

From: [OFFICE RECEPTIONIST, CLERK](#)
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Subject: FW: Comments On New Indigent Defense Standards
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From: M Palmer <silentdeathpenalty@gmail.com>
Sent: Thursday, October 31, 2024 1:17 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments On New Indigent Defense Standards

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Your honors,

I respectfully submit that your honors have already made the decisions that allow you to **IMMEDIATELY** adopt and fund the full New Standards of Indigent Defense. In: Braam ex rel. Braam v. State (2003) this Court stated 'Lack of funds does not excuse a violation of the constitution and this court can order expenditures, if necessary, to enforce constitutional mandates.'

I believe that it is ethically mandated to adopt the New Indigent Defense Standards to reduce court corruption and the current violations of constitutional rights of poor and minority people!

COURT CORRUPTION UNDER OLD STANDARDS

I am on retrial for serious charges that I can prove I did not legally commit. Charges that should have been dismissed in 2018; but, I can not get uncorrupt, effective and timely counsel through the public defense system; because, to quote the Office of Public Defense "there are no attorneys qualified to handle Mr. Palmer's case!"

Based on my experience in the Grays Harbor Superior Court - the lower courts are filled with corruption and unethical practices. This includes judges, prosecutors and public defenders! (See CorruptMistachkin.com for proof.) (This level of corruption is not news to you. You spoke about it in State v. ANJ, 225 P 3rd 956, 960 (2010))

That corruption comes from:

- 1.
- 2.
3. Excessive caseloads under the current Standards of Indigent Defense. Attorneys simply
4. don't have the time or support to be ethical, constitutionally effective and follow the standards set forth in Criminal Practice and Procedure, 3d (Vols. 12 and 13, Washington Practice Series) so they skip important investigative and procedural steps;
- 5.
- 6.
- 7.
8. The inability to hire ethical counsel to replace the corrupt ones because effective and
9. ethical counsel won't put up with the workloads, low pay, lack of support and inability to request investigative funds due to judicial retaliation and low budgets; and
- 10.
- 11.
- 12.
13. CJC 2.15 especially with Comment 1 and RPC 8.3 especially with Comment 1, Which basically
14. says that no court officers have to report any corruption or violations of the law by other court officers.
- 15.
16. ***Quis Custodiet Ipsos Custodes (who guards the***
17. ***guardians?) It is extremely naive to believe that the criminals***
18. ***in the Superior Court are going to report themselves and their friends!!! They don't!!! So the corruption goes unchecked!!!***
- 19.
20. While you're updating to the new standards of indigent defense you might want
21. to consider fixing CJC 2.15 especially Comment 1 and RPC 8.3 especially Comment 1!
- 22.

Over the course of two trials, I have had 6 attorneys and none of them has bothered to get full discovery or the experts that can scientifically show I did not commit the crimes charged (One attorney told me he could not request the experts because the cost would "Piss the judge off!" which would harm his other clients!!!). Every judge, prosecutor and most of the public defenders in the Grays Harbor Superior Court know about the misconduct I report on CorruptMistachkin.com - no one has done a thing about it! Every public defender has violated multiple RPC's, statutes and constitutional law which I placed in the record. None of my attorneys had paralegals or AI support software like E-Discovery for the over 10,000 pages of discovery in my case! In fact, One of them actually said that since there was so much discovery he could get away with taking at least a year of my life to review it. Based on my study of

E-discovery their review could have been finished in about a month with the help of AI. Where was my right to speedy trial? Where was my right to justice without delay? Where was CrR 3 3? Simply put, they don't exist because the Washington Supreme Court has not kept up with technology and allowed ancient Standards of Indigent Defense to continue as law for over a decade in violation of both the spirit and wording of both constitutions!

Constitutional LAW Mandates The New Standards Of Indigent Defense

I can only factually report on the injustice and violation of the Constitutions in my case! But I can infer many things based on the reports of what has happened to defendants in other counties.

