

FILED

MAR 22 2013

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

**WASHINGTON STATE COURT
of APPEALS**

COA No. 30414-1

Case No. 08-1-00259-2

STATE OF WASHINGTON

v.

GREGORY EVERYBODYTALKSABOUT

Supplemental Additional Grounds

Filed March 19, 2013 with the United States Mail
at the Officers Station of M-Unit at
Airway Heights Correctional Center in
Airway Heights, Washington, and logged as legal mail.

Gregory Everybodytalksabout
Gregory Everybodytalksabout

I.

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1.) Did the court and the state violate the defendant, Gregory Everybodytalksabout right to a speedy trial as guaranteed under Washington State Constitution Article 1 § 10, 22 and United States Constitutional Amendment VI?

The instant case against Everybodytalksabout focuses on a collection of Burglaries that occurred on September 1, 2008. The defendant was initially arraigned on October 16, 2008, but the defendant never came to trial on the instant charges until October 18, 2011. The defendant waited more than three years to be brought to trial before the Okanogan County Superior Court.

Speedy trial rights conveyed by the State Constitution read "... without unnecessary delay, Art. 1 § 10, and "...to have a speedy public trial by an impartial jury in the county in which the offense is charged...", Art. 1 § 22. The U.S. Constitution Amendment VI provides for similar speedy trial protections. Under CrR 3.3 (6) (1) (i), a defendant in custody must be tried within sixty days. Sixty days is certainly far less than the three years it took to bring this case to trial, and far more than the ninety days allowed where the defendant is released on bail or bond. Under CrR 3.3. (f) (1), continuances may be done by agreement, including that of a willing, knowing, and voluntary defendant. Per Section 2, CrR 3.3 (f), "The court must state on record or in writing the reasons for a continuance." "A charge not brought to trial within the time limit determined under this rule shall be dismissed with prejudice." CrR 3.3 (h).

"A continuance beyond the speedy trial period must be supported by finding, showing a need for a continuance in the "due administration of justice." State v. Grilley 67 Wn.App 795 quoting State v. Adamski 111 Wn.2d 574 @ 581. The question here, is, there justification for three years of delay? Certainly counsel changes requested by the defendant necessitate

some delay, but does delay for forced change of counsel, or for a full court calendar cause a needed delay in the interest of justice?

A.) Did the removal of Michael Haas as defense counsel around September 9, 2010, and replacement with Mike Prince violate the defendant's speedy trial rights?

Up until January 8, 2009, although mysteriously transcribed as March 8, 2009 (VRP p.68), defendant suffered from a conflict with counsel and needed new counsel, which was appointed. At this time Mr. Haas took over as defense counsel and remained counsel until September 10, 2010 or thereabouts, approximately twenty months.

"The State is primarily responsible for seeing that the defendant is tried in a timely manner, although the trial court is ultimately responsible for enforcing the speedy trial rule." State v. Kindvogel 110 Wn.App 750, 754 (2002 - Division III). In the instant case, defense counsel represented the defendant for twenty months prior to replacement by Mike Prince. Michael Haas worked for defendant Everybodytalksabout under a contract for public defense, as did Mr. Prince. Both being court appointed counsel as guaranteed by the Sixth Amendment of the U.S. Constitution, and paid by public funds. Suddenly, Twenty months into the proceedings, Mr. Haas just resigns and leaves apparently for another job (VRP p.138), and Mr. Prince steps in as counsel.

This scenario creates a problem for the courts that were not addressed. Defendant Everybodytalksabout did not ask for Mr. Haas's removal, Mr. Haas does not appear to have conflict requiring his removal, nor does there appear to be any other infirmity adversely affecting Mr. Haas apart from new employment. Further, the continuance from August 12, 2010 (VRP p.133) should be set for trial in September with an outside date in October.

Then counsel is changed on September 9, 2010 (VRP p.138), and additional continuances are required for Two years after the crime and twenty three months after arraignment, defendants' right to a "speedy trial" are terminated for no action to which he participated. The record does not seem to indicate that more delays would have been necessary with Mr. Haas, in fact the court does not have appeared to have looked into the matter at all. Based on the record, the court deprived the defendant of a speedy trial by permitting Mr. Haas to be dismissed, and thus violated the defendant's Constitutional Protections.

"A lawyers first duty is zealously to represent his or her client," Sander v. Ratelle, 21 F.3d 1446, 1456 (9th Cir. 1994), not to look after the lawyers pocket book, or to be a pawn in a game of musical counsel. Defendant Everybodytalksabout is in a vulnerable position with regard to his Constitutional Rights, counsel paid for by the public verses his right to a speedy trial. Conspiracy theory would suggest musical defense counsel to find one favorable to the prosecution and that public defenders are little more than puppets of the prosecution to provide sham cover to Constitutional Protections. The record neither affirms or denies such theory, but replacement counsels performance is arguably inadequate for the defendant going forward. This places the defendant at the whim of defense counsel, or some higher string puller with regard to counsel and the ability to be placed between choosing no counsel or forfeiting his speedy trial rights. "The defendant is not required to show prejudice because strict compliance with the speedy trial rule is required. "State v. Teems 89 Wn.App 385 (1997 - Div. III). Compelling the defendant to trial without counsel or demanding he relinquish his speedy trial rights both result in a miscarriage of justice of the most blatant sort. The only just action is to compel counsel to complete the case barring a medical, physical, or mental impairment. No one would argue that a brain damaged attorney should be forced to continue as counsel due to a car accident, but to relieve counsel of his duty due to an inconvenience of travel is prejudicial to the client, and the court is

neglecting its duties under CrR 3.3.

B.) Does granting a continuance, even if by agreement, violate the defendants speedy trial rights when done due to a full court docket or court congestion?

This case is filled with extensions and continuances of time. Including the judge referencing defendants "retain their speedy rights, your so called." (VRP p.96, 6-11). This was on April, 27, 2009 (VRP p.97, 14), and the next appearance on August 13, 2009 (VRP 99 - 100). The docket list a continuance between these dates, but no other record appears to exist written or oral. At this August hearing, the continuance is granted for Murder cases that appear to be clogging the court (VRP P.100-101). Again on October 12, 2009 the case is continued for what appears to be a case load of the court, prosecutor and defense counsel. Yet again on December 3, 2009 the case is continued for the same ration of case loads (VRP p.121-122). At the December 3, 2009 hearing trial is set for February 2, 2010 (VRP 122, 8-12). The next hearing or action appears to be May 20, 2010. again as back in July a continuance shows in the docket, but no written or oral record is shown for the cause of delay. Somehow in May, the witnesses and attorneys' just are not ready for trial (VRP p.126-127). When it is again called on August 12, 2010, the case is continued due to court back up (VRP p.133). The case is again continued on September 9, 2010, December 2, 2010, January 27, 2011, and February 28, 2011 for various reasons, but mainly case load of the court and prosecutor.

The motions and continuances were arguably agreed to by all parties, except for the ones fro which no record other than the docket exists. However the defendants agreement that counsel asked for it, not of informed consent and deliberate relinquishment of a Constitutional Right.

The court again granted continuances on August 11, 2011, August 15, 2011, September 8, 2011, and September 15, 2011. These times the continuances were all done over the objection of the defendant. On September 8, 2011, Judge Buchard went so far as to deny written record of moving the trial dates and continuances (VRP p.201, 1-13).

Regardless of agreement, delay should be for good cause on the record. "Court congestion is not "good cause to continue a criminal trial beyond prescribed time period." State v. Mack 89 Wn.2d 788, 794 (1978). And courtroom unavailability is synonymous with "court congestion," State v. Kokog 42 Wn.App 733, 737 (1986), State v. Warren 96 Wn.App. 306, 309 (1999). The record, where one exist, clearly shows court load and judicial availability as rationale for the delays in this case. "We hold that to comply with Mack, in granting CrR 3.3. (d) (8) continuances past the speedy trial period, the trial court must consider the probable length of such delay is likely, the court should consider the probable length of delay. Finally to allow meaningful review the court should establish some record of why each Superior Court Department is unavailable and whether a judge pro tempore could reasonably be used. "Warren @ 310." The court made little effort to see this case brought to trial in a timely manner and that counsel push forward. Apparently the busy or lazy schedules of counsel and the court tramping on speedy trial rights; at least in Okanogan County. "Further without "good cause," for the delay, dismissal is required." Warren at 309 citing Mack at 794. Good cause was not shown to justify a three year delay. "Mack and those other cases demonstrate that routine court congestion cannot justify a continuance beyond speedy trial limits, under either CrR 3.3 (h) (2) or CrR 3.3. (d) (8). This is true because routine court congestion is anti-ethical, unforeseeable, nor avoidable." State v. Smith 104 Wn.App. 253 (2001).

Dismissal with prejudice is warranted on all counts in this matter.

2.) Did the state provide or prove sufficient evidence to support the charge of Burglary in the First Degree?

The state relies on the alleged theft of a rifle from 422 Northstar Road, a property belonging to Phillip Swezey, to support the charges of Burglary in the First Degree, Theft of a Firearm, and Unlawful Possession of a Firearm in the First Degree. The evidence presented at trial does not support the Burglary charge in the First Degree.

