

11 March 1 2017

The Court of Appeals of the State of Washington

Division 1

One Union Square
600 University Street
Seattle, WA 98101-4170

Court Clerk Administration

Richard D. Johnson

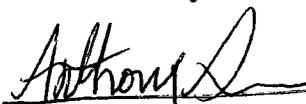
Anthony Lee #63352
M.C.C./T.R.V. B-302
P.O. BOX 888
Monroe, WA 98272

FILED
COURT OF APPEALS
STATE OF WASHINGTON
2017 MAR 11 PM 1:19

RE: Supplemental Additional Grounds in reference to:
State vs. Anthony Lee, CASE no: 69892-3-1 and No: 65967-7-1

I respectfully request the Court of Appeals to reconsider on additional grounds: that the trial judge erred by not addressing the Merits of Lee's Motion to Withdraw his Guilty Plea and by not appointing a new defense counsel for the defendant during his motion to Withdraw his Guilty Plea, as provided by the 6th and 14th admendments to the U.S. Constitution, the effective assistance of counsel and of due process. This statement of additional grounds is also consistant with the rights pursuant to CCR 7.8(b)(2) and R.C.W. 1073.090, .100 a) new found office b) violation of constitutionally protected rights. Please see all transcript exhibits in my statement of additional grounds which are included. Respectfully submitted. Please reply.

sincerely,


Anthony Lee

3/9/14

FILED
COURT OF APPEALS DIV I
STATE OF WASHINGTON
2014 MAR 11 PM 1:19

No. 69892-3-1

COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION 1

STATE OF WASHINGTON,

Respondent,

v.

Anthony Lee,

Appellant.

STATEMENT OF ADDITIONAL
GROUND (RAP 10.10)

I, Anthony C. Lee, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

STATEMENT OF ADDITIONAL
GROUND (RAP 10.10)

Page: 1 of 3

ADDITIONAL GROUND ONE

A) Original Statement of additional grounds filed on 10/30/13 court of appeals Division 1 Case # 69892-3-I, which includes case # 12-C-03042-8 SEA Discretionary Review, Courts Refusal to Withdraw Guilty Plea and Remove Counsel, pg. 1 of 10 line 18-25, pg. 2 of 10 line 1-5, pg. 3 of 10 line 20-25. Wash. App. Division 1, 1996 State vs. Harell 80 Wash App. 802, 911, P. 2 d. 1034 (1)(2)(3)(4)(5)(6)

B) 125 Wash. App. 59, 104 P. 3d 11

CrR 4.2 protects criminal defendants by mandating that guilty "pleas" be entered into voluntarily and requiring the trial court to ensure that "pleas" are supported by facts. CrR 4.2(f) provides for motions to "withdraw" guilty "pleas" prior to judgment. It requires the court to allow a defendant to "withdraw" a "plea" to correct a manifest injustice.

c) State vs. Taylor 83 WN. 2d 594, 596-97, 521 P2d 699 (1974)

If there are any additional grounds, a brief summary is attached to this statement.

DATED this 9th day of March, 2018 ^{AL}

Anthony Lee
(Print) Anthony Lee

Appellant, *Pro se.*
DOC# 633527, Unit T.R.U. B-302
Monroe Correctional Complex
(Street address) _____
P.O. Box 888
Monroe, WA 98272

Conclusion:

For the reasons stated above and included in the exhibits, I respectfully request this court to remand my case, for the opportunity to withdraw my guilty plea and whether the court erred by not assigning a new counsel so I may address the merits of my case.

Exhibit #1

Superior Court of the State of Washington letter
dated January 2, 2013

Exhibit #2

Defense Pre-sentance Report #cause NO-12-C-03042-8 SEF
filed Jan 11 2013 pg. 2 lines 10-20

Exhibit #3

Court of Appeals of the State of Washington
Division 1, letter dated January 29, 2013.
CASE # 69817-6-1

Exhibit #4 Superior Court for the State of Washington
in and for the County of King #cause #12-103042-8-SEF
filed Feb. 11 2013 pg. 3 lines 10-14 Signed Feb. 2, 2013

Exhibit #5

Verbatim Report of Transcripts "Withdraw Hearing"
Jan. 17th 2013, pg 19 lines 22-25, (A)
pg. 20 lines 1-25, (B)
pg. 21 lines 1-10 (C)

*Superior Court of the State of Washington
for the County of King*

JUDGE MICHAEL C. HAYDEN
Dept. 16

King County Courthouse

Seattle, Washington
98104-2312

January 2, 2013

Anthony Lee
Bkg. #212032884
King County Correctional Facility
500 Fifth Avenue
Seattle, WA 98104-2332

In Re: ANTHONY LEE 12-1-03042-8 SEA

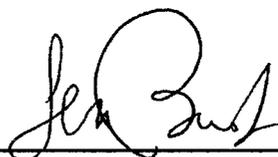
Mr. LEE,

The court has received your recent letter concerning a Motion to Withdraw your Guilty Plea and to dismiss your attorney Justin Wolfe.

