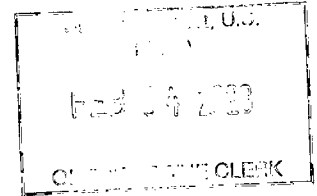


19-8091

No. _____

ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

VERNON WAYNE OFFICER — PETITIONER
(Your Name)

vs.

STATE OF WASHINGTON — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

WASHINGTON STATE COURT OF APPEALS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

VERNON WAYNE OFFICER

(Your Name)

WASHINGTON CORRECTION CENTER,

(Address)

POST OFFICE BOX 900

SHELTON WA, 98584-0974

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

- 1) IS IT NOT TRUE ON OCT 12 2017, I WAS DENIED RE-APPOINTMENT OF COUNSEL, DURING JURY TRIAL, NOT BECAUSE OF DELAY IN TRIAL? BUT BECAUSE I SIGNED WAIVER AND WAS WARNED NOT TO DO IT? WAS MY VI AMMENDMENT VIOLATED?
- 2) DID JUDGE SAY TO ME ON RECORD, 2 DAYS AFTER PROSE DEFENDANT ASK FOR RE-APPOINTMENT OF COUNSEL, SAY TO ME, I'M DENYING YOU RE-APPOINTMENT OF COUNSEL, BECAUSE I TOLD YOU, I WOULD NOT GIVE COUNSEL BACK TO YOU TO CLEAN UP YOUR MESS, IF I GRANTED YOU PROSE?
- 3) IS THERE A LAW OR RULE, THAT SAYS I SHOULD BE GRANTED RE-APPOINTMENT OF COUNSEL, IF THERE WOULD NOT HAVE BEEN A DELAY IN TRIAL?
- 4) WHEN I WAS DENIED RE-APPOINTMENT OF COUNSEL, AFTER A 1 BRIEF DAY WITHOUT COUNSEL, AND HAVE EVIDENCE PROVING THERE WOULD HAVE NOT BEEN ANY DELAY IN TRIAL? BY RE-APPOINTING COUNSEL? IS THIS NOT ABUSE OF DISCRETION?
- 5) WHO'S RESPONSIBILITY WAS IT THE STATE OF WA, OR THE JUDGE TO GET IN TOUCH OF COUNSEL FOR THE PRO-SE DEFENDANT, TO FIND OUT IF HE WAS ABLE TO RETURN TO JURY TRIAL, WITHOUT A DELAY IN TRIAL?
- 6) IS IT A FAIR TRIAL? WHEN DEFENDANT TOLD THE COURT, HE KNEW NOTHING ABOUT COURT ROOM PROCEDURES, AND EVIDENCE RULES, NEVER SEEN DISCOVERY BEFORE OPENING STATEMENT? AND DENIED RE-APPOINTMENT OF COUNSEL?
- 7) IS IT A FAIR TRIAL? WHEN JUDGE ON RECORD SAYS, IT'S HARD TO GIVE YOU A FAIR TRIAL, NOT KNOWING COURT ROOM PROCEDURES, AND EVIDENCE RULES, AFTER ASKING FOR RE-APPOINTMENT OF COUNSEL? THEN NOT MAKING A RULING ON MOTION UNTILL 2 DAYS LATER, JUST BEFORE ALLEGED VICTIM GET ON STAND, DENYING ME RE-APPOINTMENT OF COUNSEL?
- 8) IS IT A FAIR TRIAL WHEN STATE OF WA, KNEW DEFENDANT HAD NEVER SEEN DISCOVERY BEFORE THE UNTIMELY DISMISSAL OF COUNSEL, JUST BEFORE OPENING STATEMENT, SHOULDNT THE STATE OF WA, SAID SOMETHING TO THE COURT? WAS IT UNTIMELY TO BE GRANTED PROSE?

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

PROSECUTING ATTORNEY STATE OF WASHINGTON
GAVRIEL GERSHON JACOBS
516 THIRD AVE
SEATTLE WASHINGTON 98104-2362

RELATED CASES

STATE V. CANEDO-ASTORGA, 79 Wn. App. 518, 903 P.2d 500
(1995)

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the STATE OF WASHINGTON SUPERIOR court appears at Appendix B to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was NOVEMBER 6 2019.
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

VII AMENDMENT OF UNITED STATES CONSTITUTION

IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT TO A SPEEDY AND PUBLIC TRIAL, BY AN IMPARTIAL JURY OF THE STATE AND DISTRICT WHEREIN THE CRIME SHALL HAVE BEEN COMMITTED, WHICH DISTRICT SHALL HAVE BEEN PREVIOUSLY ASCERTAINED BY LAW. AND TO BE INFORMED OF THE NATURE AND CAUSE OF THE ACCUSATION TO BE CONFRONTED WITH THE WITNESS AGAINST HIM, TO HAVE COMPULSATORY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR, AND TO HAVE THE ASSISTANCE OF COUNSEL FOR HIS DEFENCE.

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STATEMENT OF THE CASE

MR VERNON WAYNE OFFICER JR, DEFENDANT IN THIS CASE, IS IN PRISON FOR ALLEGED ASSAULTS ON DECEMBER 16TH AND 17TH OF 2016,

JUST BEFORE CHRISTMAS 22ND OF DECEMBER WAS ARRESTED AND CHARGED WITH FELONY HARASSMENT, ASSAULT III, FALSE IMPRISONMENT, ASSAULT IV, AFTER SPD SERVED RESTRAINING ORDER ON ALLEGED VICTIM,

OFFICER DISMISSED COUNSEL, ATTORNEY JOSHUA ANDREWS OF NORTHWEST PUBLIC DEFENDERS OFFICE, KING COUNTY, SEATTLE WASHINGTON ON OCTOBER 10 2017, OFFICER WENT TO JURY TRIAL PROSE WITH NO EVIDENCE IN HIS FAVOR NONE AT ALL, AND HAD NEVER SEEN DISCOVERY BEFORE OR AFTER OPENING STATEMENT, EVEN AFTER SOME STATE WITNESS'S TESTIFIED, OFFICER FINALLY GOT DISCOVERY FROM ATTORNEY ANDREWS, AFTER HE WAS DISMISSED AT TRIAL AS COUNSEL, AND OFFICER TOOK OVER CASE PROSE, WHO WOULD DO THIS? BUT A DESPERATE MAN TRYING TO FIND JUSTICE, AFTER HE RECIEVED DISCOVERY OFFICER SAYS ON RECORD, ITS ABOUT TIME I GET DISCOVERY AFTER 11 MONTHS OF INCARCERATION, THIS IS BEING BROUGHT UP, BECAUSE THIS WAS A BIG PART OF ARGUMENT THAT COUNSEL ANDREWS AND OFFICER HAD BEFORE COUNSELS DISMISSAL, JUST BEFORE OPENING STATEMENT FROM OFFICER, AND OFFICER SHOULD OF NEVER BEEN ALLOWED TO GO PROSE, ALL THIS MESS WAS UNTIMELY IN ITS SELF,

OFFICERS 6TH AMENDMENT OF THE UNITED STATES CONSTITUTION WAS VIOLATED, WHEN OFFICER ASKED FOR RE-APPOINTMENT OF ATTORNEY ANDREWS THE NEXT MORNING OCTOBER 11 2017, AFTER A BRIEF ONE DAY DISMISSAL, FROM THE JURY TRIAL. THE JUDGE DID NOT RULE ON THE MOTION FOR

