

Received
Washington State Supreme Court

JUN 18 2015
E
Ronald R. Carpenter
Clerk

THE SUPREME COURT
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,
Respondent,
V.
JOHN E. BETTYS,
Appellant,

NO. 9138⁶⁸⁻⁴~~6-4~~

APPELLANT'S MOTION TO STAY REVIEW
FOR TRIAL COURT TO ADDRESS NEWLY
DISCOVERED EVIDENCE OF MISCONDUCT

I. IDENTITY OF MOVING PARTY

COMES NOW Appellant, John E. Bettys, pro se, hereby moves this Court to order the review stayed pending resolution of a CrR 8.3 motion in trial court on the newly discovered evidence of governmental misconduct resulting in this violation of the United States and Washington State's "double jeopardy clause" protections.

II. FACTS RELEVANT

On December 3, 2013 Bettys acting pro se filed an appeal notice on terms of the criminal conviction, which was accepted as filed December 10, 2013 for the official Court of Appeals record.

Once the trial court entered the final judgment and sentence in Bettys' criminal action November 26, 2013 the trial court lost authority to review a correct judgment and sentence without showing of legal error requiring court correction. The trial counsel were no longer party to the action after this "pro se" notice of appeal was accepted in the Court of Appeals, and authority to review the final judgment vested with the Court of Appeals at that time.

On December 3, 2013 trial court returned Bettys to DOC custody to serve the November 26, 2013 judgment & sentence, while trial court held some kind of hearing December 17, 2013 to amend the judgment & sentence without court's rules providing authority for the hearing to be held.

On December 30, 2013 Bettys appealed the December 17, 2013 rulings, and sought reconsideration by the trial court, which was heard February 5, 2014 and denied.

On January 20, 2015 the Court of Appeals entered an opinion in which it addressed the trial court's authority under a CrR 7.8 motion to modify Bettys criminal sentence for showing of a legal error in the original sentence, and Bettys sought review by petition to this court. While preparing the petition for review Bettys sought access to the CrR 7.8 motion filed by the State under the December 17, 2013 hearing to modify the judgment, which was heard by trial court on April 8, 2015. During the April 8, 2015 hearing to obtain the record from the trial court it was discovered such motion was never filed, and there is no lawful basis for the December 17, 2013 modification of sentence.

On or about April 14, 2015 Attorney General Larson provided copies of the E-mails between DOC and the trial Judge, Prosecutors and herself, the Judges and trial counsel, which establish factually the State's knowledge that State must file a CrR 7.8 motion **proving** "legal error" to seek modification of the November 26, 2013 final judgment & sentence imposed.

Bettys herein moves to stay review to file a CrR 8.3 motion in the trial court addressing the discovered governmental misconduct, as such misconduct is likely the cause of the trial court violating "double jeopardy clause" protection in modification of the November 26, 2013 judgment & sentence, prejudicing this Appellant in such fashion to likely warrant the extraordinary remedy of court's dismissal with prejudice to the State

Bettys seeks leave of this Court under RAP 7.2 to address trial court in the matter, as it just became knowing to Appellant such misconduct existed on record as of April 8, 2015 hearing, and the question is relevant to issues in the pending petition for review.

III. ARGUMENT PRESENTED

The trial court would be the appropriate venue to address a motion of the nature under CrR 8.3 rule to determine if governmental misconduct prejudiced a party in such fashion to warrant dismissal with prejudice. The government did know its obligation to file a proper CrR 7.8 motion seeking modification of a final criminal judgment & sentence, as established by the new evidence and did not file the required motion proving any legal error requiring modification of the final judgment & sentence entered November 26, 2013. APPENDIX-A.

The trial court acted on its own to modify the final judgment, without a basis in the law or statutes to make such modification of a correct sentence, which is the basis of the "double jeopardy" claim raised on review.

The final judgment & sentence is correct if no law or statute required a trial court take some other action in sentencing the Defendant, and sentence can lawfully be carried out as imposed by the trial court originally, which is the case in this action.

