn

State v. Dailey, 93 wn

State v. Denham, 2020 Wash

State v. Devlin, 145 was

State v. Fisher, 74 wn

State v. Harris, 36 wn

State v. Heaton, 149 wash

State v. Huntley,

State v. Jones, 144 wn

State v. Kier, 164 wn

State v. Kroll, 87 wn

State v. Lampshire, 74 wn

State v. Lee, 132 wn

State V. Lefever

State V. Lewis, 115 wn

State V. Lindsey, 185 wash

State V. Linville, 199 wash

State V. Loughbom, 196 wn

State V. McKenzie, 157 wn

State V. McNeil, 20 wn

State V. Michielli, 132 wn

State V, Miles, 23 wn

State V. Mitchell, 30 wn

State V. Monday, 171 wn

State V. Moon, 108 wn

State V. NaVone, 186 wash

State V. Peterson, 73 wn

State V. Pierce, 169 wn

State V. Ramirez, 46 Wash

State V. Reed, 102 wn

State V. Reeder, 46 wn

State V. Romero, 95 wn

State V. Rose, 62 wn

State V. Sang, 184 wash

State V. Sargent, 40 wn

State V. Scott, 93 wn

State V. Sherman, 59 wn

State V. Slater, 197 wn

State V. Smith, 154 wn

State V. Teems, 89 wn

State V. Walker, 182 wn

State V. Wheeler, 22 wn

Error 4

Violation of 4th amendement right.

A) The unreasonable search-n-seizure is a conclusion of law contained in the record. All the warrants to search-n-seize were obtained with unlawful evidence. Secured by a illegal and unlawful Vehical persuit, officer orrs false identification of me as the suspect, the coerced out-of-court witnesses identification of me as the suspect and the misleading to trier of fact Video. (See statement of arresting officer and preliminary finding of probable cause, declaration for probable cause, motion and declaration for issuance of order for arrest warrant, order for arrest warrant, ~~exhibit 1 omit~~ RCW 10.116.060 and trial RP pg 570-597, 659-660, 692-693, 800-810, 815 and 831-836, as defense exhibit 13).

Violation of 4th Amendement case law

State V. Allen, 138 wn

State V. Avila-Avina, 99 wn

State V. chesley, 158 wn

State V. Coe, 101 wn

State V. Cory, 62 wn

State V. Crane, ~~116 wn~~ 3d 105 wn

State V. Cruz, 88 wn

State V. Denham, 2020 wash

State V. Elwell, 199 wn

State V. Higby, 26 wn

State V. Jones, 146 wn

State V. Keller, 35 wn

State V. Mayfield, 192 wn

State V. McDonald, 40 wn

State V. McGee, 3 wn

State V. McKelson, 133 wn

State V. McReynolds, 104 wn

State V. Michaels, 60 wn

State V. Moon, 108 wn

State V. Neth, 165 wn

State V. Nichols, 161 wn

State V. Peterson, 3 wn

State V. Reichenback, 152 wn

State V. Reyes, 98 wn

State V. Simpson, 95 wn

State V. Smith, 104 wn

State V. Solomon, 3 wn

State V. Spencer, 9 wn

State V. Swenson, 59 wn

State v. Tarica, 59 wn

State v. Thompson, 151 wn

State v. Traweek, 43 wn

State v. Vanness, 186 wash

State v. Young, 123 wn

State v. Young, 167 wn

State v. Winterstein, 167 wn

4th Amendement Authorities

Evidence 681. Evidence seized during an unlawful search cannot constitute proof against the victim of the search; the exclusionary prohibition extends as well to the indirect as the direct products of such invasion.

If law enforcement searches or seizes without a warrant or applicable warrant exception and thus obtains evidence through an unconstitutional search, the evidence is inadmissible under the exclusionary rule. Id at 931.

Error 5

Violation of due process.

A) The violation of due process began with the unlawful vehical pursuit. None of RCW 10.116.060 was met to engage in a vehical pursuit. (See trial RP pg 570-597 and preliminary finding of probable cause). Vehical pursuit evidence should of been challenged and suppressed.

B) officer Otts identification of me as the suspect violated my right to due process. Because he is on ~~cont.~~ S.U. Video saying he never seen the suspects face. (See defense exhibit 13). His out-of-court identification of me as the suspect should of been challenged and suppressed.