RE-APPOINTMENT OF COUSEL AT THAT TIME MOTION WAS PRESENTED TO THE COURT, THE JUDGE WANTED TIME TO THINK ABOUT IT HE SAID ON RECORD, IT WAS 2 DAYS BEFORE HE DENIED RE-APPOINTMENT OF COUNSEL AFTER MOTION WAS IN PLACE, WAS DENIED RE-APPOINTMENT OF COUNSEL JUST BEFORE ALLEGED VICTIM TOOK STAND, THIS WAS ABUSE OF DISCRETION, OFFICER WAS DENIED RE-APPOINTMENT OF COUNSEL NOT FOR DELAY IN TRIAL, BUT BECAUSE OFFICER SIGNED WAIVER OF COUNSEL, THERE WOULD NOT BEEN A DELAY IN TRIAL, OFFICER HAS DECLARATION ATTACHED FROM ATTORNEY ANDREWS SAYING HE COULD OF CAME BACK TO OFFICERS JURY TRIAL, AT ANYTIME DURING TRIAL WITH NO DELAY, HE STATES NO ONE CONTACTED ME TO SEE IF I WAS AVAILABLE, DURING THE 2 DAYS BETWEEN THE MOTION FOR RE-APPOINTMENT AND THE DENIAL OF RE-APPOINTMENT OF COUNSEL, THE STATE TOOK ADVANTAGE OF OFFICER NOT KNOWING DISCOVERY, OF WHAT STATE WITNESS'S, WITNESSED. BUT WAS DENIED COUNSEL JUST BEFORE OFFICER'S ACCUSER TOOK THE STAND, AND WHEN OFFICER CALLED ALLEGED VICTIM A LIER, CAUSE SHE JUST COMMITED PURGERY, JUDGE STOPPED OFFICER FROM CROSS EXAMINING COMPLETELY ALLEGED VICTIM, WITH NO CONTEMPT WARNING WHAT SO EVER, JUDGE SAID ON RECORD, THATS IT WERE DONE, YOU CAIN'T CROSS EXAMINE ALLEGED VICTIM ANY MORE, OFFICER DID NOT KNOW HE COULD NOT CALL A PERSON UNDER OATH, THAT JUST COMMITED PURGERY A LIER, SHE HAD JUST SAID LOOKING AT OFFICER IN HIS EYE'S YOU SCRATCHED AND SCARED MY FACE, AND STRATTELED HER ON THE BED, THAT WAS A BARE FACE LIE, OFFICER COULD PROVE IT, AND HAD ALREADY, BUT ALLEGED VICTIM TOLD ANOTHER LIE, THAT OFFICER COULD NOT ADDRESS, BECAUSE HE WAS NO LONGER ALLOWED TO CROSS EXAMINE HER NO LONGER, WHEN SHE SAID THE POLICE CAME BEFORE THE FIRE DEPARTMENTS & MEDICS, THIS WAS ANOTHER BARE FACE LIE, THE MEDICS CAME IN

2 MINUTES 17 SECONDS AFTER THE ALLEGED VICTIM, WALKED INTO THE NORTH-PRECINCT AND REPORTED THE ALLEGED ASSAULTS, ON THE STAND LT-WAGONER TEAM LEADER FOR S.F.D ON RECORD SAID FIRE DEPARTMENT CAME FIRST, SAID VICTIM HAD 1 BLEEDING SCRATCH MARK ON HE RIGHT SIDE OF HER NECK, THAT WAS SUPPOSE TO OF HAPPENED THE 16TH OF DECEMBER, 2016, MAKING IT ALMOST 24 HOURS OLD, NO DRIED BLOOD, STILL BLEEDING, IN PICTURES, OFFICER TESTERMAN TOOK THESE PICTURES 1 HOUR 36 MINS AFTER S.F.D LEFT SCENE, WHEN HE ARRIVED AT THE NORTH-PRECINCT. IN HIS STATEMENT HE SAID, HE MET ALLEGED VICTIM IN LOBBY OF NORTH-PRECINCT, SFD HAD SEEN ALLEGED VICTIM BEFORE MY ARRIVAL, AND I NOTICED SCRATCHS ON VICTIMS NECK AND FACE.

SFD LT-WAGONER AND 3 OTHER MEDICS, ACCORDING TO SFD MEDICAL INCIDENT REPORT, THEY EXAMINED ALLEGED VICTIM AND PUT PEN TO PAPER SAYING ON FIRST LINE ON REPORT, ALLEGED VICTIM WAS WAITING TO TALK TO SEATTLE POLICE DEPARTMENT UPON THERE ARRIVAL, ALSO PUT SCRATCHS TO NECK 3 TIMES IN REPORT, SCRATCHED OUT DV.. AND PUT TUSSELED WITH PARTNER, NO LOC NO PAIN TO BLEEDING NECK SCRATCH, AND TRANSFERED THE INJURY'S THEY OBSERVED TO A FACTORY DRAWING OF A HUMAN BODY WITH NO GENDER, AND PUT MARKS ON UPPER TORSO OF THE DRAWING, 1 BLEEDING SCRATCH ON RIGHT SIDE OF NECK, 1 RED MARK ON RIGHT EAR, THAT DIDNT BREAK THE SKIN, AND A RED MARK ON THROAT THAT DIDNT BREAK THE SKIN. ACCORDING TO RECORD ON STAND. ONLY 3 SCRATCHS WAS ON ALLEGED VICTIM WHEN LT-WAGONER AND 3 OTHER MEDICS LEFT SCENE, IN BETWEEN SFD DEPARTURE FROM NORTH PRECINCT, AND THE ARRIVAL OF S.P.D OFFICER TESTERMAN ALLEGED VICTIM NEVER LEFT NORTH-PRECINCT FOR THAT 1 HOUR 36 MINUTES, ALLEGED VICTIM HAD A TOTAL OF 46 SCRATCH MARKS, THIS INCLUDING THE 1 BLEEDING SCRATCH MARK ON THE ALLEGED VICTIMS NECK, AND THE 2 NEW BLEEDING GOUGED SCRATCHS ON HER FACE BLEEDING THROUGH HER

FRESH MAKE-UP AND 42 RED MARKS THAT DID NOT BREAK SKIN, THE RED MARK ON THE TOP OF ALLEGED VICTIM'S EAR, AND RED MARK ON HER THROAT, WERE NO WHERE'S TO BE FOUND IN THE MANY PICTURES TAKEN AT THE NORTH-PRECINCT BY OFFICER TESTERMAN, AT DIFFERANT ANGLES, BUT THERE WAS FRESH BRUISE PINCHED BETWEEN 2 FINGERS BRUISE NEXT TO NECK SCRATCH. THE ALLEGED VICTIM PUT ALL THE SCRATCHS ON HER BODY, BY HER LIEING ON THE STAND SAYING POLICE CAME BEFORE FIRE DEPARTMENT, AND OFFICER NOT BEING ABLE TO CROSS EXAMINE THE ALLEGED VICTIM AGAIN, ALLEGED VICTIM FLIPPED THE WHOLE CASE MAKING JURY WRITE DOWN POLICE CAME FIRST, MAKING JURY THINK THE 4 MEDIC'S FROM S.F.D JUST DIDN'T SEE THE 42 MARKS ON HER FACE AND THE EIGHT NEW BLEEDING SCRATCHS,