Therefore, the new evidence does establish the trial court acted without a legal basis in modifying the final judgment & sentence, and held a hearing on December 17, 2013 on its own, without being motioned by either party for a hearing as required by court rules.

It is long settled that governmental mismanagement need not be of evil or dishonest nature, simple mismanagement is sufficient to warrant dismissal with prejudice once governmental misconduct is established. The new evidence herein clearly establishes governmental misconduct, whereby the Prosecution knew at the

time of the December 17, 2013 hearing a CrR 7.8 motion was required to be on file with the trial court alleging a "legal error" to give court authority to modify the final judgement & sentence, and failed to advise the court or this "pro se" party that no motion was filed. APPENDIX-A.

In addition, it is governmental misconduct for the Attorney General then to appear in the trial court representing Department of Corrections, whereby the Department was not a party to the criminal proceedings, and has no lawful authority to motion the trial court in the criminal matters. The attorney did not inform the trial court that DOC had no authority before the court, and did present substantial evidence in the form of testimony from a DOC employee that caused the trial court to modify the judgment & sentence. APPENDIX-C.

The trial judge showed a vested personal interest in the matters before his court, even making statements in the records of this case on November 26, 2013 that he had a dog in this fight in establishing treatment before Bettys is released. This is governmental misconduct, as the trial court must be the completely un-bias in the matters before the trial court at all times, and if the new evidence is believed, the trial judge was informed by E-mail that the judgment & sentence modification required a CrR 7.8 motion filed.

The fact that the trial court allowed the original trial counsel before the trial court at the December 17, 2013 hearing knowing that Bettys filed a "pro se" notice of appeal prior, is governmental misconduct, which violated Bettys rights under Washington State's constitutional 22nd amendment to then represent himself "pro se" in this action. APPENDIX-B.

The trial court's extension of the Bettys confinement, even by a single day is sufficient to establish prejudice based on the govenmental misconduct proven by the newly discovered records, and therefore the issue should herein be addressed, to determine under what "legal error" trial court modified that

original November 26, 2013 judgment & sentence, as this goes to the Court of Appeals opinion that a CrR 7.8 motion was filed allowing the modification of Bettys sentence, which is on review before this court.

Although this court could dismiss the matter with prejudice based on the "double jeopardy clause" violations, and "due process clause" violations that are briefed in the petition for review currently, it is within judicial public interest to determine the extent of governmental misconduct that caused both a violation of statutory law and constitutional rights of this Appellant, in the hopes that other Defendants before this Superior Court do not face similar or identical conduct in later proceedings.

Therefore, this Court should stay the pending review, and grant leave on RAP 7.2 for Bettys to bring forth a CrR 8.3 motion to dismiss for governmental misconduct and/or mismanagement, based on the newly discovered evidence that a Superior Court Judge acted without being motioned by either party to modify a final criminal judgment & sentence that presented the trial court no required "legal error" that must be corrected.

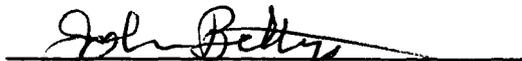
It should be noted that a "legal error" is an error of law, statutory or constitutional, that is not followed by the trial court at sentencing, and is likely to result in a complete miscarriage of justice if not corrected.

IV. CONCLUSIONS

For the reasons herein stated the review should be stayed, and leave now granted under RAP 7.2 to file a CrR 83 motion to dismiss heard by trial court on the governmental misconduct discovered.

DATED This 9th day of June, 2015.

Respectfully Submitted


John Bettys, Appellant, pro se

APPENDIX A

is prohibited without our express approval in writing or by email. Any use, distribution, transmittal or re-transmittal by persons who are not intended recipients of this email may be a violation of law and is strictly prohibited. If you are not the intended recipient please contact the sender and delete all copies.

Sent from my iPhone

On Dec 11, 2013, at 1:02 PM, "Larson, Ronda (ATG)" <[REDACTED]> wrote:

I understand your perspective. The difficulty that the DOC faces is that the Court's release date is January 1st. That is a very short time away. Between the conference call or hearing date, I need to file a post-sentence petition in the Court of Appeals and an emergency motion to stay the release condition in the judgment and sentence. And this is all during the holidays.