C) The out-of-court witneesess identifications of me as the suspect violated my right to due process for three reasons. First, the officers used the unlawful vehical pursuit to futher their investigation and secure the out-of-court identifications. Secondly, the officers coerced the witnessess to

identify me as the Suspect. Thirdly, Neither witness testified they identified my face or voice. (See CP # 185 and trial RP pg 659-660, 692-693, 800-810, 815 and 831-836, also Pretrial RP pg 207-208). This evidence should of been challenged and suppressed.

D) All the warrents Violated my right to due process because they were secured with unlawfully obtained evidence. Also do to them being a direct fruit of the unlawful Vehical pursuit. (See Statements of probable cause).

E) The Joinder Violated my right to due process because it was secured with prejudical unlawfully obtained evidence. (See Pretrial RP pg 17-19). The evidance in each case was not strong enough to ~~cofl~~ S.V. confict on there own either. This prejudiced me because the Jury was allowed to use evidence from different cases to find me guilty of charges. Where the charges severed the Jury would not of come to the same conclusion.

F) Being placed in a Hobbsons choice Violated my right to due process.

(See Pretrial RP pg 36-41, 42-45 and 49-53 also CP # 185, 188 and 185). I said I didn't want a continuance. Judge Rawson said, if I want to allow counsel more time to prepare or go to trial with unprepared counsel. Counsel coerced me to agree to continuance when I didn't want to because they said they needed more time to prepair to file motions. Placing me in a Hobbsons choice. Then they never filed the motions we discussed. (See CP # 185, 188 and 214).

G) The courts abuse of discretion violated my right to due process. By. The use of tainted evidence to secure warrants. By recognizing a 5th complete breakdown in communication and not granting me new counsel. By not reconizing my verbal and writen motions or inquiring futher in to my dissatifaction with counsel with an evidentiary hearing. By not upholding the law during the proceedings. When officer orr testified he did not have probable cause to engage in a vehical pursuit and officer testified they coerced the witnessess out-of-court identifications of me as the suspect. Judge Grimm should of

ruled the evidence inadmissible right then. By not granting a mistrial do to sleeping Jurors and by not granting a evidentiary hearing to inquire about the Jurys misconduct.

H) Prosecutors misconduct Violated my right to due process. When it used the unlawful evidence to secure warrents to search-n-seize. When the prosecutor used the unlawful evidence to secure the prejudical joinder and confiction. When the prosecutor used profile inflamotory testimony to raise the Jury bias and prejudice.

I) The police misconduct Violated my right to due process. When officer engaged in a unlawful vehical pursuit. When officer orr lied about identifying me as the suspect. When the officers coerced the witnessess to identify me as the suspect. When the officers posted their reports on social media arousing the communitys hostility and prejudice against me.

Violation of Due process case law

Cranford V. O'Shea, 75 wash

State V. Alexander, 64 wn

State V. Allen, 138 wn

State V. Avila-Avina, 99 wn

State V. Badda, 63 wn

State V. Black, 109 wn

State V. Brashear, 32 wn
unlike Brashear. The error in my case was of constitutional magnatude. I was also not granted new counsel.

State V. Case, 49 wn

State V. Chesley, 158 wn

State Vg Coe, 101 wn

State V. Corey, 62 wn

State V. Craney, 105 wn

State V. Crigler, 23 wn

State V. Crow, 8 wn

State V. Crudup, 11 wn
unlike crudup. The officers posting their reports on social media. Asking the community what should happen to me was prejudical.

State V. Cruz, 88 wn

State V. Cummings, 31 wash

State V. Denham, 2020 wash

State V. Devlin, 145 wash

State V. Dowell, 26 wn

State V. Drath, 7 wash

State V. Elwell, 199 wn
unlike Elwell. I was not allowed to raise any motions to suppress. Even though I tried.

State V. Estes, 188 wn

State V. Fisher, 74 wn

State V. Gambill, 2015 Wash
In my case the trial court failed to conduct an inquiry to fully inform its self before denying my motion for new counsel.