IF I HAD GOT COUNSEL RE-APPOINTED, I WOULD NOT BE IN PRISON, I WAS FORCED TO GO PROSE AFTER I WAS ASKED FOR COUNSEL AND WAS DENIED, THE RECORD SHOWS THAT COUNSEL DID NOT PUT IN HIS PAPER WORK TO BE DISMISSED AS COUNSEL TO THE COURT, DAY AFTER OFFICER ASKED THE COURT TO RE-APPOINT COUNSEL, AND THE RECORD SHOWS ATTORNEY JOSHUA ANDREWS TOLD JUDGE BEFORE HE WAS DISMISSED AS COUNSEL THAT HIS CALENDER WAS CLEAR FOR THE WHOLE MONTH OF OCTOBER, THIS IS ON RECORD,

WHEN OFFICER ASKED FOR DISMISSAL OF ATTORNEY ANDREWS BECAUSE OF ARGUMENT THE DAY BEFORE AND AT TRIAL JUST BEFORE OPENING STATEMENT, IT WAS UNTIMELY, OFFICER SHOULD HAVE NEVER BEEN ALLOWED TO GO PROSE, OFFICER SHOULD OF NEVER ASKED TO DISMISS COUNSEL, OFFICER WAS UPSET WITH COUNSEL, OFFICER ENGADGED HIS MOUTH, AND DISENGADGED HIS BRAIN, WHEN ATTORNEY ANDREWS, ASKED FOR DISMISSAL OF COUNSEL, NOBODY ASKED OFFICER IF HE WAS READY FOR TRIAL, AND IF OFFICER HAD SEEN STATE'S DISCOVERY, OFFICER HAD NOTHING BUT A PEN TO DO THIS JOB.

WHEN OFFICER GOT DISCOVERY, IT WAS THE FIRST TIME HE HAD EVER SEEING IT, AND IT WAS SOME TIME, AND CROSS EXAMINING 3 STATE WITNESSES AFTER OPENING STATEMENT BEFORE HE RECEIVED IT.

OFFICERS ATTORNEY JOSHUA ANDREWS MADE AT MR OFFICER THREW OFFICER UNDER THE BUS IMMEDIATELY, KNOWING OFFICER HAD NEVER SEEN DISCOVERY, BEFORE NOT ONE PIECE OF IT, AND THE STATE ATTORNEY KATIE MYERS HELPED HIM DO IT, SHE KNEW ALLEGED VICTIM PUT SELF INFLICTING WOUNDS ON HER SELF, HOW WOULD SHE NOT KNOW, SHE HAD SFD AND SPD REPORTS, AND SHE ALSO KNEW OFFICER HAD NEVER SEEN DISCOVERY, SHE IS THE ONE THAT TOLD ATTORNEY ANDREWS OFFICER FOUND OUT LATER, THROUGH ATTORNEY ANDREWS HE WAS NOT TO GIVE OFFICER DISCOVERY, THIS IS ABUSE OF POWER. ATTORNEY ANDREWS SAID TO JUDGE, MR OFFICER WOULD LIKE TO DISMISS COUNSEL, AND TAKE OVER CASE AS PROSE, HE IS READY TO PROCEED TO TRIAL WITHOUT ANY DELAY ON RECORD, KNOWING OFFICER NEVER EVER SEEING DISCOVERY, DISCOVERY WAS PART OF THE HEATED ARGUMENT OVER THE FEW DAYS BEFORE TRIAL, AND FEW OTHER OTHER THINGS LIKE.

1) ATTORNEY ANDREWS DID NOT ASK OFFICER HAPPENED, HIS SIDE OF THE TRUTH UNTILL 4 DAYS BEFORE TRIAL.

2) THE DAY OFFICER WAS SUPPOSED TO OF ASSAULTED ALLEGED VICTIM AND THE NEXT MORNING AT 6:45 AM ON 17TH DECEMBER 2016, OFFICER HAD BROKE HIS LEFT HAND AT WORK IN A INDUSTRIAL ACCIDENT ON THE 16TH DECEMBER 2016, BROKE LEFT THUMB, DISLOCATED ALL HIS FINGERS FROM KNUCKLES CLOSEST TO WRIST, TORE LEFT ROTATOR CUFF IN SHOULDER, AFTER LEFT HAND GLOVE GOT CAUGHT IN HIGH SPEED, HIGH TORQUE DEWALT 1/2" INDUSTRIAL DRILL, THE PRESURE WAS SO GREAT ON LEFT HAND, THE FINGERS AND THUMB.

BUSTED OUT BACK SIDE OF KEVLAR GLOVES!! OFFICER COULD NOT PICK UP A PENCIL, MUCH LESS CLIP SOMEBODY IN NECK, SCRATCH THE ALLEGED VICTIM'S RIGHT SIDE OF HER FACE, PICK HER UP BY SHOULDERS AND HER ON BED 5 OR 6 TIMES IN ONE STORY, THERE WAS 14 DIFFERANT VERSIONS OF HER ASSAULTS, PUT A MAN IN PRISON OR JAIL FOR 11 MONTHS, IN 6' X 8' CAGE WITH ANOTHER FULL GROWN MAN, PASSING GAS ON YOU, KNOWING YOUR INNOCENT, THEN ADD A STAINLESS STEEL TOILET, BUNK BEDS TO THAT 6' X 8' SPACE, CAGE NO WINDOWS TO OPEN, BREATH FABRICATED AIR, SOLID STEEL DOOR WITH A 14" X 6" BEAN HOLE, AND NOT GIVE HIM HIS DISCOVERY AFTER ASKING FOR IT ATLEAST 25 TIMES, BEING PROMISED ITS IN THE MAIL ATLEAST 25 TIMES BY PHONE, AND THEN THERE WAS THE LETTERS ASKING FOR IT, AND THEN ONLY SEEING YOUR ATTORNEY 45 MINUTES MAX OVER 11 MONTHS AND THAT WAS 99% IN COURT ROOM GETTING A CONTINUAGANCE TO PROLONG YOUR INCARCERATION TO GO TO TRIAL, THEN 4 DAYS BEFORE TRIAL YOU SEE COUNSEL FOR ANOTHER HOUR, ASKING YOU THE FIRST TIME, WHAT HAPPENED THE 16TH AND 17TH OF DECEMBER 2016, HE WILL GET UPSET WITH COUNSEL I PROMISE, AND YOU WILL THINK HES NO GOOD AND WORKING WITH THE PROSICUTOR, WHEN THAT ATTORNEY TELLS YOU THE STATE PROSICUTOR HAS TAKEN YOUR CASE PERSONALLY, YOU START THINKING COUNSEL IS WORKING WITH THE PROSICUTOR TO PUT YOU IN PRISON, THEY BOTH KNEW OFFICER WAS INNOCENT, THAT THE ALLEGED VICTIM PUT SELF INFLICTED WOUNDS ON HER SELF 2 WEEKS AFTER OFFICER WAS ARRESTED, AND THEY DULLED SFD MEDICAL INCIDENT REPORT OFF OF INTERNET, AND SEEN THE PICTURES OF ALLEGED VICTIM OFFICER TESTERMAN TOOK OF ALLEGED VICTIM AFTER SFD LEFT SCENE, THEY KNEW.