A hearing is currently set for January 17, 2013 at 8:30 am in our court E863.

Copies of your correspondence have been forwarded to the Prosecuting Attorney's office and Mr. Justin Wolfe's office.

I trust that this answers your inquiry.



Teri Bush, Bailiff to Michael C. Hayden

CC: Justin Wolfe, NDA
Lindsey Grieve, DPA

FILED

13 JAN 11 PM 2:05
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

STATE OF WASHINGTON,)	CAUSE NO. 12-C-03042-8 SEA
)	
<i>Plaintiff,</i>)	
)	DEFENSE PRESENTENCE REPORT
V.)	
)	
ANTHONY LEE,)	
)	
<i>Defendant.</i>)	

Sentencing Judge: Honorable Judge Hayden
Sentencing Date: January 17th, 2013
Conviction: SOLICITATION TO DELIVER COCAINE

DEFENSE RECOMMENDATION

The Defense recommends that the court impose the low end of the applicable standard sentencing range. Alternatively, Defense recommends that the court impose a sentence of 6 months with credit for time served. This sentence recommendation would represent a departure downward from the standard sentencing range regardless of offender score calculation. The Defense requests the court waive any non-mandatory fees and fines.

ORIGINAL

1 by a preponderance of the evidence." *Id* In particular, the statute provides several illustrative
2 and nonexclusive reasons the court may consider including in pertinent part:

3 RCW 9.94A.535(1)(c): The defendant committed the crime under duress, coercion, threat or
4 compulsion insufficient to constitute a complete defense but which significantly impacted his or
5 her conduct."

6 RCW 9.94A.535(1)(e): The defendant's capacity to appreciate the wrongfulness of his or her
7 conduct, or confirm to the requirements of the law, was significantly impaired. Voluntary use of
8 drugs or alcohol is excluded.

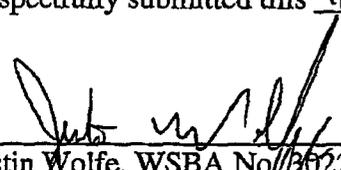
9 Mr. Lee currently contends that mental health issues may have played a role in
0 both his actions at the time of this offense as well as his decision to enter a guilty plea. Mr. Lee
1 contends he is currently being prescribed mental health medications while incarcerated in the
2 King County Jail and has directed his current counsel to obtain those records for presentation at
3 his sentencing hearing. To date, defense counsel does not have those records.

4 CONCLUSION

5 It is the defense position that very little good is served for Mr. Lee to serve a
6 lengthy prison sentence given the facts of this case. Mr. Lee, per his prior representations to
7 counsel, is not seeking the imposition of a DOSA sentence.

8 The Defense respectfully requests that the court, in the event that sentencing goes
9 forward, sentence Mr. Lee to the sentence detailed above.

0 Respectfully submitted this 10th day of January, 2013.

1
2 
3 Justin Wolfe, WSBA No. 36229
4 Northwest Defenders Association
5 Attorney for the Defendant
6

The Court of Appeals
of the
State of Washington

RICHARD D. JOHNSON,
Court Administrator/Clerk

DIVISION I
One Union Square
600 University Street
Seattle, WA
98101-4170
(206) 464-7750
TDD: (206) 587-5505

January 29, 2013

Justin F Wolfe
Northwest Defenders Association
1109 1st Ave Ste 300
Seattle, WA. 98101-2992
Justin.Wolfe@nwdefenders.org

Anthony Craig Lee ✓
BA 212032884
King County Corr. Facility
500 Fifth Ave
Seattle, WA. 98104-2332

Prosecuting Atty King County
King Co Pros/App Unit Supervisor
W554 King County Courthouse
516 Third Avenue
Seattle, WA. 98104
paoappellateunitmail@kingcounty.gov

CASE #: 69817-6-I
State of Washington, Respondent v. Anthony Craig Lee, Petitioner