As a result, I am reluctant to agree to a hearing when the Court has offered a conference call, because of the delay that a hearing would bring. Furthermore, I am not optimistic that my efforts will have any effect. However, I felt it was the most reasonable step to take to accept the Court's offer of a conference call before I file my post-sentence petition, even though the Court has already made it clear that it is not going to amend the judgment and sentence.

Does that make sense? I wish the timeline were not so rushed, but that is the judgment and sentence we are working under.

From: Rosemary Kaholokula [mailto:[REDACTED]@co.skagit.wa.us]
Sent: Wednesday, December 11, 2013 12:55 PM
To: Larson, Ronda (ATG); DaveNeedy; ErikPedersen; 'cswift@prolegaldefense.com'; 'cmcdonald@prolegaldefense.com'
Cc: Landon, Jeffrey M. (DOC); Bailey, Karen (ATG); Delilah M. George; MelissaBeaton
Subject: RE: 711306 BETTYS, John Edward; Skagit County Cause #10-1-00159-9

Actually, on second thought, Erik and I believe that this cannot be resolved by a conference call. We believe an open court hearing would be required, with a motion by the State (AG) and that the presence of Mr. Bettys would be required.

From: Rosemary Kaholokula
Sent: Wednesday, December 11, 2013 12:49 PM
To: 'Larson, Ronda (ATG)'; DaveNeedy; ErikPedersen; cswift@prolegaldefense.com; cmcdonald@prolegaldefense.com
Cc: Landon, Jeffrey M. (DOC); Bailey, Karen (ATG); Delilah M. George; MelissaBeaton
Subject: RE: 711306 BETTYS, John Edward; Skagit County Cause #10-1-00159-9

I am available any time.

From: Larson, Ronda (ATG) [mailto:[REDACTED]]
Sent: Wednesday, December 11, 2013 12:47 PM
To: DaveNeedy; ErikPedersen; cswift@prolegaldefense.com; cmcdonald@prolegaldefense.com; Rosemary Kaholokula
Cc: Landon, Jeffrey M. (DOC); Bailey, Karen (ATG)
Subject: 711306 BETTYS, John Edward; Skagit County Cause #10-1-00159-9
Importance: High

OK

APPENDIX B

Judge Needy,

Thank you for offering to participate in a conference call. I would like to know if everyone could participate in a conference call on Monday. If so, what time? Later in the day is better than first thing in the morning, but I realize with short notice it may not be possible to do it later in the day.

Ronda D. Larson

Assistant Attorney General
Corrections Division
PO Box 40116
Olympia WA 98504-0116
☎ (360) 586-1445
Fax (360) 586-1319
📧 [REDACTED]

Please don't print this. . . . Save a fleet of paper airplanes.

From: DaveNeedy [mailto:[REDACTED].skagit.wa.us]
Sent: Tuesday, December 10, 2013 10:34 AM
To: 'Catherine McDonald'; McLean, Caryn L. (DOC)
Cc: ErikPedersen; Charlie Swift; Rosemary Kaholokula
Subject: RE: 711306 BETTYS, John Edward; Skagit County Cause #10-1-00159-9

The request to strike the language is denied. I would be happy to discuss this matter further if a conference call can be arranged with all the necessary present. dn

From: Catherine McDonald [mailto:cmcdonald@prolegaldefense.com]
Sent: Tuesday, December 10, 2013 9:54 AM
To: McLean, Caryn L. (DOC)
Cc: DaveNeedy; ErikPedersen; Charlie Swift; Rosemary Kaholokula
Subject: RE: 711306 BETTYS, John Edward; Skagit County Cause #10-1-00159-9

Ms. McLean-

Absent assurances that Mr. Bettys is eligible and would be placed in a SOTP at DOC, we object to removal of the language. An exceptional sentence was sought and made in this case to prevent the very delays that DOC is requesting, and to assure Mr. Bettys would have the opportunity to be afforded treatment while he is under supervision at DOC, either in or out of custody. He is presently eligible and has identified a SOTP program in the community which he may start immediately upon release. The court order states that if he is not in treatment within 30 days, he is to be returned to custody. This allows him to obtain some form of treatment prior to being discharged by DOC. We have identified initial funding for treatment. DOC's request to remove time deadlines set by the court provide no assurances that treatment will be provided, or if provided that it won't be substantially delayed. Nor does DOC's request indicate that the exceptional factors are not present and/or provide assurances that Mr. Bettys will receive treatment, absent the court's sentence as issued.