3) ANOTHER ONE OF THE REASONS I WAS UPSET WITH COUNSEL, OFFICER WAS PRETTY SURE, AT JURY SELECTION, ANDREWS HAD LET 3 DOMESTIC VIOLENCE ADVOCATES ON OFFICER'S JURY, AFTER OFFICER DISMISSED COUNSEL AND FINALLY GETTING DISCOVERY AFTER OPENING STATEMENT, THE BEST OFFICER COULD FIGURE OUT BY THE TRIAL TRANSCRIPTS AFTER HE WAS SENTENCED TO PRISON, THIS WAS TRUE, THERE WAS 3 D.V. ADVOCATES ON HIS JURY, THAT'S NOT A FAIR TRIAL. AFTER 3 1/2 YEARS IN PRISON, OFFICER KNOWS THIS CASE PRETTY GOOD, HE CAN TELL YOU WHO LIED, WHO STRETCHED THE TRUTH, WITH HALF TRUTHS, AND WHO MANIPULATED THE JURY BY WORDS AND NOT EVIDENCE, OFFICER'S EVIDENCE SHOWS HE IS 100% INNOCENT.

4) ALLEGED VICTIM WOOD 14 DIFFERANT STORY'S. VERSIONS OF HOW SHE WAS ASSAULTED, AND GOT 45 SCRATCH MARKS ON HER FACE AND NECK. WE KNOW IF EVERYTHING IM TELLING YOU IS TRUE, WHICH IT IS AND HAVE DISCOVERY TO PROVE IT, SHE PUT ALL HER INJURYS ON HER SELF AT THE NORTH-PRECINCT, JUST BEFORE SHE GOT IN PARKING LOT OR IN PARKING LOT, AT THE NORTH-PRECINCT. AFTER S.F.D DOCUMENTED ALLEGED VICTIM'S INJURYS THE 4 MEDICS OBSERVED, AND 1 HOUR 36 MINUTES LATER, AFTER OFFICER TESTERMAN OF S.P.D TOOK PICTURES OF HER INJURYS THAT WENT FROM NECK TO FACE, SHE HAD 3 MARKS ON NECK 1 BLEEDING SCRATCH, WITH S.F.D DOCUMENTED ON A OFFICIAL MEDICAL INCIDENT REPORT, ON A DRAWING, TO 45 SCRATCHS. 8-MORE BLEEDING SCRATCHS ON FACE WITH S.P.D DOCUMENTED EVIDENCE THE PICTURES OF ALLEGED VICTIM'S FACE AND NECK, ONE OTHER THING MEN DONT SCRATCH THEY PUNCH OR SLAP. ANOTHER THING OFFICER DID NOT HAVE FINGERNAILS, HE JUST PLAYED GUITAR ON THE 15TH OF DEC 2016. NIGHT BEFORE LEFT HAND WAS BROKE AT WORK, OFFICER HAS RECEIPT FOR THAT GUITAR HE HAD BOUGHT A WEEK EARLYER, OFFICER'S LEFT HAND IS HAND HE CHORDS GUITAR WITH, YOU CAN NOT CHORD A GUITAR

CORRECTLY WITH FINGERNAILS, OFFICER'S LEFT HAND WAS BROKE, LEFT THUMB, FINGERS DISLOCATED, ALL ALLEGED VICTIM'S SCRATCHS WERE ON HER RIGHT SIDE OF HER FACE AND NECK. OFFICER WOULDN'T OF SCRATCHED HIS OWN FACE IF IT ITCHED, WITH THAT BROKEN LEFT HAND,

AND ATTORNEY ANDREWS DID NOT PUT ANY EXCULPATORY EVIDENCE INTO TRIAL, MEDICAL EVIDENCE IS EXCULPATORY, THE BUSTED OUT FINGERS ON GLOVE EXCULPATORY, OFFICER AT TRIAL TRIED TO PUT EXCULPATORY MEDICAL EVIDENCE IN TRIAL, PROSECUTOR FOR STATE SAID THAT DEFENCE COUNSEL ANDREWS ON RECORD TOLD HER HE WAS NOT PUTTING ANY MEDICAL EVIDENCE INTO TRIAL, OR MEDICAL EXPERTS, WHY WOULD HE NOT DO THAT? WHAT KIND OF AGREEMENT DID THEY MAKE NOT BRINGING ANY MEDICAL EXCULPATORY EVIDENCE INTO TRIAL? I DISMISSED HIM, OFFICER KNOWS WHEN THERE IS A FOX IN THE HEN HOUSE, THAT EXCULPATORY MEDICAL EVIDENCE ALONE, WOULD HAVE PUT A SHADOW OF A DOUBT IN A HONEST JURYS MIND, MAYBE NOT A JURY WITH 3 DV ADVOCATES ON IT, I WAS NOT ALLOWED TO PUBLISH EXCULPATORY MEDICAL RECORDS AT TRIAL? OFFICER BEAT THE ASSAULT IN A MISDOMENOR, THAT ANDREWS SAID HE COULD GET A CONVICTION ON. ALLEGED VICTIM COULDN'T KEEP HER STORY STRAIGHT, SHE STARTED ADDING MORE INJURYS TO HER BODY AT TRIAL, SAYING NOT ONLY HER NECK WAS CLIPPED BY OFFICER, BUT HER HIP WAS BLEEDING ON THE 16TH DEC 2016 SHE HAD SAID IN HER RESTRAINING ORDER, OFFICER SLAMMED HER INTO SINK IN THE MIDDLE OF NOVEMBER 2016, THEN AT TRIAL SAID IT HAPPENED ON 16TH OF DEC 2016, THE ONE OFFICER FILED ON ALLEGED VICTIM GOT REVERSED, AND THE JUDGE GAVE A 25 YEAR RESTRAINING ORDER TO ALLEGED VICTIM? I DIDNT GET TO INTEROGATE ABOUT ANYTHING REALLY AT TRIAL, OFFICER DIDNT KNOW THE WHAT WHERE AND WHEN