State V. Harris, 36 wn

State V. Hawkins, 72 wn

State V. Hicks, 163 wn

State V. Higby, 26 wn

State V. Huntley

State V. James, 48 wn

State V. Jones, 144 wn

State V. Jones, 146 wn
officer, in my case he did not have probable cause for vehical pursuit. Counsel failed to Suppress evidence. Violating my right to due process.

State V. Jones, 183 wn

State V. Jury, 19 wn

State V. Keller, 35 wn

State V. Kelly, 32 wn
Unlike Kelly. I was not allowed to fire counsel even though I tried too.

State V. Kier, 164 wn

State V. Lampshire, 74 wn

State V. Lee, 132 wn

State V. Lennon, 94 wn

State V. Lewis, 115 wn

State V. Light-Roth, 2019 wash

State V. Linville, 199 wash

State V. Lopez, 79 wn
The Judge failed to make detailed investigation of my claims before denying my motion for new counsel. Violating my right to due process.

State V. Martell, 22 wn

State V. Mayfield, 192 wn
In my case there was no unforeseeable intervening circumstances.

State V. McCullum, 98 wn

State V. McGee, 3 wn

State V. McKelson, 133 wn

State V. McReynolds, 104 wn

State V. Michaels, 60 wn

State V. Miles, 24 wn

State V. Mills, 154 wn

State V. Mitchell, 30 wn

State V. Moon, 108 wn

State V. Neth, 165 wn

State V. Nichols, 161 wn
unlike Nichols. The officer in my case said he did not have probable cause to engage in a vehical pursuit. Therefore the evidence should of been suppressed.

State V. Norman, 24 wn
unlike Norman. The court denied my motions for new counsel.

State V. Parnell, 77 wn

State V. Peterson, 3 wn

State V. Peterson, 73 wn

State V. Pittman, 134 wn

State V. Potts, 2014 wash
unlike Potts. The Judges in my case did not make proper inquiry of my dissatisfaction with counsel or the complete breakdown in communication caused by counsel.

State V. Ramirez, 46 wash

State V. Reichenback, 152 wn

State V. Reyes, 98 wn

State V. Romero, 95 wn

State V. Scott, 93 wn

State V. Simpson, 22 wn

State V. Simpson, 95 wn

State V. Smith, 104 wn

State V. Smith, 154 wn

State V. Smith, 174 wn

State V. Solomon, 3 wn

State V. Spencer, 9 wn

State V. Stiltner, 80 wn

State V. Strickland

State V. Swenson, 62 wn

State V. Swenson, 59 wn

State V. Tarica, 59 wn

State V. Teems, 89 wn

State V. Thomas, 109 wn

State V. Thompson, 68 wn

State V. Thompson, 151 wn

State V. Thompson, 169 wn
unlike Thompson. The complete breakdown in communication was caused by counsel in my case.

State V. Traweek, 43 wn
The State made no showing the officers telling the witnessess I was the suspect and if they would identify me as the suspect was necessary.

State V. Vanness, 186 wash

State V. Vazquez, 198 wn

State V. Young, 62 wn

State V. Young, 123 wn

State V. Young, 167 wn

State V. Wall, 52 wn

State V. Wheeler, 22 wn

State V. Winterstein, 167 wn

State V. Workman, 90 wn

Due process authorities

Law § 840 > due process - conviction obtained by perjured testimony. The constitutional requirement of due process is not satisfied where a conviction is obtained by the presentation of testimony known to the prosecuting authorities to be perjured.

§ 2.05 Remedies for constitutional Violations.

Where a fourth amendment violation is established and it is proved that the out-of-court identification is a direct fruit of the violation, the out-of-court identification is suppressed regardless of its reliability.

Where a due process violation occurs at the out-of-court identification procedure so that the resulting out-of-court identification is constitutionally unreliable, the identification is suppressed.

Actual or constructive denial of the assistance of counsel altogether is legally presumed to result in prejudice.

Criminal law and procedure, counsel - substitution and withdraw. Justifiable dissatisfaction sufficient to warrent that new counsel be appointed includes a conflict of interest, an irreconcilable conflict, or a complete breakdown in communication between the attorney and the defendant.

Criminal law and procedure > trials > defendants rights > right to due process. If, by fraud, collusion, trickery and subordination of perjury, on the part of those representing the state, the trial of an accused person results in his conviction, he has been denied due process of law. The case can stand no better if, by the same devices, a confession is procured, and used at trial.