Regards-

APPENDIX C

1 MOUNT VERNON, WASHINGTON

2 APRIL 8, 2015

3 11:00 a.m.

4 * * *

5
6 THE COURT: Alright. We'll begin with the Bettys'
7 matters. Mr. Pederson is here. Mr. Bettys, other than the
8 court staff and one attorney observing there is no one else
9 in the courtroom.

10 MS. LARSEN: I'm present, Your Honor. I'm sorry. Rhonda
11 Larsen with the Attorney General's Office on behalf of the
12 Department of Corrections. And my understanding is Mr.
13 Bettys may have two things going on in this hearing. But my
14 involvement is in respect to his motion for a written
15 finding and the order denying motion for reconsideration, or
16 the order denying a motion for a writ of mandamus.

17 THE COURT: Thank you, Ms. Larsen. I apologize. I
18 wasn't aware you were joining us.

19 MR. PEDERSEN: Your Honor, it looks like Mr. Bettys does
20 have the one, as far as I can tell, in the case number 10-1-159-9
21 cause number the motion to type briefing. I'm not sure whether
22 Mr. Bettys believes there are any other matters noted for today's
23 date.

24 MR. BETTYS: I wasn't aware of any for today's date
25 (indistinguishable).

1 MR. PEDERSEN: So it's Mr. Bettys's motion.

2 THE COURT: Alright. Mr. Bettys?

3 MR. BETTYS: Yes, Your Honor. I'm housed at the Special
4 Commitment Center at this time. And the Special Commitment
5 Center has a computer lab here. And they have a standard
6 practice of not allowing legal pleadings and such typed in the
7 computer lab. But I've spoken with Mr. Scott in the computer
8 lab. He says with a Court's order he would have no problem
9 having legal matters typed and printed in his computer lab. So
10 I'm motioning the Court for such an order that is generally
11 providing access to the computer lab to print legal pro se
12 pleadings and my pending Supreme Court appeal for this matter.

13 MR. PEDERSEN: The concern that the State has with
14 respect to basically ordering an individual or group, in this
15 case the Special Commitment Center, to provide him access without
16 making them a party to this particular action is not appropriate.
17 It's not within this Court's jurisdiction. I, frankly, don't have
18 a problem with having him type materials. I know Mr. Bettys has
19 actually, according to his document filed by counsel, Mr.
20 Thompson, associated with the counsel who has typed some matters;
21 actually it's one motion and affidavit. I don't have a problem
22 with him typing briefing. But I don't think this Court can order
23 the Special Commitment Center to provide that type of material
24 when they are not a party to this particular proceedings.

25 THE COURT: Ms. Larsen, you are not here on this issue or

1 are you?

2 MS. LARSEN: I am not on this issue, Your Honor.

3 THE COURT: Without any background or knowledge of
4 knowing whether other inmates are getting the same privilege
5 ordered by other courts and what the convenience or inconvenience
6 is and what the potential security risks it does or doesn't
7 create, Mr. Bettys, I'm not in a position to order the Department
8 to do anything. And I do believe they are a necessary party to
9 this request. So at this point your motion will be denied. But I
10 would not prevent you from re-noting it at some point if, in
11 fact, you can get a representation from DOC to participate in the
12 process.

13 MR. BETTYS: Just to make the Court aware the Special
14 Commitment Center is not a part of DOC. It's actually part of
15 DSHS.

16 THE COURT: Alright. Then a representative from DSHS
17 will be at least informed and let us know that they didn't care
18 or are not participating or wish to be heard on the issue.