Per R.C.W. 9A.52.020, a person is guilty of Burglary in the First degree if they commit the burglary, and "in entering or while in the building or in immediate flight therefrom, the actor or another participant in the crime (a) is armed with a deadly weapon, or (b) assaults any person." No evidence presented suggest an assault on any person is alleged nor is any deadly weapon apart from an unrecovered riffle allegedly taken from 422 North Star Rd. is purparted. As such it is the states burden to prove that at least one of the burglars was "armed" with a deadly weapon, to wit, a .22 caliber rifle. In the instant case, armed is an essential element to the crime.

"An element is "essential" if its "specification is necessary to establish the very illegality of the behavior." State v. Yates 161 Wn.2d 714, (2007) citing State v. Johnson 119 Wn.2d 143, 147 (1992), U.S. v. Cina 699 F.2d 853, 859 (7th Cir., 1983). "It is now accepted in common law jurisdictions as the measure of persuasion by which the prosecution must convince a trier of all of the essential elements of guilt." In Re Winship 397 U.S. 358, 25 L.Ed.2d 368, 374 (1970).

The instant case of Everybodytalksabout resembles in part State v. Brown, 162 Wn.2d 422 (2007). "[A] person is not armed merely by virtue of owning or even possessing a weapon; there must be some nexus between the defendant, the weapon, and the crime." Id at 433, quoting State v.

Eckenrode 159 Wn.2d 488 (2007). Here no perpetrator is accused of taking a deadly weapon to a burglary, or in any way utilizing a deadly weapon to facilitate the burglary. The state relies on the act of theft of an unrecovered, untested, firearm to evaluate the charge of Residential Burglary to First Degree Burglary. This is not consistent with case law.

"[T]he defendants intent or willingness to use the rifle is a condition of the nexus requirement that does, in fact, appear in Washington cases. Brown @ 434. Brown specifically addresses R.C.W. 9.94A.533 (3), but the same standard of armed appears in the wording of R.C.W. 9A.52.020. As stated by the court, the statute "require[s] both that the weapon be readily available and easily accessible, as well as a nexus based on the facts of the case, [this] limits the definition of being "armed" to those situations the statutes are aimed at controlling. None of those statutory concerns are implicated under these facts." Brown @ 435.

In the instant case, a firearm is shown to be little more than apart of the property taken., it just happens to be a specific item. Nothing suggest that any party to the burglary at 422 North Star Road armed themselves with a rifle in furtherance of a criminal act. No individual witnessed the crime. No one was apprehended brandishing a firearm in flight from the crime as anything other than the taking of property.

Here the state argues that "armed" is met merely by the possible transitory taking of an unproven firearm. This substantially reduces the states burden of guilt by forcing the defense to show that either no weapon, in any state or capacity is present at any time during the crime or that the defendant played any role in the crime before, during, or after the criminal activity. As such the jury instructions allowed the state to shift the burden of guilt to the defendant in violation of the United States Constitution, Amendment XIV. See State v. Redwine 72 Wn.App 625, 628; State

McCallum 98 Wn.2d 484, Sandstrom v. Montana 61 L.Ed.2d 39, In Re Winship 25 L.Ed.2d 368. The burden here falls to the state to prove guilt by being "armed" not to the defense to disprove being armed.

The standard for First Degree Burglary is analogous to that of weapons enhancements. Elevation from Residential Burglary and Second Degree Burglary, "is inapplicable absent actual possession and possible use of a deadly weapon to facilitate commission of [the] crime. causing a real danger of injury or death during its commission. Brown @ 437 (concurring opinion). In the alternative, the state need only allege a taking of a firearm, whether knife, sword, firearm, or other to elevate all burglaries to First Degree, and is relieved of any burden to produce the weapon or prove functionality. Such an alternative violates the XIV Amendment of the United States Constitution and relieves the state of its burden under Article 1 § 22 of the state constitution and Amendment VI of the U.S. Constitution.

The state has not produced enough evidence to support First Degree Burglary by being "armed" beyond a reasonable doubt.

3.) Did the state provide sufficient evidence to support the charge of Unlawful Possession of a Firearm in the First Degree (R.C.W. 9.41.040 (1) (a))?

R.C.W. 9.41.040 (1)(a) says a person is guilty of Unlawful Possession of a Firearm, "if the person owns, has in his or her possession, or has in his or her control any firearm after having convicted... in this state or elsewhere of any serious offense as defined in this chapter." By law, a two part test must be satisfied, 1.) that the accused has actual possessory control over an operable firearm and 2.) that the accused has been previously convicted of a serious offense. A felony conviction is not necessarily a "serious offense" as a felony may create a liability under section (2) (a) (i) for a Second Degree Unlawful Possession.

The standard here is not that a person have been in the vicinity of a firearm, to have one time touched a firearm, but to actually have physical control of a firearm. In the instant case, a group of individuals is alleged to have taken a firearm. It is not clear who had possession of the firearm nor was it ever recovered on the person or in a vehicle or residence under the exclusive control of any party. In fact the .22 caliber rifle was never recovered or introduced into evidence per the record. In fact the state provided a jury instruction defining a firearm without evidence of its functionality or the weapon itself. While a firearm may not need to be loaded to qualify under the code, it must be an actual functioning explosive driven projectile weapon. As addressed previously, the burden of proof falls on the state, not to the defendant to disprove. See In Re Winship 397 U.S. 358, 25 L.Ed 2d 368 (1970). The fact of operable firearm falls to the state to prove more just allegation of existence of what maybe a firearm.

As the statute requires, it is imperative upon the state to recover the actual functioning weapon from the defendants person or property and provide certifiable test results showing function as a device using explosive propellant. Unlawful Possession of a Firearm can not be proven without actual recovery and introduction of the physical weapon into evidence . The evidence provided indicates something that may resemble a rifle a rifle may at one time have been in the vicinity of the defendant Everybodytalksabout. Nothing suggest beyond speculation a functional firearm. a A replica or non-functional display model would have matched most of the testimony provided at trial, except for the owner who would have incentive to claim operability.

4.) Did the state have sufficient evidence to support the Theft of a Firearm charge?

Much like Unlawful Possession of a Firearm, the proof of an actual functional firearm is a critical element of the crime. The state never recovered, nor tested, nor presented as evidence the 22. rifle on which the charge is based.

Absent recovery of the weapon and proper testing introduced as evidence, the state has failed to prove the elements of a firearm. Indeed, the item taken from 422 North Star Rd. could have been a replica, a toy, or some other non-functional display piece. As the case stands the state need only produce a witness who claims the rifle worked at sometime in the past, not in the present.

Furthermore the testimony of the states witnesses conflict as to who took, the alleged firearm; who was present at the scene of the crime, and who, if anybody sold the firearm to some unlocated Mexican in the orchard. Per state witness Tim Florence, he may have sold the rifle (VRP p.513 @ 13). Furthermore Lawrence Sellers may or did take the rifle, not the Defendant Everybodytalkabout. (VRP p.514 @ 14) Neither Florence nor Sellers implicates the defendant in the actual taking of the rifle, only that he was present at the scene. Additionally Sellers indicates that throughout the burglary spree of Labor Day Weekend 2008, everyone was doing drugs. (VRP p.569, 15-22). The specifics and possible memory impairment from drug use and three years delay is certainly suspect on the part of Sellers.

In term of physical evidence, the only thing presented is a shoe and a shoe print; obtained from the defendant and recovered from the Lawson property at 316 Old Hwy. 97, not 422 North Star Rd., the property belonging to Philip Swezey from which the gun was allegedly taken. No other evidence linking the defendant to the crime at 422 North Star Rd. exist. Given the drug induced state purported by Sellers, the conflicting testimony of Sellers and Florence, the absence of coraborating evidence and the lack

of the firearm, it is impossible to conclude that the defendant stole a firearm from Philip Swezey's property or that an actual firearm was taken from the property.

Additional legal citation would be provided, but the Washington State Department of Corrections at Airway Heights Correctional Center continues to keep the Law Library closed well beyond the original two week upgrade period.

5.) Did the criminal accomplice direction to the jury properly convey the statute regarding that of a criminal accomplice in the context of a burglary?

The criminal accomplice direction provided to the jury, and argued by the state, appears to permit finding the defendant guilty of the charges irregardless of whether the involvement was pre or post crime and so long as the jury, trier of fact, believed the defendant was somehow involved in at least one of the crimes.

The defendant could not be an accomplice to the crime after the fact. In order to be an accomplice to the crime he must actively participate pre-crime not just post-crime. The issue here is that the sale or aiding of disposal of stolen property is a crime separate from the burglary and theft. Here the state appears to be using the accomplice directive to retroactively attach the defendant to the crime or at least fail to distinguish between pre and post criminal involvement.

This argument suffers from a lack of case support due to deficient legal library access at A.H.C.C. for an unknown ongoing period of time.

6.) Did all events surrounding the offenses and arrest, search, seizure, and detention occur properly within Okanogan County, within the State of Washington?

Defendant Gregory Everybodytalksabout is a Native American living on the Colville Indian Reservation East of Omak and Bridgeport Washington. The property located at 26450 Hwy. 97, occupied in part by Kim Evans, is located on the reservation and not within the area of Okanogan County to which the Okanogan County Sheriff's office has clear jurisdiction.