F. Conclusion

State V. Blazina, 182 wn.2d. Allows Appellate courts to review errors on appeal for the first time.

Im a layman to the law. My right to a fair trial was denied. There was issues I wanted to raise but counsel refused to assiste me. I tried to raise issues but the court does not recognize hybrid co-counsel. Therefore, I was denied the right to address the court and raise issues. Violating my right to due process. I tried to fire ~~counsel~~ S.V. counsel but was denied. I was never informed I had to perserve issues for appeal purposes. Counsel said I could raise issues on appeal but failed to inform me on how to perserve them. which prejudiced me, my defense and my appeal. Counsel failed to assist me in the adversary process because counsel said I would win arguments on appeal. Therefore, failed to help me make an informed decission in the plea bargin process.

My right to due process was denied. The whole case revolves around an unlawful

Vehical pursuit and the tainted evidence from futher investigation of the unlawful Vehical pursuit. The unlawful evidence is what secured the confiction. Violating my right to due process. The resulting confiction is therefore unreliable.

The cumulative error doctesin should come into play because of all the errors. Violated my right to due process.

I should be granted a new trial or the first plea deal. Do to the violation of of my right to due process, effective assistance of counsel anol the fact I said before trial. I would of agreed to the first plea deal if not for the breakdown in communication caused by counsel. counsel said they were going to suppress evidance. I told counsel I was not comfortable taking a deal if they were going to suppress evidance. Counsel informed they were not going to suppress evidence after the more favorable plea deal was off the table. counsels deficient performance prejudiced me because I lost the opportunity to take the more favorable plea deal. Resulting in ineffective assistance

of Counsel.

State V. Coe, 101 wn. 2d 772. Under the cumulative error doctrine, a defendant may be entitled to a new trial. When cumulative errors produce a trial that is fundamentally unfair.

State V. James, 48 wn. App. 353, 739 P.2d 1161 (1987) defendants alleged they were not properly informed of a plea offer; the standard is whether or not there is a reasonable probability that but for an attorneys errors a defendant would have accepted a plea agreement.

State V. Estes, 188 wn.2d 450

State V. Hamilton, 179 wn. App. 870

State V. Townsend, 2 wn. App.

State V. Denham, 2020 wash

State V. Peterson, 73 wn

Washington state cases can be overturned due to unlawful vehical pursuits especialy if the pursuit violated state law or the defendants constitutional rights. For example a 2021 law restricted police pursuits requiring probable cause for specific felonies like assault, vehical assault or drunk driving. If police pursuits violate these laws the evidence gathered during the pursuit may be suppressed leading to dismissal or overturning charges.

RCW 10.116.060

Dated this 17th day of June, 2025

Sincerely
Steve Vasquez
Stephen V. Vasquez

Attachment 1

FILED
4/21/2025
Court of Appeals
Division I
State of Washington

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, Respondent, v. STEPHEN VINCENT VASQUEZ, Appellant.	No. 87209-5-I DIVISION ONE ORDER DENYING MOTION FOR RECONSIDERATION

Appellant, Stephen Vincent Vasquez, filed a pro se motion for reconsideration of the opinion filed on March 10, 2025, in the above case. A majority of the panel has determined that the motion should be denied.

Now, therefore, it is hereby

ORDERED that the motion for reconsideration is denied.

FOR THE COURT:

Díaz, J.

Judge

Attachment 2

FILED
3/10/2025
Court of Appeals
Division I
State of Washington

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, Respondent, v. STEPHEN VINCENT VASQUEZ, Appellant.	No. 87209-5-I DIVISION ONE UNPUBLISHED OPINION

DIAZ, J. — A Okanagan jury convicted Stephen Vasquez of four counts of robbery in the first degree, two counts of assault in the second degree, one count of attempted robbery in the first degree—all with a deadly weapon enhancement—and attempting to elude law enforcement. He now claims the evidence was insufficient to support (only) the attempted robbery and attempt to elude convictions. He also makes two claims of error which the State concedes and raises numerous other allegations in his statement of additional grounds for review (SAG). We affirm.