19 MR. BETTYS: Not a problem Your Honor. Thank you.

20 THE COURT: Did Mr. Young just come on the phone? Did
21 someone just get added to the court call?

22 MS. LARSEN: I heard that as well. I'm not sure.

23 MR. PEDERSEN: Your Honor, I have an order in the Bettys'
24 case that indicates the defense motion to provide access to typed
25 briefing is denied.

1 THE COURT: And may be re-filed, just so that is
2 preserved.

3 MR. PEDERSEN: And if he provides indication to DSHS of
4 what his intent is they may provide him some access.

5 THE COURT: Do you know, Mr. Bettys, if other inmates
6 have already been granted that access?

7 MR. BETTYS: Yes, Your Honor, inmate Scott here has been
8 granted that access through the courts. That's why the computer
9 lab recommend I come to the court to get a statement order.

10 THE COURT: Well, if they are happy to comply and simply
11 need a court order perhaps they can send something to Mr.
12 Pedersen, and I would be happy to sign an order. Because I don't
13 have any personal stake one way or the other it doesn't offend me
14 that you have the opportunity to type the documents. I just
15 don't want to be stepping on DSHS's toes with knowing their
16 position. So we can perhaps even bypass the need for a formal
17 motion in a court hearing, if they'll put in a letter that they
18 are willing to allow the Court to approve it.

19 MR. PEDERSEN: I would be glad to present an order if Mr.
20 Bettys can, you know, put me in contact with someone at DSHS who
21 would give that kind of authorization. Because it would be to my
22 benefit because I can read things; although Mr. Bettys'
23 handwriting is really pretty good, it's easier to read something
24 that's typed.

25 THE COURT: So if you can put someone in touch with Mr.

1 Pedersen, Mr. Bettys, you might be able to short circuit that
2 process.

3 MR. BETTYS: No problem.

4 THE COURT: I've signed the order denying the motion, but
5 allowing it to be refiled if necessary.

6 MR. BETTYS: Thank you, Your Honor.

7 THE COURT: Next matter?

8 MS. LARSEN: And, Your Honor, I may be mistaken as to
9 what the reason is for my having received a court call service
10 offer, and that is why I believed I was involved in this hearing.

11 So, Mr. Bettys, did you have something that you were asking
12 for in another matter regarding the Department of Corrections?

13 MR. BETTYS: Yes, it was the matter on the writ of
14 mandamus that was denied and the reconsideration that was denied.
15 I was asking to receive written finding of fact and conclusion as
16 to why the Court denied that and decided not to uphold the United
17 States Constitution.

18 MS. LARSEN: And for clarification that is Cause Number
19 14-2-01883-8.

20 MR. PEDERSEN: That's correct. I have actually the
21 Court's letter decision of March 19th, 2005 that denies the
22 reconsideration. That's already, I believe, part of that cause
23 number.

24 THE COURT: Mr. Bettys, we never issue full findings on a
25 reconsideration. Or is your question why there weren't findings

1 in the first place upon the original ruling?

2 MR. BETTYS: Okay. I wasn't aware of this, Your Honor.

3 THE COURT: Well, a reconsideration motion is normally
4 handled in Chambers, and it can be as brief as this letter, or it
5 can give perhaps an explanation. But there's certainly no legal
6 requirements of the court rules for findings of fact, conclusions
7 of law on reconsideration. And this is probably, at least half
8 of the time, done with a single sentence just denying the motion.
9 And other times there are perhaps issues that need further
10 explanation. But my hope would be that the initial ruling
11 contained the necessary explanation and the necessary record for
12 you to take any further action regarding appeal.

13 MR. BETTYS: Okay. I appreciate your time, Your Honor.
14 We do have one outstanding motion in the (indistinguishable)
15 cause number, which has not been docketed at this time. I've
16 tried to docket it twice, and so far I haven't been heard. And
17 it was simply a motion for a copy of the 78 motion filed that was
18 heard on December 17, 2013.

