

EXHIBIT REGISTRY FOR CERTIORARI

ONE - 1.28.19 Wash. S.Ct. Denial (2 pages) ~~YES~~

TWO - 11.14.18 Wash. Ct. of Appeals' Dismissal (2 pages) ~~YES~~

NOTE: Because NO RATIFIED probable cause exists for the "im"probable cause for which Plaintiff remains treasonously imprisoned, there is no record to show. In over 5 years of proper pleadings for accountability, State has failed to contest this now irrefutable and true fact.

THREE - I FP & WRIT

Completed Forms ~~YES~~

FILED
JAN 28 2019
WASHINGTON STATE
SUPREME COURT

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In the Matter of the Personal Restraint of:

JOHN GARRETT SMITH,
Petitioner.

No. 96615-0

Court of Appeals Nos. 51955-1-II,
consol. w/52035-4-II, 52096-6-II and
52611-5-II

RULING DENYING REVIEW

After a bench trial, a judge found John Smith guilty of attempted second degree murder and second degree assault, both with a domestic violence aggravator. Division Two of the Court of Appeals reversed in part, but this court granted the State's petition for review and affirmed the judgment and sentence. *See State v. Smith*, 189 Wn.2d 655, 667, 405 P.3d 997 (2017), *cert. denied*, 136 S. Ct. 324 (2018). Mr. Smith timely filed a personal restraint petition in the Court of Appeals, which the acting chief judge dismissed as frivolous. Mr. Smith now seeks this court's discretionary review. RAP 16.14(c). Mr. Smith has also filed a statement of grounds for direct review (which is inapplicable) and a motion for an emergency injunction.

To obtain this court's review, Mr. Smith must show that the acting chief judge's decision conflicts with a decision of this court or with a published Court of Appeals decision, or that he is raising a significant constitutional question or an issue of substantial public interest. RAP 13.4(b); RAP 13.5A(a)(1), (b). To obtain

postconviction relief generally, Mr. Smith must show that he was actually and substantially prejudiced by constitutional error or that his trial suffered from a nonconstitutional error that inherently resulted in a complete miscarriage of justice. *In re Pers. Restraint of Gomez*, 180 Wn.2d 337, 347, 325 P.3d 142 (2014). If Mr. Smith ultimately fails to present an arguable basis for collateral relief in law or in fact given the constraints of the personal restraint petition procedure, his collateral challenge must be dismissed as frivolous under RAP 16.11(b). *In re Pers. Restraint of Khan*, 184 Wn.2d 679, 686-87, 363 P.3d 577 (2015).

Mr. Smith argues that the State illegally obtained evidence and illegally obtained a warrant, that the audio evidence used at the trial was altered or fabricated, that the State suppressed evidence of Mr. Smith's innocence, and that the State committed treason. The acting chief judge rejected these arguments as frivolous because Mr. Smith provided no factual basis for his claims. This order is consistent with *In re Personal Restraint of Rice*, 118 Wn.2d 876, 886, 828 P.2d 1086 (1992), where this court held that bald assertions and conclusory arguments are insufficient to merit either relief or a reference hearing. Mr. Smith does not present any competent, admissible evidence in support of his allegations. Accordingly, the acting chief judge correctly concluded that the petition was frivolous. *Khan*, 184 Wn.2d at 686-87.

The motion for discretionary review and the motion for an emergency injunction are denied.


COMMISSIONER

January 28th, 2019

November 14, 2018

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**DIVISION II**

In the Matter of the Personal Restraint of:

JOHN GARRETT SMITH,

Petitioner.

Nos. 51955-1-II, 52035-4-II,
52096-6-II and 52611-5-II
(consolidated)ORDER DISMISSING
PETITIONS

In four consolidated petitions, John Garrett Smith seeks relief from personal restraint imposed following his 2015 convictions for attempted second degree murder and for second degree assault.¹ He argues that the trial court lacked jurisdiction because there was no judicial determination made of probable cause for the attempted second degree murder charge. Smith was arrested on June 3, 2013. A judge found probable cause for the crime of second degree assault on June 4, 2013, within the required 48 hours under CrR 3.2.1. Smith appears to contend that an additional judicial determination of probable cause was required when the State amended its complaint in December 2013 to add a charge of attempted second degree murder. He does not cite any competent authority requiring such an additional judicial determination of probable cause for an added charge. Nor does he cite any competent authority that the lack of such an additional judicial determination of probable cause deprives the trial court of jurisdiction.

¹ The Washington State Supreme Court issued its mandate of Smith's direct appeal on January 18, 2018, making his petitions timely under RCW 10.73.090(1).

Smith also argues that the voice mail recording was doctored and that the assault was a hoax. But he does not present sufficient competent evidence to warrant a reference hearing under RAP 16.12 on those claims.

Smith's petitions are frivolous. Accordingly, it is hereby

ORDERED Smith's petitions are dismissed under RAP 16.11(b). His numerous motions for mandatory and immediate discharge and deliverance are denied.


Acting Chief Judge Pro Tempore

cc: John Garrett Smith
Aaron Bartlett
Clark County Clerk
County Cause No. 13-1-01035-6