I. BACKGROUND

Over the course of two weeks at the end of October and beginning of November, 2021, Vasquez robbed four gas station convenience stores with a knife, dressed in all black and wearing a mask and a hood, and he also attempted

to enter a fifth station which was locked. The attempted robbery occurred third in the series of five total incidents. After the last robbery, a law enforcement officer observed Vasquez driving a vehicle leaving the scene, and several officers responded in a pursuit at high speed and ultimately apprehended him. Following a six day trial, a jury convicted Vasquez on all counts. He timely appeals.

II. ANALYSIS

A. Sufficiency of the Evidence

In reviewing a challenge to the sufficiency of evidence, the proper inquiry is "whether, after viewing the evidence in the light most favorable to the State, any rational trier of fact could have found guilt beyond a reasonable doubt." State v. Salinas, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992). A claim of insufficiency admits the truth of the State's evidence and all inferences that reasonably can be drawn therefrom. Id. And all reasonable inferences from the evidence must be drawn in favor of the State and interpreted most strongly against the defendant. Id. "In determining the sufficiency of the evidence, circumstantial evidence is not to be considered any less reliable than direct evidence." State v. Delmarter, 94 Wn.2d 634, 638, 618 P.2d 99 (1980). A sufficiency analysis is "highly deferential" to the jury's verdict. State v. Davis, 182 Wn.2d 222, 227, 340 P.3d 820 (2014). The appellate court defers to the trier of fact on issues of conflicting testimony, credibility of witnesses, and the persuasiveness of the evidence. State v. Bergstrom, 199 Wn.2d 23, 41, 502 P.3d 837 (2022).

1. Attempted Robbery

Vasquez claims there is insufficient evidence to sustain his conviction for

attempted robbery in the first degree because the State did not prove Vasquez took a substantial step toward the commission of the robbery. We disagree.

"The question of what constitutes a 'substantial step' under the particular facts of the case is clearly for the trier of fact." State v. Workman, 90 Wn.2d 443, 449, 584 P.2d 382 (1978). "Mere preparation to commit a crime is not an attempt." State v. Townsend, 105 Wn. App. 622, 631, 20 P.3d 1027 (2001). "[F]or conduct to be a substantial step it must be strongly corroborative of the actor's criminal purpose." Workman, 90 Wn.2d at 452.

Our Supreme Court held in Workman, "[w]e find it appropriate to adopt the Model Penal Code approach to the definition of a substantial step." Id. The court provided examples of conduct which the code specifies are sufficient as a matter of law to constitute a substantial step. Id. at 451-52. These include "lying in wait, searching for or following the contemplated victim of the crime," "reconnoitering the place contemplated for the commission of the crime," and "possession of materials to be employed in the commission of the crime, which are specially designed for such unlawful use or which can serve no lawful purpose of the actor under the circumstances." Id. n. 2.

As shown on video footage outside of the station from the night of the attempted robbery, Vasquez walked towards the gas station dressed all in black, wearing a mask covering his face, and a hat with a visor, with the hood of his jacket pulled over it. He held an object that appeared to be a knife by his side as he approached the store, with the blade open as he walked to the entrance. He pulled on the door handle, and then walked away after he could not open it.

Vasquez argues that none of these actions constituted a substantial step and that, instead, the State needed to show he took a further action, such as: pulling vigorously at door; running away; having some kind of verbal exchange with the store's employees where he demands something or makes a verbal or physical threat with the knife; or even a confession that he attempted to rob the station. That is simply not the standard.

Several of the actions he took as he approached the store are analogous or identical to the code's examples of substantial steps, including that he was in "possession of materials to be employed in the commission of the crime [the knife], which . . . can serve no lawful purpose of the actor under the circumstances." Workman, 90 Wn.2d at 452., n. 2.

Moreover, on the State's motion, the court joined and tried each charged robbery together, finding each crime cross-admissible under ER 404(b). The various robberies were properly treated as part of a common scheme or plan, as they shared numerous common elements. They involved similar specific actions, such as the choice to park a distance away from a target gas station. They involved similar attire, with Vasquez wearing all black and covering his face with a mask. And they involved the same weapon—a knife.