Further, Defendant Gregory Everybodytalksabout was arrested at his home on the Collville Reservation without the presence, acquiescence, or permission of the Colville Tribal Police. The Okanogan County Sheriffs office acting under the color of law removed the defendant from a Sovereign Nation located within Washington State without due process and in violation of Tribal Agreements with the State of Washington, and the United States Government.

Per protocol, the Okanogan County Sheriffs Office must notify, and be escorted by Colville Tribal Police to remove any tribal member from the reservation or otherwise conduct official business under the color of law upon the Sovereign Colville Nation's Lands. The Okanogan County Sheriffs Office failed to do this and illegally seized the defendant in violation of his Rights and the Tribes Sovereignty.

The rights of the Colville Tribe, and the defendant Gregory Everybodytalksabout are codified, and protected by the Laws of the State of Washington, and the Laws of the United States, and treaties and agreements between the Tribe(s) and the afore named governmental agencies. Here the Okanogan County Sheriffs Office and the state by its representative in the Okanogan County Prosecutor violated the law at two different points. First they intruded into a Sovereign Land to apprehend the defendant, and second they charged the defendant with crimes that occurring in a Sovereign Territory, not within the State of Washington.

Remedy and legal citation for this argument is deficient due

to the actions of the Washington State Department of Corrections occurring at Airway Heights Correctional Center. The Law Library closed on January 18, 2013 and has failed to return to adequate capacity to date.

7.) Should the court have considered "same criminal conduct" under R.C.W. 9.94A.589 prior to determining the offender score for sentencing purposes?

Per the evidence presented by the state Tim Florence, Lawrence Sellers, and possibly some guy named Glen participated in a string of burglaries over Labor Day weekend 2008. These events allegedly involved the defendant Everybodytalksabout. No time line is provided as to the order and sequence of the burglaries beyond the dates of September 1 and September 2.

"Same Criminal Conduct, as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim." R.C.W. 9.94A.589. "If the current offenses encompass the same criminal conduct then those offenses shall be counted as one crime." *Id.*

In the instant case, five burglaries are alleged to have occurred at five properties all within the County of Okanogan. No one encountered the burglars in process or in flight from any of the crime scenes. Sellers indicates that the crime spree was fueled throughout the weekend. All fifteen counts occurred in a single time frame in Okanogan County, with the same criminal intent - theft for drugs or profit, and generally with the same victim, the community of Okanogan County. Nothing in the record suggests that individual property owners were deliberately singled out and explicitly selected to be victims of a crime of separate intent. The entirety of the charges are crimes of opportunity occurring on the same spree and occurred against property, not individuals. As such the entire spree is only one felony point not the fifteen plus used by the court. Even if each conviction

can stand separately, they all clash into a substantially reduced point count on the offender score.

In the alternative, the court needs to look at each crime scene as clearly the time, place, intent, and victim are the same. In this instance the crimes coladesce into five separate property crimes. In the case of 26450 Hwy. 97, the Evans Property, the state distinguishes the shop from the residence on the same physical property. Nothing has changed with regard to the crime here except the state splitting a single act into parts to compound charges. Inherently, the burglary facilitated and the theft necessitated the burglary the charges are so interwoven as to be inseparable. It is likely that the state would rely on R.C.W. 9A.52.050 to permit the separate charging of Theft and Burglary. "Every person who, in the commission of a burglary shall commit any other crime, may be punished therefore as well as for the burglary, and may be prosecuted for each crime separately." While this statute may allow for separate charging, it does not relieve the court of conducting the same criminal conduct analysis under .589 to determine point.

The anti-merger (9A.52.050) addresses legislative intent with regard to Fifth Amendment Double Jeopardy issues. Specifically the legislature does not want burglary condensed into other offenses where by the commission of, necessitates the commission of the other; i.e. Robbery 1° must include Assault 2°. However, same criminal conduct is a separate analysis of law based on an elemental analysis along the lines of Blockberger
U.S. or Workman Wa.2d .

As such, the court owes a defendant a clear same criminal conduct analysis on each charge. Again more case law was not available due to D.O.C. at A.H.C.C. providing insufficient Law Library Access.

8.) Did the Okanogan Court provide a complete and adequate record for appellate review of the issues?

The defendant Gregory Everybodytalksabout asserts that his appellate rights under Art. I § 22 of the Washington State Constitution and the VI Amendment of the United States Constitution have been impaired and violated by the individual and joint action of the Okanogan County Prosecutor, and the Okanogan County Superior Court, appellate counsel Kato, and the Washington State Department of Corrections at Airway Heights Correctional Center.

Defendant Everybodytalksabout has a right to competent appellate counsel and to complete record for review See RAP 9 generally and specifically 9.1. "A criminal defendant is Constitutionally entitled to a record of sufficient completeness to permit effective appellate review of his or her claims." State v. Tilton 149 Wn.2d 775, 781 (2003) quoting State v. Thomas 70 Wn.App 296 (1993) quoting Coppedge v. U.S. 369 U.S. 438, 8 L.Ed.2d 21 (1962).

Defense Appellate counsel Kato failed to provide the defendant with a copy of record to prepare this presentation to the court. Kato instead provided a compact disc to defendants family to secure the record at his own expense despite the appointment of counsel at public expense. This impaired the defendants ability to aid in his own appeal and nearly compelled the defendant to rely solely on the scant filing of appeal counsel.

Despite the actions of appellate counsel to interfere with the record its self is deficient compared to the docket history. Per the docket the following actions appear but are not found in the transcripts of the case against the defendant:

09-30-2008 Order Determine Probable Cause.

09-30-2008 Order Appointing Attorney.

10-01-2008 Information.
10-01-2008 Affidavit / Declaration Probable Cause.
10-02-2008 Hearing Continued Stipulated.
10-27-2008 Hearing Continued Stipulated.
10-28-2008 Hearing Continued Stipulated.
01-08-2009 Waiver of Speedy trial.
01-08-2009 Omnibus Hearing (VRP p.68).
06-16-2009 Hearing Continued Stipulated.
07-29-2009 Motion Re:Det Request For Additional.
01-28-2010 Notice of Trial Date 05-25-10.
06-04-2010 thru 08-12-2010 Docket Subject 110-131 Nor Record.
Docket Just Sops on 08-15-2011 Before Trial.

Per RAP 9.1 (c) The record on review may consist of (1) a report of proceedings. (2) Clerks Papers. (3) Exhibits, and (4) A certified record of administrative adjunctive proceedings." (internal quotes omitted).

Here the defendant is missing all of the Clerks papers, including but not limited to all continuance orders, any record outside the VRP forward of August 15, 2011, all jury directions, motions, and even a judgment and sentence. The docket clearly indicates the court conducted business on numerous dates, including hearings without producing a record for review by the appellate court. Nothing in the record indicates that the defendant was even present for numerous hearings from October of 2008 thru June of 2009. No hearing or record outside a docket does not appear to exist for January 2010 when the trial just gets moved four months into the future by order of Commissioner Culp. The docket does not show any record of a continuance on January 28, 2010. Given the length of this cause number, speedy trial rights are implicated and no record exist showing a rational.

"The lack of sufficient due process, and the court reversed the convictions and remanded for a new trial." Tilton @ 783 citing State v. Larson 62 Wn.2d 64 (1963). Here the deficient record fails to show cause

for delay at numerous points. A new trial does not cure these errors. A new trial would potentially the complete lack of record starting at (VRP 591) and the mysterious completion of jury directions (VRP p.593-594) the next day. No exhibits or record of exhibits is available.

Further, the Washington State Department of Corrections has closed the Law Library at Airway Heights Correctional Center starting on January 18, 2013 and has continued until present. The effect has been reduced and impaired legal access to effectively prepare and case this filing.

9.) Did the state provide sufficient evidence to support the value necessary for Theft in the First Degree a value documentation?

To support the charges of Theft in the First Degree the state offers the testimony of property owners allegedly burglarized by the defendant. The state does not offer into evidence any record of insurance payouts, insurance claims, receipt for original purchase, or replacement receipts. While it is reasonable to accept the testimony of the witnesses as validation of missing personal property, it is not reasonable to accept a valuation without additional documentation.

The documentation necessary to establish value has not been introduced into evidence reviewable by the trier of fact or this court. As such all charges of theft and malicious mischief should be dismissed for lack of the essential element of defined value that must be proven. At present, the loss value is little more than accusation of a victim and the value they want to claim.

10.) Did the Court and the State punish the defendant Gregory Everybodytalksabout for taking his case to trial and creating a disparity between like situated defendants?

If the states case is believed, the defendant Gregory Everybodytalksabout, Tim Florence, and Lawrence Sellers engaged in multi-property crime spree on Labor Day weekend in 2008. The defendant in the instant case was charged with thirteen felonies and 2 misdemeanors. Tim Florence plead guilty to twenty one felonies including two First Degree burglaries and four Unlawful Possessions of a Firearm in the Second Degree. Lawrence Sellers plead guilty to twelve felonies. Florence admitted to being involved in more criminal activity than Sellers and more than Everybodytalksabout was charged with.