HE HAD NOT SLEPT FOR 2 DAYS BEFORE TRIAL, AND HAD NOT SLEPT 2 DAY AFTER HE WENT PRO SE, HE COULDN'T THINK STRAIGHT, THE JAIL HAD OFFICER ON HIGH BLOOD PRESSURE MEDICINE, DIABETIS MEDICINE, COLLESTEROL MEDICINE, THE JAIL THOUGHT OFFICER WAS GOING TO DIE WHEN HIS BLOOD PRESSURE HIT 200, OFFICER WAS IN BAD SHAPE AT TRIAL, HE COULDN'T THINK HE NEEDED COUNSEL BACK, COUNSEL COULD OF WON CASE AT CLOSING STATEMENT, HE KNEW OFFICER WAS INNOCENT, ALONG WITH STATE MEDICS, OFFICER TESTIMAN AN, DETECTIVE MCKAMMON, ALL THE PLAYERS IN THE POWER DEPT'S YOU CAN CALL JOSHUA ANDREWS OR RYAN GREY INVESTIGATOR FOR THE PUBLIC DEFENDERS OFFICE, THEY BOTH WILL TELL YOU OFFICER WAS INNOCENT, THAT THE ALLEGED VICTIM DID SELF-INFLICTED WOUNDS ON HER FACE AND NECK, LT WATSON ON STAND SAID ON RECORD, THE SCRATCHS ON ALLEGED VICTIM CAME AFTER THE FACT OF HIM LEAVING ALLEGED VICTIM WAITING TO TALK TO S.P.D. I ASKED ATTORNEY ANDREWS HOW MUCH EVIDENCE HE PUT INTO TRIAL, BEFORE I DISMISSED HIM, HE REPLIED NONE, HOW MANY WITNESSES ARE COMING FROM MY JOB IN MY BEHALF, HE SAID NONE, DO YOU ATLEAST HAVE THE COLOGNE BOTTLE, HE REPLIED NO I DIDNT GET IT, OFFICER ASK HIM ABOUT THE HIGH TORQUE HIGH SPEED DRILL MOTOR WITH A DRILL BIT, TO THROW A RAG INTO IT AT HIGH SPEED FOR A DEMONSTRATION OF WHAT HAPPEN TO OFFICERS GLOVE GETTING CAUGHT IN THE 1/2" DRILL, TO SHOW EFFECT, HE SAID NO I DIDNT THEN HE SAID TO OFFICER JUST BEFORE OPENING STATEMENT, LOOK MR OFFICER I CAN GET YOU A MISDEMEANOR, I CAN BEAT THE FELONY'S, OFFICER TOLD HIM HE DIDNT DO NO MISDEMEANOR, MAD AND FRUSTRATED AT COUNSEL, OFFICER TOLD ANDREWS I'M NOT GETTING NO MISDEMEANOR PAL, WHICH HE HELD TRUE TO HIS WORD, OFFICER SAID YOU KNOW I'M ON FEDERAL PROBATION FOR INCOME TAXES

THEY WILL VIOLATE ME, THEY CAN GIVE ME ANYTHING THEY WANT. ANDREWS SAID TO OFFICER, YOU SHOULD BE GRATEFUL I CAN GET YOU A MISDEMEANOR, YOUR GUILTY BY JUST BEING ARRESTED, CHARGED AND JAILED IN THE JURYS MIND, YOU HAVE A D V ON A WOMAN, THERE NOT GOING TO LET YOU JUST WALK OUT OF THIS COURT ROOM WITH NOTHING, IT DONT WORK THAT WAY, IN THE JUSTICE SYSTEM, YOUR NOT WALKING OUT OF HERE WITH NOTHING, THE JURY WONT LET YOU, AND THE STATE WONT LET THAT HAPPEN. THE STATE OF WASHINGTON IS A WOMANS STATE, THATS WHEN I DISMISSED HIM RIGHT THEN AND THERE. I TOLD HIM I COULD GET MY OWN F, THANKS FOR THE MISDEMEANOR BUT NO THANKS YOUR DISMISSED.

1) VERNON OFFICER DEFENDANT IN THIS CASE, LIVED IN A CLEAN AND SOBER HOUSE ON BELMONT STREET SEATTLE WASHINGTON SEPT-NOV 2016.

2) NOV 31 2016 ALLEGED VICTIM SUSZANNE WOOD MOVED OUT OF FURNISHED LOFTY APT, AT 4301 WHITMAN AVE, WALLINGFORD WA, THAT MR OFFICER RENTED FOR ALLEGED VICTIM TO DO LEGAL WORK AND REPRESENT OFFICER IN FEDERAL COURT AS COUNSEL, OFFICER FOUND OUT THROUGH COURT HOUSE, NO BRIEFS WERE GETTING FILED, CONFRONTED WOODS, SHE SAID SHE WAS NO LAWYER, BUT SHE HAD WENT TO LAW SCHOOL, SHE WAS ASKED TO VACATE APT BY 4TH DEC 2016 ON OR ABOUT 31 NOV 2016 OFFICER STOPPED BY APT FROM HIS JOB IN UNION, TO SEE IF ALLEGED VICTIM HAD GOT A HOLD OF LAWYER SHE HAD DISMISSED, THAT WAS REPRESENTING MR OFFICER FOR 1 YEAR 11 MONTHS, HIS NAME WAS ROBERT MCSATHY, IN BUTTE MONTANA, OFFICER STOPPED BY APT, ALLEGED VICTIM ON 31 NOV 2016 WAS WATCHING NEWS ON TV, OFFICER COMMENTED ON HIS POLITICAL VIEWS, ALLEGED VICTIM HIT OFFICER WITH CLOSED HAND LOOSNING

OFFICER'S TEETH, AND THREW VINAGER IN IN OFFICER'S FACE, OFFICER PUT ALLEGED VICTIM UNDER CITIZEN'S ARREST, LEAVE APT. GIVE UP KEYS OR GO TO JAIL, SHE CHOSE TO LEAVE BUT NOT AFTER SHE DESTROYED OFFICER'S CELL PHONE, WHILE OFFICER WAS WASHING OUT HIS EYES.

3) OFFICER MOVES IN NEXT DAY, ALLEGED VICTIM SHOWS UP 8TH DEC 2016. IN APT, WITH SET OF KEYS FROM LANDLORD. WONT LEAVE SICK WITH EAR INFECTION, SHE SAID DUE TO SHE HAS NO LIMP NODES IN HER BODY, FROM CANCER, SHE GETS THESE EAR INFECTIONS ALOT, I WITNESSED HER HAVING THESE INFECTIONS IN OCT 2016 AND SEPT OF 2016, SHE WAS TOLD BY OFFICER HE WAS ON FEDERAL PROBATION SHE COULD NOT STAY, AND HAD CONVERSATION ABOUT WANTING THIS RELATIONSHIP SEVERED, THAT SHE COULD SAY ANYTHING TO GET OFFICER ARRESTED HE WOULD GO TO PRISON ON FEDERAL VIOLATION. OFFICER COULDN'T LEAVE HE WAS BROKE FROM PAYING RENT 4 DAYS EARLIER OF \$12300⁰⁰ THAT WAS HIS WHOLE CHECK, BUT OFFERED ALLEGED VICTIM WHAT CASH HE HAD ON HAND, AND WOULD GIVE HER \$3000⁰⁰ AT A LATER DATE, SHE SAID NO TO MONEY WASN'T LEAVING, HER DAUGHTER KICKED HE OUT OF HER HOUSE IN OREGON, AND SHE WAS ON PAPER WORK AT THE APT, NOT WANTING TROUBLE, OFFICER GAVE HE THE BEDROOM AND A WEEK TO FIND HOUSING AND A JOB, OFFICER TOOK COUCH THAT WAS NOT NEXT TO DOOR, BUT ON SAME WALL, ALLEGED VICTIM WAS GIVEN REFRIGARATOR ROOM, AND WAS INSTRUCTED NOT TO MESS WITH OFFICER'S FOOD, CLOTHING, LEGAL FILES ON TABLE, COMPUTER, NOTHING, ALLEGED VICTIM AGREED TO THE CONDITIONS, AFTER THAT VERY MINIMUM CONTACT, SHE WAS BED RIDDEN UNTILL 16TH OF DEC 2016. OFFICER WORKED 6 DAYS A WEEK.