Vasquez does not assign error to those decisions, nor the finding that he employed "a single plan used repeatedly to commit separate but very similar crimes." State v. DeVincentis, 150 Wn.2d 11, 19, 74 P.3d 119 (2003). Vasquez did not ask for a limiting instruction prohibiting the use of the facts underlying the common scheme or plan for uses other than propensity, and does not contest any

of these underlying facts in his reply. Thus, the jury, not only had the video footage described above, but it had evidence that those actions were part of a common scheme or plan where they eventually determined robberies occurred. Id. Together, this provides sufficient evidence "strongly corroborative" of a criminal purpose to rob the store. Workman, 90 Wn.2d at 452. In turn, a rational jury could conclude that he intended, and took a substantial step toward, the commission of robbery. Salinas, 119 Wn.2d at 201. And, thus, Vasquez's assignment of error fails.

2. Attempt to Elude Uniformed Officers

Vasquez next argues that there is insufficient evidence to uphold his conviction for attempting to elude law enforcement because none of the officers who were involved in the vehicle pursuit testified that they were wearing a uniform at the time, contrary to RCW 46.61.024(1). We again disagree.

It is true that it is an element of the crime of attempting to elude that the officer who commands a defendant to stop "shall be in uniform." RCW 46.61.024(1). But, the jury was presented with evidence from which it could reasonably infer that law enforcement was in uniform during the pursuit.

Namely, the officer, Eric Orr, who initiated the pursuit of Vasquez's vehicle testified that he activated his patrol lights and sirens once it became apparent from the car's high speed that the driver was trying to flee. Officer Orr also testified that he was wearing "gear" during what-became a foot chase. After he ultimately lost sight of Vasquez, he told the jury he searched the area for approximately half an hour and then returned to the site of the robbery, where he touched base with other

law enforcement officers. The jury saw body worn camera video footage of that conversation between the officers back at the gas station, shortly after the pursuit. Officer Orr and multiple other officers can be seen dressed in full uniform. Officer Orr is specifically identifiable, as his name is sewn onto his uniform in large lettering.

Contrary to Vasquez's argument, this evidence is more than "a mere scintilla of evidence" that Officer Orr was wearing a uniform as he pursued Vasquez. State v. Fateley, 18 Wn. App. 99, 102, 566 P.2d 959 (1977). Viewing the evidence before the jury in the light favorable to the State, drawing all reasonable inferences from it, and treating circumstantial evidence as equally reliable to direct evidence, there was sufficient evidence before the jury from which it could reasonably infer Officer Orr was in uniform during the pursuit. Salinas, 119 Wn.2d at 201; Delmarter, 94 Wn.2d at 638.

In response, Vasquez cites to State v. Fussell, 84 Wn. App. 126, 128-29, 925 P.2d 642 (1996) and State v. Hudson, 85 Wn. App. 401, 405, 931 P.2d 714 (1997), which similarly held that "[n]either the fact the deputies were on duty in a marked patrol car, nor evidence [the defendant] realized the deputies were law enforcement officers, *without more*, is sufficient to permit a rational trier of fact to infer, beyond a reasonable doubt, that either deputy was in uniform." (Emphasis added.) These cases are distinguishable. Here, Officer Orr's testimony that he was in gear and the video evidence showing him in uniform is the "more" evidence that satisfies RCW 46.61.024(1).

Finally, there is no authority that requires the State to elicit testimony from

Officer Orr defining the term "gear" or affirmatively stating he had not changed clothing between the time of the pursuit and the conversation at the station, contrary to Vasquez's suggestions. Thus, this assignment of error fails.

B. Merged Counts

At Vasquez's sentencing hearing, the court followed the agreed recommendation of the parties to merge counts 2 and 7 for assault in the second degree with counts 1 and 6 for robbery in the first degree, which together comprised two of the robberies. The court's judgment and sentence, however, did not vacate the convictions for assault in the second degree, though it did not count those convictions in its sentencing calculation.

As the State concedes, when a crime merges, the conviction is vacated. State v. Freeman, 153 Wn.2d 765, 774, 108 P.3d 753 (2005). We accept the State's concession.