In each case the crimes exceeded an offender score of nine. The highest range on the table.. Sellers record appears to have no priors and for some reason the prosecution permitted only him to take a plea for D.O.S.A.. As such he received a 30.75 month sentence. (VRPp.553).Tim Florence must have a substantial record as he could have received three life sentences (VRP p.533). Further he was convicted of four unlawful possessions of a firearm in the Second Degree which must be served consecutively under R.C.W. 9.94A.589 (c). How Florence could have a record supporting life, but only commit Unlawful Possession of a Firearm in the Second Degree is mysterious as a life sentence necessitates at least two prior for most serious offense under R.C.W. 9.94A.030. Yet for all of his crime Mr. Florence received only seventy nine months.

The defendant, Gregory Everybodytalksabout conversely only had two prior felonies for Burglary, Burglary Second Degree, and Residential Burglary, class B felonies well over ten years old. Yet, Everybodytalksabout received over 180 months for his thirteen felonies which included only one class A felony to Florences twenty one plus felonies with two class A's and four consecutive charges, for which he could have received life.

This conflicts with the procedurail standards of R.C.W. 9.94A.

Here a person with a more substantial criminal record, and engaged in greater criminal conduct is given a substantially lesser sentence for 100% overlapping conduct with the defendant Gregory Everybodytalksabout. The only differentiator is plea verses trial. Clearly, the defendant is being punished with more than on hundred months of lost liberty for making the state prove his case at trial and refusing to take plea deal.

Here the prosecutor and the court engaged in vindictive behavior for the excise of a constitutional right to go to trial and have every element proven to a trier of fact. Unlike many cases where the prosecution has offered what could be considered an extortionate deal to one party, the prosecution in this case selectively enforced the law against the defendant. Given the overlapping crimes, the lesser record of Everybodytalksabout relative to Florence, the lesser counts compared to Florence, the state would have had an obligation to offer a plea between Sellers and Florence and certainly should not have sought a sentence at trial in excess of Florence's; let alone more than double. Like situated defendant's should have received like sentences. Either Florence should have over 180 months or Everybodytalksabout should have less than eighty.

This case shows blatant selective prosecution by the state and blatant involving of the judiciary in prejudicial behavior to the detriment of defendant in the instant case. Clearly the state does not believe a prior record of greater criminal history weighs nearly as much against a defendant as the assertion of his right to proceed to trial and force the prosecution to perform the job the taxpayers compel him to do.

Everybodytalksabout is entitled to a sentence consistant with the standards of justice exercised against his purported accomplices Florence and Sellers, not the vindictive standards of the state.

This argument suffers a lack of case law due to the actions of

the Washington State Department of Corrections in closing the Law Library at Airway Heights Correctional Center.

11.) Did court appointed counsel Michael Prince provide effective counsel as guaranteed under Washington State Constitution Art. 1 § 22 and United States Constitutional Amendment VI in his representation of the defendant Gregory Everybodytalksabout?

Attorney Michael Prince took over representation of the defendant Everybodytalksabout around September 9, 2010 and brought the case to trial on October 11, 2011, the defendant presented the court with a request to remove attorney Michael Prince due to conflicts, primarily his refusal to investigate, communicate with the defendant, or prepare a defense. (VRP p.234-236) The court refused to deal with the complaint, even though Prince filed to be dismissed with that matter. Judge Buchard ordered this case to trial in one week where defense counsel admitted to having conducted no investigation, not spoken with the client, and really had no defense prepared. The court complained of seventeen continuances \$2,750.00 authorized for investigations, and the general fact this case came to trial three years later. How the court determined the \$2,750.00 number for investigations is unknown as only authorization for \$750.00 only appears in the transcripts back in October of 2008, (VRP p.26) when Castelda was still counsel for the defendant. No other authorizations, request, or rationale for an investigator appear the verbatim proceedings. In deed from September 9, 2010 until trial, defense counsel appears to do little except for request and agree to continuances. It does not appear Prince made any effort to interview state witnesses, defense witnesses, review evidence, or otherwise prepare for trial. Defense counsel admits as much in the hearing on October 11, 2011 (VRP pgs. 228-249).

Defendant has a right to counsel and that right is to effective

counsel under the U.S. Constitutional Sixth Amendment. Strickland v. Washington 466 U.S. 668 80 L.Ed.2d 674 (1984). "The right of effective counsel ...[is] fundamental and implicit in, any meaningful concept ordered of liberty." See also Gideon v. Wainwright 9 L.Ed.2d 7&9 (1963). See also State v. ANJ 168 Wn.2d 91, 96 (2010). Prince's conduct in the instant case is of Constitutional magnitude and relates to errors and omissions of Constitutional Significance.

"Constitutional errors are treated specially because they often result in serious injustice to the accused." State v. Scott 110 Wn.2d 682, 686 (1988). "Without counsel, the right to a fair trial itself would be of little consequence (citations omitted) for it is through counsel that the accused secures his other right." Kimmelman v. Morrison 91 L.Ed.2d 305 (1986). citing Maine v. Moulton 88 L.Ed.2d 481 (1985). "A layman will ordinarily be unable to recognize counsel's errors and to evaluate counsel's professional performance, Powell v. Alabama 77 L.Ed.2d 158; consequently a criminal defendant will rarely know that he has not been represented competently until after trial or appeal, usually when he consults another lawyer about his or her case. kimmelman 91 L.Ed.2d at 321. Here the defendant was aware prior to trial that Prince was professionally deficient, but not literate to the specifics.

Under Stickland, 466 U.S. 668, 80 L.Ed.2d 674, the court determined counsel could be ineffective by failing to render adequate assistance. The benchmark for effectiveness being undermining of the adversarial process. Strickland established that counsel has the following duties: 1) Loyalty to the client, 2) Avoid conflict of interest, 3) Advocate for the defendants cause, 4) Consult on important decisions, 5) Inform the client of development's, and 6) Bring to bear such skill and knowledge as will render the trial a reliable adversarial testing process. To this end the Strickland court advocated to us A.B.A. standards as a guide. On the record from October 11, 2011, counsel admitted to violating these standards, i.e. he had not

discussed anything with the client.

"A lawyer who fails to adequately investigate, and to introduce into evidence, [information] that demonstrates his clients factual innocence, or that raise[s] sufficient doubt as to that question to undermine confidence in the verdict, renders deficient performance. Lord v. Wood 184 F.3d 1083, 1093 (9th Cir. 1999) citing Hart v. Gomez 174 F.3d 1067, 1070 (9th Cir. 1999).

Based on the record, counsel for the defendant failed to do all of the following: 1) Interview the states witnesses prior to trial, 2) Interview witnesses for the defense, 3) Subpoena and ensure that the witness for the defense were available to testify (compulsory process guaranteed under Wash. Const. Art. 1 § 22), 4) Review the actual physical evidence of the case, 5) Submit request, or otherwise participate in creation of jury instructions (VRP p.591-593), 6) Prepare any defense or preparation for sentencing, 7) Object to any action of the prosecution, 8) advise properly on a plea offer, and 9) adequately cross examine the state witnesses, including the supposed victims.

Strickland held that counsel has a duty to make reasonable investigations. As stated in Lord this goes to inquiry of witnesses. "A witness who appears shifty or biased and testifies to X may persuade the jury that not-X is true, and along the way cast doubt on every other piece of evidence offered by the lawyer who puts him on the stand. But counsel can not make such judgments about the witness without looking him in the eye and hearing him tell his story." Lord at 1095. The state court has held similarly a duty to investigate. See generally State v. ANJ 168 Wn.2d 91 (2010), In Re Pers Restraint of Brett 142 Wn.2d @ 882-883. "[D]efense counsel must at a minimum, conduct a reasonable investigation enabling him to make informed decisions about how best to represent his client. A defense

attorneys failure to consider alternate defenses constitutes deficient performance when the attorney "neither conducts a reasonable investigation nor make a showing of strategic reasons for failing to do so." (internal citations and quotations omitted) Rios v. Rocha 299 F.3d 766 (9th Cir. 2002). A year after appointment counsel admits to doing little if anything a week before trial. Prince is pushing to be in violation of the Cronic standard, United States v. Cronic 80 L.Ed.2d (1984), apart from the Strickland standard.

"A lawyers first duty is zealously to represent his or her client. given this obligation, Jefferson's refusal even to listen to critical information from a key witness regarding the basis of his clients most important defense, can not bee deemed a permissible strategy." Sanders v. Ratelle 21 F.3d 1446 (9th Cir. 1994). The effort put forth by Prince in this case seems to defy this very standard.

"A criminal defense lawyer owes a duty to defend even a guilty client. RPC 31, WOA, supra @ ABA, standards for Criminal Justice: Prosecution function and Defense Function defense function S.Ed 4-41 (a) (3rd Ed. 1993)...("A lawyer shall provide competent representation to a client. Competent representation requires... thoroughness and preparation reasonably necessary for the representation.") RPC 1.2 (a)" State v. ANJ 168 Wn.2d 91, 110-111 (2010). Prince appears to have thoroughly prepared to do little on the defendants behalf apart from sitting in the defense counsels chair oblivious to the proceedings.

Defendant Gregory Everybodytalksabout was arrested on the Collville Indian Reservation, some of the burglaries occurred on the Colville Reservation, Everybodytalksabout is a tribal member who lives on the Reservation. From the record defense counsel failed to look at any of these issues or see that Tribal Sovereignty and Treaties where adhered to by the Okanogan County Sheriffs Office. As with witnesses defense counsel

failed to investigate the crimes and the defendants position.

