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Received
Washington State Supreme Court

DEC 15 2014
E CCF
Ronald R. Carpenter
Clerk

No. 71697-2-1

Supreme COURT
OF THE STATE OF WASHINGTON

Cheryl C Firoued, Respondent,
v.
Ryan D Firoued, Petitioner,

MOTION FOR DISCRETIONARY REVIEW

- DRU -

Ryan D Firoued Pro SE
[Name of petitioner]

Coyote Ridge Corrections Center
PO Box 769
Connell, WA 99326

[Address]

A. Identity of Petitioner

Ryan D Firouzi [Name] asks this court to accept review of the decision designated in Part B of this motion.

B. Decision

[Statement of the decision or parts of decision petitioner wants reviewed, the court entering or filing the decision, the date entered or filed, and the date and a description of any order granting or denying motions made after the decision such as a motion for reconsideration.]

Appellant Ryan D Firouzi motion to modify the commissioners August 1 2014 ruling dismissing the appeal as abandoned was considered the motion under RAP 17.7 and denied the motion

_____ A copy of the decision [and trial court memorandum opinion] is in the Appendix.

C. Issues Presented for Review

[Define the issues which the court is asked to decide if review is granted.]

Was the Petitioner's lack of legal counsel a violation of due process?
Was the fact the Petitioner was incarcerated and had lack off access to legal library and legal materials a violation of due process?
Was the Petitioner's legal mail not being sent out of Coyote Ridge Corrections Center a violation of due process?

D. Statement of the Case

[The statement should be brief and contain only material relevant to the motion.]

The petitioner maintains he never abandoned the appeal. The petitioner has been incarcerated in the King County Jail and then by the Washington State Department of Corrections. The petitioner was not afforded the right to counsel. The petitioner was denied access to legal materials, and law library. The institution the petitioner was finally sent to refused to send out indigent legal mail.

E. Argument Why Review Should Be Accepted

[The argument should be short and concise and supported by authority.]

The petitioner's rights of due process were violated. The petitioner never had access to legal counsel. In re Matter of Darren Wn App. 803, 806, 649 P.2d 858 (1982). Due process requires that parents have notice an opportunity to be heard, and the right to be ~~represented~~ represented by counsel. Petitioner's rights to parent are also being violated when State v Ancira 707 Wn App 650 653-55 27 P.3d 1246, Div 1 2001 held that defendant could not be prohibited contact from his children. Parents have a fundamental liberty interest in care, custody, and control of their children. In Santosky v Kramer 455 US 745, 753 102 S.Ct 1388, 71 L.Ed.2d 549 (1982).

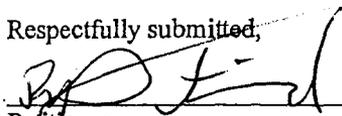
F. Conclusion

[State the relief sought if review is granted.]

The petitioner asks for a rehearing of the divorce and able to contact child and a equal division of marital assets.

DATED this 9 day of December, 2014.

Respectfully submitted,


Petitioner

APPENDIX

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

In the Matter of the Marriage of)
CHERYL FIROVED,)
Respondent,)
and)
RYAN D. FIROVED,)
Appellant.)
_____)

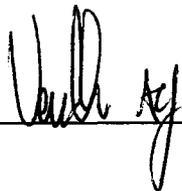
No. 71697-2-1
ORDER DENYING
MOTION TO MODIFY

Appellant Ryan D. Firoved has moved to modify the commissioner's August 1, 2014 ruling dismissing the appeal as abandoned. Respondent Cheryl Firoved has filed a response. We have considered the motion under RAP 17.7 and have determined that it should be denied.

Now, therefore, it is hereby

ORDERED that the motion to modify is denied.

Done this 25th day of November, 2014.



Trickey, J.
COX, J.

FILED
COURT OF APPEALS DIV. 1
STATE OF WASHINGTON
2014 NOV 25 AM 11:17

DECLARATION OF MAILING

GR 3.1

I, Ryan D Firoved on the below date, placed in the U.S. Mail, postage prepaid, Manilla envelope(s) addressed to the below listed individual(s):

Court of Appeals
Division I
One Union Square
600 University Street
Seattle, WA 98101

Supreme Court
State of Washington
Temple of Justice
PO Box 40929
Olympia, WA 98504

Ronald R. Carpenter
Clerk

DEC 15 2014

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Washington State Supreme Court

I am a prisoner confined in the Washington Department of Corrections ("DOC"), housed at the Coyote Ridge Correctional Complex ("CRCC"), 1301 N. Ephrata Avenue, Post Office Box 769, Connell, WA 99326-0769, where I mailed said envelope(s) in accordance with DOC and CRCC Policies 450.100 and 590.500. The said mailing was witnessed by one or more staff and contained the below-listed documents.

1. Motion For Discretionary Review
2. _____
3. _____
4. _____
5. _____
6. _____

I hereby invoke the "Mail Box Rule" set forth in General Rule ("GR") 3.1, and hereby declare under penalty of perjury under the laws of the State of Washington that the forgoing is true and correct.

DATED this 11 day of December, 2014, at Connell WA.

Signature [Handwritten Signature]

RICHARD D. JOHNSON,
Court Administrator/Clerk

*The Court of Appeals
of the
State of Washington*

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

August 4, 2014

Ryan Firoved
DOC # 813476
Coyote Ridge Corrections Center
P.O.Box 769
Connell, WA, 99326

Craig Jonathan Hansen
Hansen Law Group
12000 NE 8th St Ste 202
Bellevue, WA, 98005-3193
jhansen@hansenlaw.com

CASE #: 71697-2-I
Cheryl Firoved, Respondent v. Ryan D. Firoved, Appellant

Counsel:

The following notation ruling by Commissioner Mary Neel of the Court was entered on August 1, 2014, regarding court's motion for failure to provide proof of service on the notice of appeal and file a copy of the judgment being appealed:

"No one appeared or responded to the court's motion set today.
Review is dismissed as abandoned."

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

emp