4) 16TH DEC 2016 OFFICER COMES HOME, ALLEGED VICTIM WAS DRUNK AND HIGH, AND WAS COOKING OFFICER'S FOOD, BURNING FOOD, POTS WERE

BOILING OVER, OVEN WAS ON BROIL, FRYING PAN WAS ON FIRE, OFFICER YELLED AT ALLEGED VICTIM, SHE WAS SUPPOSE TO BE SICK, HER WEEK WAS UP ON 15TH, SHE WAS NOT TO MESS WITH OFFICER'S FOOD, SHE WAS ON UNEMPLOYMENT, HAD HER OWN FOOD, OFFICER TOLD HER TO CLEAN UP MESS ON STOVE, WHERE SHE WAS BOILING POTATOES IT LOOKED LIKE 3 LBS ALOT OF POTATOES, SHE WAS SO HIGH SHE WAS TRYING TO POOR BOILING HOT POTATOE WATER, IN TO CUPS FOR ME TO DRINK, ALMOST SPILLED BIRTH BOILING WATER ON HER SELF AND OFFICER, OFFICER CURSED AND YELLED AT HER TO LEAVE THE RESIDENCE, HE WENT TO LIVING ROOM, ALLEGED VICTIM THREW A LARGE NATURAL SPONGE FILLED WITH CLOROX BLEACH AT OFFICER HIT HIM IN LEFT SIDE OF HIS FACE AND NECK, SHE STAGGERED TO BEDROOM PASSED OUT.

5) 17TH DEC 2016 OFFICER WOKE UP LATE FOR WORK, ALLEGED VICTIM HAD PUT FOOT WITH HEELS ON THREW OFFICER'S PHONE, HIS CELL PHONE ALARM DIDNT WORK, ALLEGED VICTIM DID NOT KNOW OFFICER HAD ON 16TH DEC 2016 AT WORK GOT INTO A INDUSTRIAL ACCIDENT AT WORK GETTING HIS LEFT GLOVE CAUGHT IN HIGH TORQUE, HIGH SPEED INDUSTRIAL 1/2" DEWALT DRILL, PRESURE WAS SO GREAT ON OFFICER'S LEFT HAND THE THUMB, AND FINGERS BUSTED OUT BACK SIDE OF KEVLAR GLOVE, DISLOCATING THE FINGERS FROM THE KNUCKLES CLOSEST TO WRIST, BREAKING LEFT THUMB, SPRAINING LEFT WRIST LEFT ELBOW, AND TEARING ROTATOR CUFF IN LEFT SHOULDER, AND STRAINED LEFT SIDE OF NECK. SHE ALSO DIDNT KNOW OFFICER HAD PARKED HIS FULL SIZE TRUCK BEHIND HER CAR. OFFICER'S TRUCK DONT FIT IN DRIVEWAY, OFFICER ALWAYS PARKS HIS TRUCK ON STREET IN FRONT OF NEIGHBORS HOUSE, BUT ON 16TH DEC 2016 OFFICER STOPPED AND BOUGHT SOME GROCERYS, AND FIRE WOOD FROM HOME DEPOT IN CASE HE WAS STUCK UP FROM INJURYS AND

COULD NOT LEAVE APT TO GO TO WORK ON 17TH DEC 2016, OFFICER'S CELL PHONE DID NOT WORK FROM ALLEGED VICTIM PUTTING HEEL THROUGH SCREEN, SO OFFICER ALARM DID NOT WAKE HIM UP AT 6:00 AM. 17 DEC 2016, HE WOKE UP AROUND 6:30 AM, HAVING TO BE AT WORK AT 7:00 AM ON THIS SAT MORNING, OFFICER JUMPED INTO SHOWER EAT A BANANA AND CAKE DOUGHNUT, MADE THERMOS TO GO OF FRESH COFFEE, WENT TO BEDROOM AS ALWAYS DID 6 DAYS A WEEK GOT A SHOT OF Giorgio Armani COLOGNE FROM THE LARGE SIZE BOTTLE, PUT IT BACK ON DRESSER WALKED OUT OF BEDROOM TO ALLEGED VICTIM CURSEING WITH A HANG OVER FROM 16TH OF DEC 2016 BEING DRUNK AND HIGH, GOT SPRAYING COLOGNE IN OFFICER'S FACE, HITTING OFFICER'S RAD HAND BUSTING BLEED BLISTER ON HIS LEFT THUMB WITH COLOGNE BOTTLE OFFICER NEVER HURT ALLEGED VICTIM, TOOK COLOGNE BOTTLE FROM ALLEGED VICTIM'S RIGHT HAND, EVEN THOUGH ALLEGED VICTIM IS LEFT HANDED. ALLEGED VICTIM WAS PUT UNDER CITIZEN ARREST SHE WAS TO LEAVE OR GO TO JAIL, SHE CHOSE TO LEAVE LIKE SHE DID 31ST OF NOV 2016 AFTER SHE HAD ASSAULTED ME, OFFICER WENT TO BATHROOM TO CLEAN BLEEDING LEFT THUMB, ALLEGED VICTIM BEAT ON BATHROOM DOOR FLIPPING 3 WAY LIGHT OFF AND ON YELLING CURSING, SHE WASNT THROUGH WITH ME YET, IT STOPPED SHE DROCKED A PILOT CHART CASE I HAD BOUGHT FOR HER TO USE IN FEDERAL COURT AS COUNSEL, OFFICER THOUGHT SHE HAD LEFT, CAME OUT OF BEDROOM THERE WERE PAPER SACKS ALL OVER FLOOR IN HALLWAY WHERE SHE HAD THROWN THEM AT OFFICER, OFFICER KICKED THE SACKS AWAY FROM BATHROOM ENTRANCE, NOT SEEING ALLEGED VICTIM IN BEDROOM DOORWAY. SHE YELLED AT OFFICER SAYING DONT KICK AT ME, OFFICER REPLIED HE DIDNT KICK AT ALLEGED VICTIM, THATS WHEN ALLEGED VICTIM

KICKED OFFICER ON CHEN, SHE WAS TOLD LEAVE RIGHT NOW OR GO TO JAIL, SHE KICKED OFFICER A SECOND TIME, BACKED UP AS OFFICER ENTERED BEDROOM TO GET FRESH SHIRT, ALLEGED VICTIM WENT TO KITCHEN TRIED TO REMOVE POST OFFICE KEY FROM OFFICERS KEY CHAIN SHE HAD GIVEN UP 31ST NOV 2016 WHEN SHE FIRST LEFT RESIDENCE, OFFICER WENT INTO KITCHEN AND TOOK KEY OF OF RING TO POST OFFICE, ALLEGED VICTIM WAS HITTING HORN ON OFFICERS JOB TOOTING HORN, THAT'S HOW HE KNEW SHE WAS MESSING WITH OFFICERS KEY RING, SHE LEFT APT AFTER GIVING KEY TO POST OFFICE TO CHANGE HER ADDRESS FOUND OUT NEXT DAY SHE ONLY HAD GOT THEM TO HOLD IT, AFTER TALKING TO HER ON PHONE, FROM MY HOTEL.