"In evaluating prejudice, we have stated that ineffective assistance claims based on a duty to investigate must be considered in light of the strength of the governments case." Rios v. Rocha citing Eggleston v. United States 798 F.2d 374, 376 (9th Cir. 1986). In the instant case, the state relies on a shoe print found at one location out of many, and the testimony of two witnesses who have motive to testify against the defendant in exchange fro their own plea bargain. No other substantial evidence or physical evidence exist. The states case is weak given the multiple counts filed and the information supporting each of them. A little investigation by Prince would likely have resulted all or partial acquital. However absent investigation Prince, it is impossible to reliably separate one charge from another.

Once convicted, Prince continued to be ineffective by presenting no defense at sentencing. Clearly issues of same criminal conduct, crime spree, and merger may be present in the instant case. Yet counsel says not one helpful word (VRP Sentencing Proceedings Pgs 600+). Failure to develop a penalty phase presentation is a deficiency in trial preparation, not trial strategy." In Re Pers. Retraint of Brett 142 Wn.2d 868, 882, citing Caro 165 F.3d 1226, Bloom v. Calderon 132 F.3d 1267.

The standard here is for Prince's performance "is a reasonable probability that, for counsels unprofessional errors, the result of the proceeding would have been different" Strickland, 466 U.S. @ 694. The need only find that the defendant may have been acquitted of one or more charges to determine ineffective assistance of counsel when looking at Prince's performance.

1.7

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-	09 29 2008	PLMHRG	PRELIMINARY APPEARANCE		SECONDARY
		JDG01	JUDGE JACK BURCHARD		
-	09 29 2008	PLMHRG	PRELIMINARY APPEARANCE		
		JDG01	JUDGE JACK BURCHARD		
1	09 30 2008	ORDPCA	ORD DETERMIN PROBABLE CAUSE		
		JDG01	JUDGE JACK BURCHARD		
2	09 30 2008	OAPAT	ORDER APPOINTING ATTORNEY		
		JDG01	JUDGE JACK BURCHARD		
3	10 01 2008	INFO	INFORMATION		
4	10 01 2008	ADPC	AFFIDAVIT/DECLARATION PROB CAUSE		
-	10 02 2008	HCNTSTP	HEARING CONTINUED: STIPULATED		
5	10 06 2008	NTAPR	NOTICE OF APPEARANCE		
		ATD01	CASSEL, PAUL JAMES		
-	10 09 2008	NTA	NOTICE OF ARRAIGNMENT		10-16-2008IA
		ACTION	ARRAIGNMENT		

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SUB#	DATE	CODE	DESCRIPTION/NAME	STATUS: RWAR	DATE: 06/22/2011
6	10 16 2008	AKAR	ACKNWLDGMT OF ADVICE OF RIGHTS		
		COM02	COMMISSIONER CHRIS CULP		
7	10 16 2008	ORST	ORDER SETTING DATES & PROCEDURES		
		COM02	COMMISSIONER CHRIS CULP		
8	10 16 2008	ORST	ORDER SETTING DATES		
		COM02	COMMISSIONER CHRIS CULP		
9	10 16 2008	OMAD	OMNIBUS APPLICATION BY DEFENDANT		
		COM02	COMMISSIONER CHRIS CULP		
-	10 16 2008	ARRAIGN	INITIAL ARRAIGNMENT		
		COM02	COMMISSIONER CHRIS CULP		
-	10 20 2008	NTHG	NOTICE OF HEARING		10-30-2008IO
		ACTION	OMNIBUS HEARING / CONF. CALL		
-	10 20 2008	NTHG	NOTICE OF HEARING		11-20-2008IS
		ACTION	STATUS CONFERENCE		
-	10 20 2008	NTTD	NOTICE OF TRIAL DATE		

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SUB# DATE CODE DESCRIPTION/NAME SECONDARY
**JURY TRIAL / DEC. 2, 2008
8:30**
10 10 22 2008 MT MOTION TO WITHDRAW BASED UPON
CONFLICT OF INTEREST
- 10 24 2008 NTHG NOTICE OF HEARING
**MOTION TO WITHDRAW / OCT. 27,
2008 / 1:30 / W/ PRELIMS**
- 10 27 2008 HCNTSTP HEARING CONTINUED: STIPULATED
- 10 28 2008 HSTKSTP HEARING CANCELLED: STIPULATED
11 10 29 2008 NTAPR NOTICE OF APPEARANCE
ATD02 CASTELDA, ANTHONY ROCCO
12 10 29 2008 NT NOTICE SERVICE OF PLEADINGS/FACSIML
& ELECTRONIC SERVICE NOT ACCEPTED
13 10 29 2008 MTAF MOTION AND AFFIDAVIT FOR APPOINTMNT
OF INVESTIGATOR & PAYMENT BY COURT

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SUB# DATE CODE DESCRIPTION/NAME SECONDARY
14 10 29 2008 NTMTDK NOTE FOR MOTION DOCKET 10-30-2008
@ 1:30 PM MT FOR APPOINTMENT
15 10 29 2008 OR ORDER ALLOWING WITHDRAW BASED UPON
CONFLICT OF INTEREST
JDG01 JUDGE JACK BURCHARD
- 10 29 2008 MTHRG MOTION HEARING
JDG01 JUDGE JACK BURCHARD
16 10 30 2008 OMAD OMNIBUS APPLICATION BY DEFENDANT
COM02 COMMISSIONER CHRIS CULP
17 10 30 2008 OR ORDER RE: APPOINTMENT OF INVESTGTR
COM02 COMMISSIONER CHRIS CULP
- 10 30 2008 OMNHRG OMNIBUS HEARING
COM02 COMMISSIONER CHRIS CULP
18 11 19 2008 MTAF MOTION AND AFFIDAVIT TO ALLOW
ATTORNEY WITHDRAWAL

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26	01 08 2009	WVSPDT COM02	WAIVER OF SPEEDY TRIAL COMMISSIONER CHRIS CULP		SECONDARY
27	01 08 2009	ORST COM02	AMENDED ORDER SETTING DATES COMMISSIONER CHRIS CULP		
-	01 08 2009	OMNHRG COM02	OMNIBUS HEARING COMMISSIONER CHRIS CULP		
-	01 12 2009	NTHG ACTION	NOTICE OF HEARING OMNIBUS HEARING		02-26-200900
-	01 12 2009	NTHG	NOTICE OF HEARING		
-	01 12 2009	NTTD	NOTICE OF TRIAL DATE **MARCH 26, 2009 ST.C. STRKN**		
28	01 28 2009	NTARD ATD03	NOT OF APPEAR AND REQ FOR DISCOVERY HAAS, MICHAEL EDWARD		
-	02 26 2009	OMNHRG	OMNIBUS HEARING		

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29	02 26 2009	COM04 ORST COM04	COMMISSIONER RICHARD L. WEBER AMENDED ORDER SETTING DATES COMMISSIONER RICHARD L. WEBER		SECONDARY
-	02 27 2009	NTHG ACTION	NOTICE OF HEARING OMNIBUS HEARING		03-19-200900
-	02 27 2009	NTHG ACTION	NOTICE OF HEARING STATUS CONFERENCE		04-16-20090S
-	02 27 2009	NTTD	NOTICE OF TRIAL DATE **JURY TRIAL / APRIL 21, 2009 8:30**		
30	03 19 2009	OMAPA COM02	OMNIBUS APPLICATION OF PROS ATTY & COMPLIANCE STATEMENT COMMISSIONER CHRIS CULP		
31	03 19 2009	OMAD COM02	OMNIBUS APPLICATION BY DEFENDANT COMMISSIONER CHRIS CULP		

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-	03 19 2009	OMNHRG	OMNIBUS HEARING		SECONDARY
-	04 16 2009	COM02	COMMISSIONER CHRIS CULP		
-	04 16 2009	STAHRG	STATUS CONFERENCE / HEARING		
32	04 16 2009	COM02	COMMISSIONER CHRIS CULP		
-	04 16 2009	ORST	AMENDED ORDER SETTING DATES		
-	04 17 2009	NTHG	NOTICE OF HEARING		06-18-2009OS
-	04 17 2009	NTTD	NOTICE OF TRIAL DATE		
			**JURY TRIAL / JUNE 23, 2009		
			8:30**		
-	06 16 2009	HCNTSTP	HEARING CONTINUED: STIPULATED		
33	06 18 2009	ORST	AMENDED ORDER SETTING DATES		
-	07 02 2009	COM02	COMMISSIONER CHRIS CULP		
-	07 02 2009	NTHG	NOTICE OF HEARING		08-13-2009OS

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-	07 02 2009	NTTD	NOTICE OF TRIAL DATE		
			**JURY TRIAL / AUGUST 18, 2009		
			8:30**		
34	07 29 2009	MT	MOTION RE: DEF REQUEST FOR ADDITNL		
			INVESTIGATOR FUNDS		
35	07 29 2009	OR	ORDER RE: DEF REQUEST FOR ADDITIONL		
			INVESTIGATOR FUNDS		
-	08 13 2009	COM01	COMMISSIONER DAVID EDWARDS		
-	08 13 2009	STAHRG	STATUS CONFERENCE / HEARING		
-	08 13 2009	NTHG	NOTICE OF HEARING		10-08-2009OS
-	08 13 2009	ACTION	STATUS CONFERENCE		
-	08 13 2009	NTTD	NOTICE OF TRIAL DATE		
			JURY TRIAL ON 10-13-09 @ 8:30		
36	08 13 2009	ORST	AMENDED ORDER SETTING DATES		