Counsel:

The following notation ruling by Commissioner Mary Neel of the Court was entered on January 29, 2013, regarding petitioner's emergency motion to stay trial court proceedings while he seeks discretionary review:

RULING REGARDING EMERGENCY MOTION
State v. Anthony Lee, No. 69817-6-I
January 29, 2013

Today Anthony Lee filed an emergency motion to stay trial proceedings while he seeks discretionary review of the January 17, 2013 trial court order denying his motion to withdraw his guilty plea and to discharge appointed counsel. Sentencing was recently continued to February 6, 2013. The motion has been assigned an appellate court number, No. 69817-6-I, but there will be no further action unless and until Mr. Lee files a notice of discretionary review.

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

khn

FILED
KING COUNTY, WASHINGTON
FEB - 8 2013
SUPERIOR COURT CLERK

COPY TO COURT OF APPEALS FEB 11 2013

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

STATE OF WASHINGTON,)
)
) *Plaintiff,*)
)
) v.)
)
 ANTHONY CRAIG LEE,)
)
) *Defendant.*)

CAUSE NO. 12-1-03042-8 SEA
DECLARATION OF DEFENDANT

Anthony Craig Lee, the Defendant herein, states:

FINANCIAL DATA

ASSETS AND INCOME OF DEFENDANT

Employment History

	<u>Name of Employer</u>	<u>Dates of Employment</u>	<u>Monthly Income</u>
a)	No employment in the last ten years.		
b)			

Other Sources of Income

none

1 **Assets (e.g. car, bank accounts, money on hand, etc.)**

	<u>Item</u>	<u>Estimated Value</u>
2	a) None	
3	b)	
4	c)	

5 **Current Total Assets and Income**

6	Monthly Income	\$ 0
7	Total Assets:	None

8 **EXPENSES AND LIABILITIES**

9 **Dependents. The following persons are dependent upon me for financial support:**

	<u>Name</u>	<u>Age</u>	<u>Relationship</u>
11	a) None		
12	b)		

13 **Monthly Expenses (e.g. rent, mortgage payments, food, utilities, notes, etc.)**

	<u>Item</u>	<u>Monthly Expense</u>	<u>Balance Due (if any)</u>
15	a) Rent	None	
16	b) Food	↓	
17	c) Transportation (Metro)		
18	d) Insurance		
19	e) Municipal Court		
18	f) Misc.		

19 **Current Total Expenses and Liabilities**

20	Monthly Expense:	\$ 0
21	Long Term Liabilities:	

22 **Defendant can contribute the following toward expenses of appeal:**

23 \$ 0.00 - , and has previously been determined indigent by the Office of
 24 Public Defense.

APPEAL DATA

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The nature of the case defendant is appealing is:

Violation of the Uniformed Controlled Substance Act-Possession with Intent to Deliver-Cocaine

Defendant is seeking the following relief:

- Reversal of his conviction(s);
- Reversal and remand for a new trial;
- New Sentencing hearing;
- Vacation of special verdicts;
- Other _____

I wish all issues reviewed which may result in the relief requested above. More specifically,

I wish the following issues reviewed:

- a) Denial of motion to withdraw guilty plea
- b) Warrantless search and seizure

The costs sought to be waived or provided at public expense are: a) Filing fee; b) Certified Copy, in forma pauperis Order Appointing Counsel; c) Report of Proceedings; d) Clerk's Papers; e) Cost of reproducing brief on appeal; f) Costs of professional services of appointed counsel and any actual expenses incurred by said counsel, excluding normal overhead; g) Other: _____.

I believe my appeal is in good faith and has probable merit.

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

2/25/13

Date and Place

Anthony Craig Lee

Anthony Craig Lee, Defendant

1 I would like to have these in exhibits, these day's
2 date, where I got my -- all my material from him on the
3 day that I'm just now getting this stuff, seeing this
4 stuff, and these supposedly read my discoveries (sic)
5 right now and this is the day I get them.

6 So I could never been prepared or got prepared or
7 even knew what was going on until these day that he
8 gave me this materials. So I don't know still half of
9 what's really going on, you know. And I know that when
10 I came into court you had mentioned to me, Mr. Lee,
11 you've got to stop sleeping or you got to wake up and
12 pay attention in my courtroom due to the fact that this
13 is your life. And I heard that, but I was still kind
14 of incoherent, tired, I had been using drugs, you know,
15 I really didn't know what was going on, your Honor.
16 That's all I can say.