ALLEGED VICTIM WENT DOWN STAIRS PUT BRIEF CASE INTO HER TRUNK CAME BACK UP TO APT, OFFICER WAS SITTING ON COUCH 10' FROM DOOR, DRINKING COFFEE, AFTER TAKING PAIN PILLS, SHE CAME IN SAYING HOW WAS SHE SUPPOSE TO LEAVE WITH OFFICERS TRUCK BEHIND HER CAR, OFFICER TOLD HER HE WAS DRINKING HIS COFFEE TO GO MAKE HERSELF ONE TO GO, WHILE HE PUT HIS BOOTS ON, SHE MADE HER COFFEE AND WAITED BY DOOR 5 MINUTES WHILE OFFICER PUT HIS BOOTS ON WITH ONE HAND, THEY THEN LEFT APT TOGETHER, HER IN LEAD, SHE WANTED MICRO WAVE OUT OF OFFICERS BACK SEAT HE HAD BORROWED FROM HER WHEN HE LIVED IN SEATTLE 2 WEEKS EARLIER, OFFICER OPENS UP TRUCK PASSENGER DOOR ON DRIVERS SIDE IT WAS A 4 DOOR GMC 3/4 TON DENALI 2013 MODEL, SHE GRABBED MICRO WAVE, AND SEAT OFFICER ON WILD GOOSE CHASE FOR AIR CONDITIONING BRACKET OPPOSITE SIDE OF TRUCK, OFFICER GOES AROUND BED OF TRUCK TO PASSENGER BACKSEAT DOOR ON PASSENGER SIDE OF TRUCK, ALLEGED VICTIM, PUT MICRO WAVE IN HER TRUNK CAME BACK TO

TRUCK DRIVERS PASSENGER SIDE, AS I WAS WALKING BACK AROUND TRUCK TO GET TO DRIVERS SIDE TO MOVE TRUCK, ALLEGED VICTIM WAS TRYING TO CLOSE DOOR AS I WALKED UPON HER, AND I CAUGHT IN MY PERIPHERAL VISION, A BLACK LEATHER ZIPPERED CASE UNDER DRIVERS SEAT THAT WASNT THERE MOMENTS EARLIER, OR EVER, I JUST VACUUMED TRUCK DAYS EARLIER, OFFICER GRABBED LEATHER ZIPPERED CASE, IT WAS A PISTOL CASE HEAVY, SHE GRABBED IT FROM OFFICERS HAND, WAS ASKED BY OFFICER IF IT WAS A PISTOL, SHE SAID WOULDNT I LIKE TO KNOW SHE CLOSED HER TRUNK LID, THAT WAS OPEN ALREADY SINCE WE BOTH CAME DOWN STAIRS TOGETHER, SHE PUT THE PISTOL UNDER HER VOLKSWAGEN PASSAT PASSENGER SEAT, OFFICER ASK HER FOR PAIN PILLS SHE GAVE HIM 2 PERCASETS, OFFICER BACK UP HIS TRUCK, ALLEGED VICTIM LEFT RESIDENCE.

6). OFFICER WAS IN AND OUT OF APT ALL DAY, LEFT AT 3:15 PM 17TH DEC 2016 TO GO GET NEW SCREEN ON PHONE ALLEGED VICTIM PUT HEEL THROUGH, OFFICER REMEMBERED HE DIDNT GET APT KEYS FROM ALLEGED VICTIM, HE CALLED HER ASK HER WHERE SHE WAS SAID SHE WAS AT APT AND WASNT LEAVING, OFFICER TOLD HER TO LEAVE OR GO TO JAIL, THATS WHEN ALLEGED VICTIM LEFT AND WENT TO NORTH PRECINCT HUB OF S.P.D. FOR 8 HRS 45 MINS ALLEGED VICTIM TALKED TO A MR ROSE ON PHONE AND TEXT ALL DAY, TOLD HIM SHE WAS BEAT UP IN KITCHEN STRANGLER AND THROWN TO GROUND, JUST WHAT SHE TOLD DISPATCH AT NORTH-PRECINCT, DISPATCH CALLED SEATTLE FIRE DEPARTMENT. FIRST RESPONSE TEAM, THEY ARRIVED 2 MINUTES 17 SECONDS TO NORTH-PRECINCT, ALLEGED VICTIM TO THE SFD 4 MEDICS WHO SEEN ALLEGED VICTIMS INJURYS, 1 BLEEDING 3/16" SCRATCH ON NECK, 1 ON RIGHT EAR, 1 ON THROAT, ALLEGED VICTIM TELLS

A LT WAGONER TERM LEADER THROWN ON BED, 2-3XS, NOT IN KITCHEN LIKE SHE TOLD ROSE, THEY PUT INJURYS THEY HAD SEEN ON A FACTORY DRAWING ON MEDICAL INCIDENT REPORT, LEAVE SCENE WITH ALLEGED VICTIM WAITING FOR SFP

7) SFP OFFICER TESTERMAN ARRIVES 1 HOUR 36 MINS LATER, ALLEGED VICTIM NEVER LEFT NORTH-PRECINCT OFFICER IS IN EVERYDAY AT MALL THIS WHOLE TIME, BUYING A NEW WATCH AND SCREEN FOR PHONE, OFFICER TESTERMAN SAY IN HIS REPORT, MET ALLEGED VICTIM IN LOBBY, SFP HAD SEEN ALLEGED VICTIM BEFORE HIS ARRIVAL, AND HE NOTICED SCRATCHES TO NECK AND FACE, TAKES PICTURES, ALLEGED VICTIM IN BETWEEN S.F.D LEAVING AND SFP ARRIVING AT SCENE ALLEGED VICTIM PUT 8-MORE BLEEDING SCRATCHS ON HER FACE, BLEEDING THROUGH HER FRESH MAKE UP, AND PUT 45 NEW RED SCRATCHS TO HER FACE AND NECK, THE 2 SCRATCHS THAT LT-WAGONER HAD SEEN ON EAR AND THROAT WERE GONE IN PICTURES NECK SCRATCH WAS STILL BLEEDING THROUGH MAKE UP.

8) OFFICER TESTERMAN GAVE STATEMENT TO JOSHUA ANDREWS AND RYAN GREY OF NORTH-WEST PUBLIC DEFENDERS OFFICE, SAID ALLEGED VICTIM WAS LAYING DOWN IN BED, OFFICER ONLY PICKED SHOULDERS UP OFF BED ONLY SLAMMING ALLEGED VICTIMS SHOULDERS TO BED. 5 OR 6XS, NOT THROWN ON BED 3 OR 4XS OR 2 OR 3XS

9) ALLEGED VICTIM TELLS RYAN GREY AND JOSHUA ANDREWS PICKED UP FEET OFF FLOOR 4-5 TIMES THROWN ON BED THEN STRATTLER EACH TIME SHE GOT UP, FEET OFF FLOOR THROWN ON BED STRATTLER

10) ON 22ND DEC 2016 ALLEGED VICTIM WAS SERVED WITH RESTRAINING ORDER TO LEAVE RESIDENCE, THIS IS WHEN ALLEGED VICTIM CREATES MORE INJURY, SAYING SHE WAS KIDNAPPED AND LOST CONSCIOUSNESS ON 17TH DEC 2016, THIS IS HOW ALLEGED VICTIM GOT CHARGES OF FALSE IMPRISONMENT ON OFFICER, 5 DAYS AFTER

TALKING TO OFFICER TESTERMAN NO MENTION OF FALSE IMPRISONMENT, AND WAS ASKED IN STATEMENT, OFFICER TESTERMAN ASKED ABOUT STRANGULATION AND RESTRAINED, THAT WAS HIS DISPATCH CALL STRANGULATION THROWN TO GROUND NOT BED, NO LOC WITH SFD OR SPD, NOW SHE HAS LOC. AND WAS RESTRAINED, OFFICER WAS ARRESTED AT HIS MOTEL BLOCKS FROM APT. ON 22ND DEC 2016, MR ROSE SEEN ALLEGED VICTIM NEXT DAY ALLEGED VICTIM HAD A BLACK EYE AND BIG BUMP ON HEAD AND MORE SCRATCHES ON FOREHEAD, MORE SELF INFLICTED WOUNDS.