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		COM02	COMMISSIONER CHRIS CULP	
37	08 18 2009	MTAF	MOTION AND AFFIDAVIT/DECLARATION FOR ORDERS OF PRODUCTION	
38	08 18 2009	OR	ORDER OF PRODUCTION-L SELLERS	
		JDG01	JUDGE JACK BURCHARD	
39	08 18 2009	OR	ORDER OF PRODUCTION-J WOODWARD	
		JDG01	JUDGE JACK BURCHARD	
40	08 18 2009	OR	ORDER OF PRODUCTION-T FLORENCE	
		JDG01	JUDGE JACK BURCHARD	
41	10 07 2009	SB	SUBPOENA - JRSIA GARCIA	
42	10 07 2009	SB	SUBPOENA - MICHELLE OLVERA	
43	10 07 2009	SB	SUBPOENA - OFF ADAM NICHOLS	
44	10 07 2009	SB	SUBPOENA - OFF TIM RIEB	
45	10 07 2009	SB	SUBPOENA - JOHN BARTON WOODWARD	
46	10 07 2009	SB	SUBPOENA - TIMOTHY MERRILL FLORENCE	

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SUB#	DATE	CODE	DESCRIPTION/NAME	SECONDARY
47	10 07 2009	SB	SUBPOENA - ROBERTA L RODRIGUEZ	
48	10 07 2009	SB	SUBPOENA - LAWRENCE F SELLARS	
49	10 07 2009	SB	SUBPOENA - SGT MICHAEL WORDEN	
50	10 07 2009	SB	SUBPOENA - DPT DAVID RODRIGUEZ	
51	10 07 2009	SB	SUBPOENA - DPT TAIT EVERETT	
52	10 07 2009	SB	SUBPOENA - DPT EUGENE DAVIS	
53	10 07 2009	SB	SUBPOENA - DPT DEBORAH BEHYMER	
54	10 07 2009	SB	SUBPOENA - DPT KEVIN ARNOLD	
55	10 07 2009	SB	SUBPOENA - DPT JOSHUA BROWN	
56	10 07 2009	SB	SUBPOENA - SHERIFF FRANK ROGERS	
-	10 08 2009	STAHRG	STATUS CONFERENCE / HEARING	
-	10 08 2009	NTHG	NOTICE OF HEARING	12-03-2009OS
		ACTION	STATUS CONFERENCE	
-	10 08 2009	NTTD	NOTICE OF TRIAL DATE	
			JURY TRIAL 12-8-09 @ 8:30	

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57	10 12 2009	ORST	AMENDED ORDER SETTING DATES
		COM04	COMMISSIONER RICHARD L. WEBER
58	10 12 2009	OAPAT	ORDER APPOINTING ATTORNEY FOR
			MAT WIT JOHNNY WOODWARD
		JDG01	JUDGE JACK BURCHARD
-	10 12 2009	STAHRG	STATUS CONFERENCE / HEARING
59	10 13 2009	RTSB	RETURN ON SUBPOENA - T FLORENCE
60	10 13 2009	RTSB	RETURN ON SUBPOENA - J WOODWARD
61	10 13 2009	RTSB	RETURN ON SUBPOENA - L SELLARS
62	10 13 2009	RTSB	RETURN ON SUBPOENA - T EVERETT
63	10 13 2009	RTSB	RETURN ON SUBPOENA - F ROGERS
64	10 13 2009	RTSB	RETURN ON SUBPOENA - K ARNOLD
65	10 13 2009	RTSB	RETURN ON SUBPOENA - D BEHYMER
66	10 13 2009	RTSB	RETURN ON SUBPOENA - G DAVIS
67	10 13 2009	RTSB	RETURN ON SUBPOENA - M WORDEN

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SUB#	DATE	CODE	DESCRIPTION/NAME
68	10 14 2009	RTSB	RETURN ON SUBPOENA UNSERVED - D RODRIGUEZ
69	10 14 2009	RTSB	RETURN ON SUBPOENA UNSERVED - J BROWN
70	10 15 2009	RTSB	RETURN ON SUBPOENA UNSERVED - R RODRIGUEZ
71	10 28 2009	SB	SUBPOENA - SHERIFF FRANK ROGERS
72	10 28 2009	SB	SUBPOENA - SGT MICHAEL WORDEN
73	10 28 2009	SB	SUBPOENA - DPT DAVID RODRIGUEZ
74	10 28 2009	SB	SUBPOENA - DPT TAIT EVERETT
75	10 28 2009	SB	SUBPOENA - DPT EUGENE DAVIS
76	10 28 2009	SB	SUBPOENA - DPT DEBORAH BEHYMER
77	10 28 2009	SB	SUBPOENA - DPT KEVIN ARNOLD
78	10 28 2009	SB	SUBPOENA - DPT JOSHUA BROWN
79	10 28 2009	SB	SUBPOENA - OFF ADAM NICHOLS

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80	10 28 2009	SB	SUBPOENA - OFF TIM RIEB		SECONDARY
81	10 28 2009	SB	SUBPOENA - ROBERTA LAVERNE RODRIGUEZ		
82	11 02 2009	RTSB	RETURN ON SUBPOENA - M WORDEN		
83	11 02 2009	RTSB	RETURN ON SUBPOENA - D RODRIGUEZ		
84	11 02 2009	RTSB	RETURN ON SUBPOENA - T EVERETT		
85	11 02 2009	RTSB	RETURN ON SUBPOENA - G DAVIS		
86	11 02 2009	RTSB	RETURN ON SUBPOENA - D BEHYMER		
87	11 02 2009	RTSB	RETURN ON SUBPOENA - K ARNOLD		
88	11 02 2009	RTSB	RETURN ON SUBPOENA - F ROGERS		
89	11 02 2009	RTSB	RETURN ON SUBPOENA - J BROWN		
90	11 06 2009	RTSB	RETURN ON SUBPOENA UNSERVED - R RODRIGUEZ		
-	12 03 2009	STAHRG	STATUS CONFERENCE / HEARING		
91	12 03 2009	ORST	AMENDED ORDER SETTING DATES		

? F1=Help Enter=Process F7=Bwd F8=Fwd PA1=Cancel

JSM007 DISPLAY DOCKET OKANOGAN SUPERIOR 09-06-11 08:52 16 OF 30
CASE#: 08-1-00259-2 JUDGMENT# NO JUDGE ID:
TITLE: STATE OF WASHINGTON VS EVERYBODYTALKSABOUT, GREGORY F
NOTE1: DOB: 06-22-1966
NOTE2:

SUB#	DATE	CODE	DESCRIPTION/NAME	STATUS: RWAR	DATE: 06/22/2011
-	12 03 2009	COM02	COMMISSIONER CHRIS CULP		SECONDARY
-	12 03 2009	NTHG	NOTICE OF HEARING		01-28-2010OS
-	12 03 2009	NTTD	NOTICE OF TRIAL DATE		
-	01 28 2010	NTHG	NOTICE OF HEARING		05-20-2010OS
-	01 28 2010	NTTD	NOTICE OF TRIAL DATE		
92	01 28 2010	ORST	AMENDED ORDER SETTING DATES		
-	05 20 2010	NTHG	NOTICE OF HEARING		08-12-2010OS
-	05 20 2010	NTTD	NOTICE OF TRIAL DATE		
-	05 20 2010	COM02	COMMISSIONER CHRIS CULP		
-	05 20 2010	NTHG	NOTICE OF HEARING		
-	05 20 2010	NTTD	NOTICE OF TRIAL DATE		

? F1=Help Enter=Process F7=Bwd F8=Fwd PA1=Cancel

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JSM007 DISPLAY DOCKET OKANOGAN SUPERIOR 09-06-11 08:52 19 OF 30
CASE#: 08-1-00259-2 JUDGMENT# NO JUDGE ID:
TITLE: STATE OF WASHINGTON VS EVERYBODYTALKSABOUT, GREGORY F
NOTE1: DOB: 06-22-1966
NOTE2:

STATUS: RWAR DATE: 06/22/2011
SECONDARY

SUB#	DATE	CODE	DESCRIPTION/NAME
115	06 04 2010	OR JDG01	FOR ORDER OF PRODUCTION ORDER OF PRODUCTION JUDGE JACK BURCHARD
116	06 07 2010	RTSB	RETURN ON SUBPOENA - T EVERETT
117	06 07 2010	RTSB	RETURN ON SUBPOENA - G DAVIS
118	06 07 2010	RTSB	RETURN ON SUBPOENA - D BEHYMER
119	06 07 2010	RTSB	RETURN ON SUBPOENA - M WORDEN
120	06 07 2010	RTSB	RETURN ON SUBPOENA - D RODRIGUEZ
121	06 07 2010	RTSB	RETURN ON SUBPOENA - F ROGERS
122	06 08 2010	RTSB	RETURN ON SUBPOENA UNSERVED - M OLVERA
123	06 08 2010	RTSB	RETURN ON SUBPOENA UNSERVED - R RODRIGUEZ
124	06 10 2010	RTSB	RETURN ON SUBPOENA - J BROWN
125	06 11 2010	RTSB	RETURN ON SUBPOENA - K ARNOLD