17 But I know a lot of my constitutional rights was
18 violated.

19 THE COURT: Thank you, sir.

20 MR. WOLFE: Your Honor, if I may.

21 THE COURT: You may.

22 MR. WOLFE: Based on Mr. Lee's representations, he
23 covered a number of subjects, what is clear is Mr. Lee
24 is bringing a motion to withdraw his guilty plea. He
25 is also making a motion to discharge counsel.

1 In the categories of information that Mr. Lee has
2 presented to the court, he's indicated that with regard
3 to the plea that he entered that there appears to have
4 been psychological issues involved with his entering of
5 the guilty plea that made him incapable of knowingly
6 entering a guilty plea. He has indicated that he
7 didn't understand what was going on. He's indicated
8 that he entered this plea under duress. He has
9 indicated to the court today that at the time that he
10 entered the guilty plea that he was otherwise under the
11 influence of a controlled substance.

12 Of note, your Honor, he's also noted a number of
13 objections to his entry of his guilty plea that relate
14 to ineffective assistance of counsel. He has noted to
15 the court that he believes that there is a general
16 failure on the part of defense counsel to make proper
17 objections during the evidentiary hearing that was held
18 before your Honor. He is claiming that defense counsel
19 failed to investigate. He is claiming that defense
20 counsel failed to communicate information to him and
21 provide him with materials that would be necessary for
22 his defense and his ability to assist defense counsel,
23 and he has noted that he believes that there is a
24 conflict of interest with me representing him based on
25 a prior representation by me on an unrelated matter.

1 It's clear that Mr. Lee has raised a number of
2 issues, however, he's not an attorney. It's my
3 position that Mr. Lee should be appointed a new counsel
4 to assist him in representing him in this motion to
5 withdraw his guilty plea that would be free from
6 apparent conflicts of interest. I'm making no
7 representations regarding Mr. Lee's claims that fall
8 into the categories of ineffective assistance of
9 counsel as I don't believe that that would be proper.
10 So we're moving to withdraw, your Honor.

11 MS. GRIEVE: Your Honor, just to address a few of
12 the defendant's specific claims. I would just note
13 that the defendant discussed before your Honor and with
14 defense counsel the details of his discovery during the
15 pretrial hearing. We in fact recessed when new
16 discovery was discovered and the defendant had an
17 opportunity then to review that discovery and we
18 recessed for an afternoon to allow him or for the
19 better part of an afternoon to allow him to continue to
20 go over the discovery in this case that was at the time
21 of the pretrial ruling which certainly casts doubts on
22 the credibility of his claim that he has seen his
23 discovery for the first time just this last week.

24 What the defendant said when he was before your
25 Honor during the pretrial hearing and now was not that

1 he was under the influence of a controlled substance at
2 the time of the pretrial hearings, rather he said that
3 he was homeless and that he was having trouble sleeping
4 for that reason. I don't believe he said that this
5 morning. He said he has had drug problems in the past,
6 but I don't believe he went that next step to saying
7 that he was under a controlled substance at the time.

8 Your Honor, the defendant did sign -- this was
9 pointed out to me for the first time this morning by
10 defense counsel -- on the actual plea agreement, the
11 defendant did sign his signature line and at the end of
12 his signature line appears to be sloppily written under
13 duress. I think that's an indication of the
14 defendant's awareness at that point. I think his
15 comment off the record when he stated that if he was
16 later unhappy with the terms of the plea agreement is
17 an acknowledgement that he knew what he was doing, that
18 he knew that if he later felt unhappy he could bring
19 this type of a motion and he could see if he could get
20 a better deal. And as he admitted to everyone present,
21 he fashions himself to be a paralegal. He's done
22 several PRPs on his own while incarcerated and said he
23 did quite a bit of case law research before this case
24 came before your Honor. I think those are all
25 indications that this defendant not only was aware of

2014 MAR 11 PM 1:19

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The Court of APPEALS OF THE STATE OF WASHINGTON
Division I

STATE OF WASHINGTON,)
Respondent)

NO. 69892-31

DECLARATION OF MAILING

v.)

Anthony C Lee,)
Appellant.)

I, Anthony C Lee, hereby declare:

1. I am over the age of eighteen years and I am competent to testify herein.

2. On the below date, I caused to be placed in the U.S. Mail, first class postage prepaid, 1 envelope(s) addressed to the below-listed individual(s):

Division I
ONE UNION Square
600 UNIVERSITY Street
Seattle WA 98101-4170