C. Fees

At sentencing, the trial court found Vasquez indigent. It then imposed a $500 victim penalty assessment (VPA)[1] and $100 DNA collection fee in his judgment and sentence.[2] Although the total legal financial obligations it specifies

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[1] Formerly, RCW 7.68.035(1)(a) mandated a $500 victim penalty assessment for all adults found guilty in superior court of a crime. State v. Mathers, 193 Wn. App. 913, 918, 376 P.3d 1163 (2016). In 2023, our legislature amended RCW 7.68.035 to state that "[t]he court shall not impose the penalty assessment under this section if the court finds that the defendant, at the time of sentencing, is indigent as defined in RCW 10.01.160(3)." LAWS OF 2023, ch. 449, § 1; RCW 7.68.035(4). Further, courts are required to waive VPAs imposed prior to the 2023 amendments, on the offender's motion. Id.; RCW 7.68.035(5)(b).

[2] Alongside amendments to victim penalty assessments, the legislature also amended statutes governing DNA collection fees, eliminating the fee for all defendants. LAWS OF 2023, ch. 449, § 4. Further, courts are required to waive any

is $600, the list in the document also includes a $200 criminal filing fee.[3] Vasquez requests we remand to strike all three legal financial obligations from his judgment and sentence. The State concedes they should be stricken. We accept its concession and remand the case to the trial court to strike the DNA collection fee, VPA, and criminal filing fee in accordance with RCW 7.68.035(4), RCW 43.43.7541(2), and RCW 36.18.020(h).

D. Statement of Additional Grounds

Vasquez has submitted a pro se SAG pursuant to RAP 10.10, seeking dismissal of his charges, a new trial with certain evidence suppressed, or a reduced sentence. He makes numerous claims of error and raises some allegations repeatedly while attributing the same error to more than one actor. We consolidate his grounds into six categories, which we address in turn below: (1) discovery violations, (2) ineffective assistance of counsel, (3) alleged illegal actions by law enforcement, (4) procedural errors by the trial court, (5) prosecutorial misconduct, and (6) other high-level legal errors, including mistakes in his judgment and sentence and constitutional violations concerning the prohibition against double jeopardy and the right to a speedy trial.

First, Vasquez alleges the State committed two discovery violations, but the evidence in the record he points to does not bear out the claim that any evidence was improperly withheld.

DNA collection fee imposed prior to the 2023 amendments, on the offender's motion. Id.; RCW 43.43.7541(2).

[3] In addition, the criminal filing fee may now be waived upon motion by the defendant and also may no longer be imposed upon indigent defendants. RCW 36.18.020(h).

Second, Vasquez asserts many ways in which his counsel was ineffective. He claims his attorneys were ineffective because they did not communicate with him sufficiently, did not challenge and suppress evidence he believes was unlawfully obtained, did not request a particular jury instruction, did not secure expert defense witnesses and other potential suspects, did not raise legal arguments he requested they make, such as improper joinder, and he also alleges they committed professional misconduct. Vasquez has not sufficiently identified the nature of several of these alleged errors to permit our appellate review. See RAP 10.10(c). In other words, several of his claims involving ineffective assistance are too unclear for us to analyze further.[4] Many others rely on assertions that are not bolstered by credible evidence beyond what is written in his own letter, or do not cite to any supportive evidence in the record. Further, Vasquez does not establish ineffective assistance of counsel on the facts in this record because he does not show there was no reasonable tactic behind the choices made by his attorneys that he contests, or that his claimed errors altered the outcome of his case.[5]

Third, we do not reach Vasquez's grounds that make allegations law enforcement engaged in illegal practices during his vehicle pursuit, by improperly coercing witness identifications, and intentionally arousing prejudice in the local

[4] We are not required to address a claim that is too vague to allow us to identify the issue. State v. Bluehorse, 159 Wn. App. 410, 436, 248 P.3d 537 (2011).
[5] A successful claim of ineffective assistance of counsel requires a defendant to establish both objectively deficient performance and resulting prejudice. State v. Emery, 174 Wn.2d 741, 754-55, 278 P.3d 653 (2012).

community as they rely on factual matters outside this record.[6]