? F1=Help Enter=Process F7=Bwd F8=Fwd PA1=Cancel

JSM007 DISPLAY DOCKET OKANOGAN SUPERIOR 09-06-11 08:52 20 OF 30
CASE#: 08-1-00259-2 JUDGMENT# NO JUDGE ID:
TITLE: STATE OF WASHINGTON VS EVERYBODYTALKSABOUT, GREGORY F
NOTE1: DOB: 06-22-1966
NOTE2:

STATUS: RWAR DATE: 06/22/2011
SECONDARY

SUB#	DATE	CODE	DESCRIPTION/NAME
126	07 28 2010	MTAF	MOTION AND AFFIDAVIT/DECLARATION FOR ORDER OF PRODUCTION AMENDED
127	07 28 2010	OR JDG02	ORDER OF PRODUCTION AMENDED FOR LAWRENCE F SELLARS PRO TEM CHRISTOPHER E. CULP
128	07 28 2010	MTAF	MOTION AND AFFIDAVIT/DECLARATION FOR ORDER OF PRODUCTION AMENDED
129	07 28 2010	OR JDG02	ORDER OF PRODUCTION AMENDED FOR JOHN B WOODWARD PRO TEM CHRISTOPHER E. CULP
130	07 28 2010	MTAF	MOTION AND AFFIDAVIT/DECLARATION FOR ORDER OF PRODUCTION AMENDED
131	07 28 2010	OR JDG02	ORDER OF PRODUCTION AMENDED FOR TIMOTHY M FLORENCE PRO TEM CHRISTOPHER E. CULP

? F1=Help Enter=Process F7=Bwd F8=Fwd PA1=Cancel

JSM007 DISPLAY DOCKET OKANOGAN SUPERIOR 09-06-11 08:52 21 OF 30
CASE#: 08-1-00259-2 JUDGMENT# NO JUDGE ID:
TITLE: STATE OF WASHINGTON VS EVERYBODYTALKSABOUT, GREGORY F
NOTE1: DOB: 06-22-1966
NOTE2:

SUB#	DATE	CODE	DESCRIPTION/NAME	STATUS: RWAR	DATE: 06/22/2011
132	08 12 2010	ORST	AMENDED ORDER SETTING DATES		SECONDARY
		JDG02	PRO TEM CHRISTOPHER E. CULP		
-	08 12 2010	NTHG	NOTICE OF HEARING		09-09-2010OS
		ACTION	STATUS CONFERENCE		
-	08 12 2010	NTTD	NOTICE OF TRIAL DATE		
			JURY TRIAL 9-14-10 @ 8:30		
-	08 12 2010	STAHRG	STATUS CONFERENCE / HEARING		
133	09 09 2010	NTWSUB	NOTICE WITHDRAW & SUBSTITUT COUNSEL		
		WTD03	HAAS, MICHAEL EDWARD		
		ATD04	MACDOUGALL, MELISSA ANN		
-	09 09 2010	STAHRG	STATUS CONFERENCE / HEARING		
-	09 09 2010	NTHG	NOTICE OF HEARING		12-02-2010OS
		ACTION	STATUS CONFERENCE		
-	09 09 2010	NTTD	NOTICE OF TRIAL DATE		
			JURY TRIAL 12-07-10 @ 8:30		

? F1=Help Enter=Process F7=Bwd F8=Fwd PA1=Cancel

JSM007 DISPLAY DOCKET OKANOGAN SUPERIOR 09-06-11 08:52 22 OF 30
CASE#: 08-1-00259-2 JUDGMENT# NO JUDGE ID:
TITLE: STATE OF WASHINGTON VS EVERYBODYTALKSABOUT, GREGORY F
NOTE1: DOB: 06-22-1966
NOTE2:

SUB#	DATE	CODE	DESCRIPTION/NAME	STATUS: RWAR	DATE: 06/22/2011
134	09 09 2010	ORST	AMENDED ORDER SETTING DATES		SECONDARY
		JDG02	PRO TEM CHRISTOPHER E. CULP		
-	12 02 2010	NTHG	NOTICE OF HEARING		01-27-2011OS
		ACTION	STATUS CONFERENCE		
-	12 02 2010	NTTD	NOTICE OF TRIAL DATE		
			JURY TRIAL 02-01-11 8:30		
-	12 02 2010	STAHRG	STATUS CONFERENCE / HEARING		
135	12 02 2010	ORST	AMENDED ORDER SETTING DATES		
		JDG02	PRO TEM CHRISTOPHER E. CULP		
136	01 21 2011	SB	SUBPOENA - JRSIA GARCIA		
137	01 21 2011	SB	SUBPOENA - MICHAELLE OLVERA		
138	01 21 2011	SB	SUBPOENA - JOHN BARTON WOODWARD		
139	01 21 2011	SB	SUBPOENA - TIMOTHY MERRILL FLORENCE		
140	01 21 2011	SB	SUBPOENA - ROBERTA L RODRIGUEZ		
141	01 21 2011	SB	SUBPOENA - CRIM JUST SARAH YUSI		

? F1=Help Enter=Process F7=Bwd F8=Fwd PA1=Cancel

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JSM007 DISPLAY DOCKET OKANOGAN SUPERIOR 09-06-11 08:52 23 OF 30
CASE#: 08-1-00259-2 JUDGMENT# NO JUDGE ID:
TITLE: STATE OF WASHINGTON VS EVERYBODYTALKSABOUT, GREGORY F
NOTE1: DOB: 06-22-1966
NOTE2:

SUB#	DATE	CODE	DESCRIPTION/NAME	STATUS: RWAR	DATE: 06/22/2011
					SECONDARY
142	01 21 2011	SB	SUBPOENA - SHERIFF FRANK ROGERS		
143	01 21 2011	SB	SUBPOENA - LAWRENCE F SELLARS		
144	01 21 2011	SB	SUBPOENA - SGT MICHAEL WORDEN		
145	01 21 2011	SB	SUBPOENA - DPT DAVID RODRIGUEZ		
146	01 21 2011	SB	SUBPOENA - DPT TAIT EVERETT		
147	01 21 2011	SB	SUBPOENA - DPT EUGENE DAVIS		
148	01 21 2011	SB	SUBPOENA - DPT DEBORAH BEHYMER		
149	01 21 2011	SB	SUBPOENA - DPT KEVIN ARNOLD		
150	01 21 2011	SB	SUBPOENA - DPT JOSHUA BROWN		
151	01 21 2011	SB	SUBPOENA - OFF ADAM NICHOLS		
152	01 21 2011	SB	SUBPOENA - OFF TIM RIEB		
153	01 25 2011	RTSB	RETURN ON SUBPOENA - F ROGERS		
154	01 25 2011	RTSB	RETURN ON SUBPOENA - G DAVIS		
155	01 25 2011	RTSB	RETURN ON SUBPOENA - D BEHYMER		
156	01 25 2011	RTSB	RETURN ON SUBPOENA - J BROWN		

? F1=Help Enter=Process F7=Bwd F8=Fwd PA1=Cancel

JSM007 DISPLAY DOCKET OKANOGAN SUPERIOR 09-06-11 08:52 24 OF 30
CASE#: 08-1-00259-2 JUDGMENT# NO JUDGE ID:
TITLE: STATE OF WASHINGTON VS EVERYBODYTALKSABOUT, GREGORY F
NOTE1: DOB: 06-22-1966
NOTE2:

SUB#	DATE	CODE	DESCRIPTION/NAME	STATUS: RWAR	DATE: 06/22/2011
					SECONDARY
157	01 28 2011	RTSB	RETURN ON SUBPOENA - J WOODWARD		
158	01 28 2011	RTSB	RETURN ON SUBPOENA - J GLEASON		
159	01 28 2011	RTSB	RETURN ON SUBPOENA - L SELLARS JR		
160	01 28 2011	RTSB	RETURN ON SUBPOENA - S YUSI		
161	01 28 2011	RTSNF	RETURN OF SERVICE NOT FOUND		
162	01 28 2011	RTSB	RETURN ON SUBPOENA - M WORDEN		
163	01 28 2011	RTSNF	RETURN OF SERVICE NOT FOUND - ROBERTA RODRIQUEZ		
-	01 27 2011	STAHRG	STATUS CONFERENCE / HEARING		
164	01 27 2011	ORST	AMENDED ORDER SETTING DATES		
		JDG01	JUDGE JACK BURCHARD		
-	01 27 2011	NTHG	NOTICE OF HEARING		02-24-2011OS
		ACTION	STATUS CONFERENCE		
-	01 27 2011	NTTD	NOTICE OF TRIAL DATE		
			JURY TRIAL 03-01-11 8:30		

? F1=Help Enter=Process F7=Bwd F8=Fwd PA1=Cancel

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JSM007 DISPLAY DOCKET OKANOGAN SUPERIOR 09-06-11 08:52 25 OF 30
CASE#: 08-1-00259-2 JUDGMENT# NO JUDGE ID:
TITLE: STATE OF WASHINGTON VS EVERYBODYTALKSABOUT, GREGORY F
NOTE1: DOB: 06-22-1966
NOTE2:

SUB#	DATE	CODE	DESCRIPTION/NAME	STATUS: RWAR	DATE: 06/22/2011
165	02 01 2011	RTSB	RETURN ON SUBPOENA UNSERVED - D RODRIGUEZ		SECONDARY
166	02 01 2011	RTSB	RETURN ON SUBPOENA - K ARNOLD		
167	02 01 2011	RTSB	RETURN ON SUBPOENA - T EVERETT		
168	02 02 2011	RTSB	RETURN ON SUBPOENA UNSERVED - T FLORENCE		
169	02 17 2011	OR	ORDER FOR PRODUCTION FOR LAWRENCE F SELLARS		
170	02 17 2011	JDG02 OR	PRO TEM CHRISTOPHER E. CULP ORDER FOR PRODUCTION FOR TIMOTHY M FLORENCE		
171	02 17 2011	JDG02 OR	PRO TEM CHRISTOPHER E. CULP ORDER FOR PRODUCTION FOR JOHN B WOODWARD		
		JDG02	PRO TEM CHRISTOPHER E. CULP		

? F1=Help Enter=Process F7=Bwd F8=Fwd PA1=Cancel

JSM007 DISPLAY DOCKET OKANOGAN SUPERIOR 09-06-11 08:52 26 OF 30
CASE#: 08-1-00259-2 JUDGMENT# NO JUDGE ID:
TITLE: STATE OF WASHINGTON VS EVERYBODYTALKSABOUT, GREGORY F
NOTE1: DOB: 06-22-1966
NOTE2:

SUB#	DATE	CODE	DESCRIPTION/NAME	STATUS: RWAR	DATE: 06/22/2011
172	02 18 2011	SB	SUBPOENA - OFF TIM RIEB		SECONDARY
173	02 18 2011	SB	SUBPOENA - OFF ADAM NICHOLS		
174	02 18 2011	SB	SUBPOENA - DPT JOSHUA BROWN		
175	02 18 2011	SB	SUBPOENA - DPT KEVIN ARNOLD		
176	02 18 2011	SB	SUBPOENA - DPT DEBORAH BEHYMER		
177	02 18 2011	SB	SUBPOENA - DPT TAIT EVERETT		
178	02 18 2011	SB	SUBPOENA - DPT EUGENE DAVIS		
179	02 18 2011	SB	SUBPOENA - DPT DAVID RODRIGUEZ		
180	02 18 2011	SB	SUBPOENA - SGT MICHAEL WORDEN		
181	02 18 2011	SB	SUBPOENA - SHERIFF FRANK ROGERS		
182	02 18 2011	SB	SUBPOENA - ROBERTA L RODRIGUEZ		
183	02 18 2011	SB	SUBPOENA - MICHELLE OLVERA		
184	02 18 2011	SB	SUBPOENA - JRSIA GARCIA		
185	02 23 2011	SB	SUBPOENA - LAWRENCE SELLARS		
-	02 24 2011	STAHrg	STATUS CONFERENCE / HEARING		

? F1=Help Enter=Process F7=Bwd F8=Fwd PA1=Cancel

JSM007 DISPLAY DOCKET OKANOGAN SUPERIOR 09-06-11 08:52 27 OF 30
CASE#: 08-1-00259-2 JUDGMENT# NO JUDGE ID:
TITLE: STATE OF WASHINGTON VS EVERYBODYTALKSABOUT, GREGORY F
NOTE1: DOB: 06-22-1966
NOTE2:

SUB#	DATE	CODE	DESCRIPTION/NAME	STATUS: RWAR	DATE: 06/22/2011
-	02 28 2011	STAHRG	STATUS CONFERENCE / HEARING		SECONDARY
-	02 28 2011	NTHG	NOTICE OF HEARING		03-24-2011OS
-		ACTION	STATUS CONFERENCE		
-	02 28 2011	NTTD	NOTICE OF TRIAL DATE		
			JURY TRIAL 3-29-11 8:30		
186	02 28 2011	ORST	AMENDED ORDER SETTING DATES		
		JDG01	JUDGE JACK BURCHARD		
187	02 28 2011	RTSB	RETURN ON SUBPOENA - F ROGERS		
188	02 28 2011	RTSB	RETURN ON SUBPOENA - D RODRIGUEZ		
189	02 28 2011	RTSB	RETURN ON SUBPOENA - G DAVIS		
190	02 28 2011	RTSB	RETURN ON SUBPOENA - T EVERETT		
191	02 28 2011	RTSB	RETURN ON SUBPOENA - J BROWN		
192	02 28 2011	RTSB	RETURN ON SUBPOENA - D BEHYMER		
193	03 01 2011	RTSB	RETURN ON SUBPOENA - K ARNOLD		
194	03 01 2011	RTSB	RETURN ON SUBPOENA - L SELLARS		

? F1=Help Enter=Process F7=Bwd F8=Fwd PA1=Cancel

JSM007 DISPLAY DOCKET OKANOGAN SUPERIOR 09-06-11 08:52 28 OF 30
CASE#: 08-1-00259-2 JUDGMENT# NO JUDGE ID:
TITLE: STATE OF WASHINGTON VS EVERYBODYTALKSABOUT, GREGORY F
NOTE1: DOB: 06-22-1966
NOTE2:

SUB#	DATE	CODE	DESCRIPTION/NAME	STATUS: RWAR	DATE: 06/22/2011
195	03 02 2011	RTSB	RETURN ON SUBPOENA - M OLVERA		
196	03 02 2011	RTSB	RETURN ON SUBPOENA - R RODRIGUEZ		
197	03 02 2011	RTSB	RETURN ON SUBPOENA - M WORDEN		
-	03 24 2011	STAHRG	STATUS CONFERENCE / HEARING		
-	03 24 2011	NTHG	NOTICE OF HEARING		03-31-201100
-		ACTION	MANDATORY APP/SET DATES		
-	03 31 2011	OMNHRG	OMNIBUS HEARING		
198	03 31 2011	OR	ORDER TO PROVIDE NOTICE OF NON-APPEARANCE		
		JDG02	PRO TEM CHRISTOPHER E. CULP		
199	03 31 2011	ORIBW	ORDER DIR ISSUANCE OF BENCH WARRANT		
		JDG02	PRO TEM CHRISTOPHER E. CULP		
200	03 31 2011	BW	BENCH WARRANT \$55,000.00		
-	03 31 2011	WI	WARRANT ISSUED		
201	06 22 2011	SHRTBW	SHERIFF'S RETURN ON A BENCH WARRANT		

? F1=Help Enter=Process F7=Bwd F8=Fwd PA1=Cancel

JSM007 DISPLAY DOCKET OKANOGAN SUPERIOR 09-06-11 08:52 29 OF 30
CASE#: 08-1-00259-2 JUDGMENT# NO JUDGE ID:
TITLE: STATE OF WASHINGTON VS EVERYBODYTALKSABOUT, GREGORY F
NOTE1: DOB: 06-22-1966
NOTE2:

SUB#	DATE	CODE	DESCRIPTION/NAME	STATUS: RWAR	DATE: 06/22/2011
-	06 22 2011	PLMHRG	PRELIMINARY APPEARANCE		SECONDARY
202	06 22 2011	ORDPCA	ORD DETERMIN PROBABLE CAUSE		
		JDG01	JUDGE JACK BURCHARD		
-	06 22 2011	NTHG	NOTICE OF HEARING		06-30-2011IO
		ACTION	SET DATES		
-	06 30 2011	RVWHRG	REVIEW HEARING		
203	06 30 2011	ORST	AMENDED ORDER SETTING DATES		
		JDG02	PRO TEM CHRISTOPHER E. CULP		
-	06 30 2011	NTHG	NOTICE OF HEARING		08-11-2011IS
		ACTION	STATUS CONFERENCE		
-	06 30 2011	NTTD	NOTICE OF TRIAL DATE		
			JURY TRIAL 8-16-11 8:30		
-	08 11 2011	STAHRG	STATUS CONFERENCE / HEARING		
-	08 12 2011	NTHG	NOTICE OF HEARING		09-08-2011IS
		ACTION	STATUS CONFERENCE		

? F1=Help Enter=Process F7=Bwd F8=Fwd PA1=Cancel

JSM007 DISPLAY DOCKET OKANOGAN SUPERIOR 09-06-11 08:52 30 OF 30
CASE#: 08-1-00259-2 JUDGMENT# NO JUDGE ID:
TITLE: STATE OF WASHINGTON VS EVERYBODYTALKSABOUT, GREGORY F
NOTE1: DOB: 06-22-1966
NOTE2:

SUB#	DATE	CODE	DESCRIPTION/NAME	STATUS: RWAR	DATE: 06/22/2011
-	08 15 2011	NTTD	NOTICE OF TRIAL DATE		SECONDARY
			JURY TRIAL 9-13-2011 8:30		
-	08 15 2011	RVWHRG	REVIEW HEARING		
204	08 15 2011	ORST	AMENDED ORDER SETTING DATES		
		COM01	COMMISSIONER RICHARD WEBER		

? F1=Help Enter=Process F7=Bwd F8=Fwd PA1=Cancel