19 THE COURT: A copy of the motion itself?

20 MR. BETTYS: Yeah, I was never served any documentation
21 before the hearing. And I have been unable to locate any
22 documentation in the court file showing that there's been action
23 filed before the Court. The ruling is based upon that the Court
24 of Appeals is relying on the 78 motion being filed, and I can't
25 come up with the 78 motion.

1 THE COURT: Filed by whom?

2 MR. BETTYS: I'm assuming Rhonda Larsen would have filed
3 it since she modified the judgment, and the Court went forward
4 modifying the judgment. And the only possible ability to do so
5 would be under a 78 motion.

6 MS. LARSEN: Your Honor, the Department of Corrections is
7 not a party to the criminal cause State v. Bettys and did not,
8 in fact, file any documents in that case.

9 THE COURT: I think I'm remembering. This is the process
10 of trying to extend some dates to allow Mr. Bettys to get into
11 treatment when we were working on a very short timeframe. There
12 was some hearings regarding that. I don't remember how that
13 initially came to the Court's attention, whether that was just
14 Mr. Bettys' original counsel from the trial or whether -- I don't
15 think the State initiated that on its own.

16 MR. PEDERSEN: I don't have a recollection. Ms.
17 Kaholokula and I were both doing things on the case at that time.
18 And, frankly, I was not aware we were going to be addressing this
19 particular issue today.

20 THE COURT: I think Mr. Bettys has made it clear he
21 didn't expect it to be on today. But he's bringing it up just to
22 let us know since we are all on the same phone call.

23 Perhaps Mr. Bettys we can go back to the file and try to
24 see if there's any documentation as to how that came before the
25 Court as it did. But I do know my recollection was we were

1 dealing with issues of deadlines from DOC and timeframes and
2 working very diligently to try to get you an opportunity and
3 treatment at DOC. And clearly the records reflect the fact that
4 your Judgment and Sentence was altered, and I don't think it's
5 denying that. But you should be entitled to have any motion, if
6 one was filed, or whether it was simply brought to the Court's
7 attention or we arranged a conference call and everyone started
8 talking about how to best solve the problem. So I honestly don't
9 remember if a specific motion was filed. Have you already asked
10 for access to the court file and copies of the court file, Mr.
11 Bettys?

12 MR. BETTYS: I did and we can't locate it anywhere in the
13 docket sheet.

14 THE COURT: Well, I don't know if we have to go back to
15 the trial counsel to see if they have any recollection about that
16 or not. But, again, it's been pointed out --

17 MS. LARSEN: I --

18 THE COURT: Go ahead, Ms. Larsen.

19 MS. LARSEN: I was just looking at my computer file here,
20 and this was a case that arose -- or the hearing that the Court
21 is referring to arose in December of 2014 -- excuse me --
22 December of 2013. And there is a letter here from the Court that
23 was received December 24th that no action will be taken -- let's
24 see here. It was a special set hearing and order for transport.
25 So I'm receiving things from superior court that was asking, it

1 looks like, for the DOC to be involved. So that may be how it
2 arose.

3 THE COURT: Right. And that would have come at a request
4 from counsel, I believe. I certainly wouldn't have initiated
5 that.

6 MS. LARSEN: Yes, I believe you are right. I believe you
7 are right.

8 THE COURT: I don't know if it came in the form of a
9 motion, Mr. Bettys. But you are certainly entitled to have that
10 record procedurally and otherwise in case that needs to be
11 reviewed.

12 MR. PEDERSEN: The order modifying was entered
13 December 17th, 2013, it looks like. And I think my recollection
14 is the Judgment and Sentence was actually entered November 26th,
15 2013. And that Judgment and Sentence itself had a kind of review
16 set in it, and that was part of the review process I think.

17 THE COURT: Is Mr. Bettys' question what got us to court
18 on December 13th or?

19 MR. PEDERSEN: I don't see any document filed prior to
20 that being a motion to modify under the statute.

21 THE COURT: Is that your question, Mr. Bettys, what does
22 the Court originally do to start doing the process of amending
23 the Judgment and Sentence?