Vasquez's next broad contention is that the court abused its discretion—specifically, that it erred by not giving a limiting instruction to the jury, in granting joinder, denying his request for new counsel, refusing to allow him to voice assertions during his trial, and not declaring a mistrial. The instructional claim fails because the record indicates the court *did* properly instruct the jury; it explained the State bore the burden on every element of every charge and advised the jury it had to decide each count separately without permitting any one of its verdicts to control its decision on another. Further, he does not establish that joinder was improper or succeed in demonstrating prejudice even if it were, because his reasoning is contingent upon his claims that the State's evidence was unlawfully obtained, which again, rely on facts outside the record.[7] He also fails to engage with the court's reasoning on other decisions it made that he challenges, in order to demonstrate they resulted from an abuse of discretion. He does not explain why it was legally wrong for the court to decide that his disagreement with trial counsel was not a sufficient reason to replace them or that it was inappropriate to

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[6] We cannot consider grounds for review for which the allegations rest on matters outside the record. State v. Kinzle, 181 Wn. App.774, 786, 326 P.3d 870 (2014). Issues that involve facts or evidence outside the record are properly raised through a personal restraint petition, not a statement of additional grounds. State v. Calvin, 176 Wn. App. 1, 27, 316 P.3d 509 (2013).

[7] Joinder is appropriate where offenses "[a]re based on the same conduct, or on a series of acts connected together or constituting parts of a single scheme or plan." State v. Bryant, 89 Wn. App. 857, 866, 950 P.2d 1004 (1998) (alteration in original) (emphasis omitted). And "actual prejudice must be considered in determining, at the appellate level, whether joinder was proper as a matter of law." Id. at 865.

permit him to personally raise legal arguments to the court in front of the jury. Lastly, we do not reach his assertion the court erred because it did not declare a mistrial, as there is no evidence in this record for his allegations of jury misconduct other than what is written in his own letters.

In addition, Vasquez's claims involving prosecutorial misconduct are also based in his arguments about the State's evidence that are not in the record and thus not properly raised on direct appeal, concerning the lawfulness of the vehicle pursuit, and propriety of allegedly coerced witness identifications and perjured testimony.

Finally, Vasquez's remaining assertions of legal error do not merit relief. As to his judgment and sentence, we do not further discuss the merger issue which the briefs already address, and we cannot decipher the reasoning or legal authority behind his apparent suggestion he should have received a lower sentence based on a lower offender score or calculation without weapons enhancements.[8] As to his asserted double jeopardy violation, he does not point to any law that supports his claim he was punished twice for the same conduct because he received a civil punishment—his vehicle was seized—while waiting to be punished criminally for the same charges that produced that seizure of property.[9] For the claimed speedy

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[8] Arguments adequately addressed in an opening brief are not proper for a statement of additional grounds. See RAP 10.10(a); State v. Jackson, 129 Wn. App. 95, 98 n. 6, 117 P.3d 1182 (2005). We also are not required to address an argument that simply makes a "bald assertion" with no citation to the record or authority. State v. Frahm, 3 Wn. App. 2d 812, 827 n. 7, 418 P.3d 215, 223 (2018).

[9] To the contrary, we have held, "[t]he fact that the basis for the civil forfeiture may be criminal activity does not render the forfeiture proceeding either criminal or a resulting forfeiture punishment for double jeopardy purposes." State v. Catlett, 133 Wn.2d 355, 364-65, 945 P.2d 700, 704 (1997).

trial violation, he does not provide any record cites behind his claim.[10]

In summary, we do not review a number of the grounds raised by Vasquez's SAG, and none of the others establish an entitlement to appellate relief. Several do not develop a sufficiently clear explanation for our review and many others do not permit consideration because they rely on facts that are simply not included in the record. RAP 10.10(c). For those of his claims we do consider, Vasquez voices clear disagreement with particular decisions made by his counsel and the trial court, but he does not present cogent argument or authority in support of his claims of legal error or succeed in showing how they prejudiced the outcome of his case.

III. CONCLUSION

We remand with instructions to vacate the two merged counts of assault in the second degree and strike the fees in Vasquez's judgment and sentence, and otherwise affirm.

Díaz, J.

WE CONCUR:

Coburn, J.

Smith, C.J.

[10] "[T]he appellate court is not obligated to search the record in support of claims made in a defendant's statement of additional grounds for review." RAP 10.10(c); We are not obligated to search the record in support of his claims. State v. O'Connor, 155 Wn. App. 282, 293, 229 P.3d 880 (2010).

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