As far as I can tell my only legal crimes were being poor, minority, male and charged in one of the poorest counties in Washington. A county that paid a \$1035 bounty for all felony cases! Public defenders could actually make more by forcing their clients to plead than they could earn under their hourly rates. That opportunity to over double their income led to a classic situation of "meet `em, greet `em and plead `em" justice.

CONSTITUTION MANDATORY - Washington is governed by both the federal and state constitutions. WA Const. Art 1, §§ 2, 29. Those constitutions are now being currently violated on a continual basis due to failure to adopt the New Standards of Indigent Defense and correctly staff and obtain qualified, effective and non-corrupt council!

FUNDAMENTAL PRINCIPLES - Failure to follow the constitutions seems to violate WA Const. Art 1, §§ 32 as constitutional laws including the Bill of Rights are fundamental principles "essential to the security of individual right[s]".

PERSONAL RIGHTS and PETITION - One cannot have due process under WA Const. Art 1, §§ 3, 4 and US Const. Amends 1, 5, 14 without counsel to petition the court and uphold that due process. While not being in custody helps it does not fully protect one's life, liberty or property. For example, I'm on pretrial release but I am confined to one county and I am unable to obtain housing, work, my professional licenses and my son because my due process rights are not being enforced by ineffective counsel and I am banned from petitioning the court concerning effective assistance on threat of denial of counsel!

Arresting people and then dismissing their charges so you can charge them again later releasing them still does significant harm as the record of their charges still remains on their credit reports, across the web and on news media.

JUSTICE WITHOUT UNNECESSARY DELAY - Both defendants and alleged victims are being denied their constitutional right to justice without unnecessary delay (WA Const. Art 1, §10.); because, if the new standards of defense were adopted immediately then there would be no delay in bringing people to trial with effective counsel and council would be able to work faster because they would have the support they need in our currently denied. This also denies them a Speedy Trial under WA Const. Art 1, § 22 and US Const. Amend 6.

EQUAL JUSTICE - Equal justice under WA Const. Art 1, §12 and US Const. Amend 14 Because anyone who can afford an attorney can get to court and not sit and rot in a jail cell or be released by dismissal of charges only to be recharged again!!!

This is clearly prejudicial to the minorities and low income people of Washington!!!

HABEAS CORPUS and APPEAL - My constitutional rights to habeas corpus under WA Const. Art 1, §13 and US Const. Article I, Section 9 and Appeal under WA Const. Art 1, §9 are suspended because I am blocked from petitioning and don't have effective counsel. Based on the lack of court access in jails and legal experience needed to be able to file a habeas corpus or appeal. The right to habeas corpus and appeal are effectively suspended for the people rotting in jails waiting for counsel.

This is clearly prejudicial to the minorities and low income people of Washington!!!

EFFECTIVE ASSISTANCE OF COUNSEL - Logically, one cannot have the effective assistance of counsel under WA Const. Art 1, §22 and US Const. Amend. 6 if one cannot even get counsel which is happening now. Nor can one get effective assistance of counsel if "there are no attorneys qualified to handle Mr. Palmer's case!" as I was told!

Hobson's Choices Require Dismissal

The State's misconduct in not funding its own constitutional and statutory duties is forcing indigent defendants into an unconscionable and illegal Hobson's Choice between constitutional rights, especially the rights to effective counsel, speedy trial and justice without delay!

If I understand **State v. Michielli, 937 P. 2d 587, 590 - Wash: Supreme Court 1997** the charges of all the people rotting in jails without counsel and the people facing dismissal with recharging should have their charges dismissed with prejudice under CrR 8.3(b) "in the furtherance of justice" as the lack of attorneys is clearly governmental misconduct and they are prejudiced by lack of justice without delay, speedy trial and effective

representation under **State v. Price, 94 Wash.2d 810, 814, 620 P.2d 994 (1980)**

Your honors, YOU should not condone the known and continued abuse of our States low-income and minorities because they cannot obtain uncorrupt, effective and timely public defense counsel under the currently ineffective Standards of Indigent Defense. YOU should APPROVE THE NEW STANDARDS OF INDIGENT DEFENSE and fix the problem and you should do it immediately!
Thank You,
Michael Palmer