24 MR. BETTYS: What I'm looking for is under what
25 jurisdiction the Court took to modify the Judgment and Sentence

1 (indistinguishable) violates double jeopardy claims, and that's
2 what I brought the appeal under. And the Court of Appeals'
3 ruling just kind of laid out to me that there's some type of 78
4 motion that had to have been filed for the Court to even have
5 jurisdiction to have entered the modified order. And without
6 accepting any motions this double jeopardy has been violated.

7 MR. PEDERSEN: I'm going to quibble with Mr. Bettys' use
8 of the term jurisdiction. I think the Court had authority on its
9 own to modify the Judgment and Sentences after they have been
10 entered. And this was a function of the fact that there was a
11 review process that was set up to have Mr. Bettys qualify for the
12 treatment through the Department of Corrections. And so I think
13 it was a part of that process that this was occurring. And that
14 was noted as a result of the fact that we were trying to get him
15 qualified.

16 THE COURT: I would be comfortable in representing, Mr.
17 Bettys, in any pleadings that you represent that there was no
18 such motion brought before the Court. No one can prove that there
19 was apparently. There's no record of it. So I think that would
20 be an accurate representation by you if they are putting the
21 burden on you to prove how it got to the Court. I don't think
22 that's fair. But you are welcome to represent that no such
23 motion was filed, but that the parties, because of the
24 circumstances, gathered and agreed to discuss the possible
25 amendments that would still give you the opportunity for

1 treatment despite DOC's deadline.

2 MR. BETTYS: I appreciate that, Your Honor.

3 THE COURT: And I don't mean to justify that you were
4 necessarily in agreement with it, but certainly your trial
5 counsel was. The prosecutor and I were in agreement with me to
6 discuss it. I'm not even finding you saying that you were a party
7 to that. But you were certainly included in the discussions as
8 was DOC at that point in time. I think it's fair to represent
9 that there was no formal motion filed.

10 MR. PEDERSEN: Written motion filed. There may have been
11 something orally addressed on the December 17th date.

12 THE COURT: There certainly could have been.

13 MR. BETTYS: Thank you, Your Honor. Is it possible to get
14 a copy of the transcript of today's hearing?

15 THE COURT: Yes, you may. The court reporter is here.
16 We'll enter an order allowing you the transcript at public
17 expense for today's hearing.

18 MR. BETTYS: Thank you, Your Honor.

19 THE COURT: Anything else on the Bettys' matter?

20 MR. BETTYS: No, Your Honor.

21 MR. PEDERSEN: Not from the State.

22 THE COURT: Is anyone else on the phone call at this
23 point?

24 MS. LARSEN: I am, Your Honor. I will hang up now.

25 THE COURT: Okay. Thank you, Ms. Larsen.

MR. PEDERSEN: Thank you.

(PROCEEDINGS ENDING IN THIS MATTER FOR THE DAY)

1 STATE OF WASHINGTON)

2) ss: C E R T I F I C A T E

3 COUNTY OF SKAGIT)

4
5
6
7 I, JENNIFER CHRISTINE POLLINO, Official Court Reporter
8 in and for the County of Skagit do hereby certify;

9
10 That the foregoing is a true and correct transcript of
11 the proceedings held on April 8, 2015.

12
13 Witness my hand on this 23rd day of April, 2015.

14
15
16
17 

18 JENNIFER CHRISTINE POLLINO,
19 WA CCR #2221, CA CCR #10176, RPR,
20 Official Court Reporter
21
22
23
24
25

DECLARATION OF SERVICE

GR 3.1

I, John Bettys, declare that on the 11th day of June, 2015, I deposited the following documents:

- 1. Motion to Stay Review
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____

Or a true and correct copy thereof, in the internal mail system of Special Commitment Center, and made arrangements for postage, addressed as follows:

The Supreme Court
Temple of Justice
PO Box 40929
Olympia WA 98504

Erik Pedersen, Atty
Snohomish Co. Prosecutor
605 South Third St
Mount Vernon, WA 98273

I, John Bettys, declared under penalty of perjury, under the laws of the State of Washington, that the forgoing is true and correct.

DATED This 11th day of June, 2015.

John Bettys
 (Signature)