22ND DEC 2016 A FEMALE DETECTIVE WHO KNEW ALLEGED VICTIM HAD PUT SELF INFLICTED WOUNDS TRIED TO COVER THIS UP, WITH HELP OF STATE PROSECUTOR KATIE MYERS, MCCAMMON TOOK PICTURES OF ALLEGED VICTIM AND 1ST TIME SEEING ALLEGED VICTIM, MCCAMMON HAD DONE READ MEDICAL INCIDENT REPORT FROM LT. WAGOWER AND KNEW ALLEGED VICTIM HAD NO SCRATCHES ON FACE, OFFICER AT TRIAL DID NOT KNOW DISCOVERY AT THE TIME OF CROSS EXAMINATION, BUT SHE WAS ASKED IN A STATEMENT BY RYAN GREY, WITH KATIE MYERS PRESENT ABOUT SCRATCHES ON FACE, DET MCCAMMON SAID ALLEGED VICTIM COULDN'T RECALL HOW SHE GOT THOSE SCRATCHES, I'M IN PRISON FOR THEM SCRATCHES SELF INFLICTED WOUNDS, IN PICTURE MCCAMMON TOOK ON 22ND DEC, ALLEGED VICTIM PUT A MOUSE UNDER HER RIGHT EYE, AFTER MCCAMMON CALLED ALLEGED VICTIM AND TOLD HER SHE WAS COMING OVER TO TAKE PICTURES, ON STAND OFFICER ASKED IF IF HE EVER HIT VICTIM WITH FIST, SHE SAID OFFICER NEVER HIT HER, BUT IN PICTURE ALLEGED VICTIM HAD HIT HERSELF AND MADE A SWOLLEN, KNOT UNDER RIGHT EYE, BUT ALLEGED VICTIM'S EYE WAS NOT BLACK TILL NEXT DAY WHEN ROSE SEEN HER.

VERNON OFFICER WAS THE APPELLANT IN COA NO 77946-0-1 AND IS THE PETITIONER. HEREIN OFFICER SEEKS REVIEW OF THE DECISION OF THE COURT OF APPEALS ENTERED JULY 30, 2019 DECISION (APPENDIX A)

VERNON OFFICER WAS CHARGED WITH CLASS C FELONIES, AND AN AGGRAVATING FACTOR. ON THE MORNING OF OPEN STATEMENTS, MR. OFFICER SOUGHT TO "DISCHARGE COUNSEL JOSHUA ANDREWS AFTER HEATED ARGUMENT AND TAKE OVER TRIAL FROM HERE" WHICH THE TRIAL COURT PERMITTED, TREATING THE REQUEST FOR SELF-REPRESENTATION AS A MATTER OF RIGHT DESPITE ITS UNTIMELINESS. THE COURT OF APPEALS REJECTED THE ARGUMENTS THAT MR OFFICER'S REQUEST WAS UNTIMELY AND EQUIVICAL, AND THAT HIS WAIVER WAS NOT KNOWING, INTELLIGENT OR VOLUNTARY. MR OFFICER DELIVERED OPENING STATEMENT IN THE STEAD OF HIS COUNSEL, NOT EVER SEEING DISCOVERY. THE FOLLOWING MORNING, AFTER THE STATE'S PRESENTATION OF PRELIMINARY TESTOMONY, MR OFFICER TOLD THE COURT THAT HE DID NOT HAVE THE SKILLS TO REPRESENT HIMSELF AND NEEDED HIS LAWYER.

THE COURT DENIED THE REQUEST, THE REQUEST WAS DENIED ON THE FOLLOWING AFTERNOON ON THE GROUNDS THAT MR OFFICER HAD WAIVED COUNSEL. THE COURT DID NOT MAKE A FINDING THAT APPRECIABLE DELAY IN THE ADMINISTRATION OF JUSTICE WOULD RESULT FROM RE-APPOINTMENT, AND THE FACTS IN THE RECORD SUPPORT ONLY THAT IT WOULD NOT. ON RECORD COUNSEL TOLD THE COURT DAY EARLYER HIS CALENDER WAS CLEARED FOR THE REST OF THE MONTH OF OCTOBER 2017 FOR MR OFFICERS TRIAL. WAS THE WASHINGTON COURTS CASE LAW REGARDING THE DEFENDANTS SIXTH AMENDMENT RIGHT TO COUNSEL DISREGARDED, AND THAT RIGHT VIOLATED, WHERE MR OFFICER TOLD THE COURT HE WAS UNABLE TO REPRESENT HIMSELF AND WANTED HIS LAWYER MR ANDREWS BACK, AND THE COURT DENIED THE REQUEST WITHOUT ADEQUATE

IDENTIFIABLE BASIS TO DO SO, REASONING MERELY THAT MR OFFICER HAD WAIVED THE RIGHT TO A LAWYER? DID MR OFFICER HAVE ANY RIGHT¹ TO HAVE COUNSEL?

ON THE MORNING OF OPENING STATEMENTS, MR. OFFICER ASSERTED A DESIRE TO "DISCHARGE COUNSEL AND TAKE OVER THE TRIAL FROM HERE" PRIOR TO THE DAY SET FOR OPENING STATEMENTS, A MIRANDA ADMISSIBILITY HEARING UNDER CrR 3.5 WAS HELD ON OCTOBER 3, 2017. LRP 14-43.

SUBSEQUENTLY, THE COURT RULED ON EXTENSIVE MOTIONS REGARDING EVIDENCE UNDER ER 609 AND ER 404(b), AND HELD A HEARING ON BIFURCATION OF THE TRIAL INTO A GUILT PHASE AND A SECOND JURY PROCEEDING ON THE AGGRAVATING FACTOR. 1RP 48-142 (OCTOBER 3); 1RP 142-200 (OCTOBER 4); 2RP 201-84 (OCTOBER 4); 2RP 285-322 (OCTOBER 5); 2RP 323-55 (OCTOBER 9). JURY SELECTION WAS HELD OCTOBER 5 AND 9, 2RP-321-400; 3RP 401-523. AT THE CONCLUSION OF JURY SELECTION, BOTH COUNSEL INDICATED THEIR READINESS TO PRESENT OPENING STATEMENTS THE NEXT MORNING, OCTOBER 10. 3RP 524

THEN ON OCTOBER 10 IN THE MORNING, THROUGH EXISTING DEFENCE COUNSEL JOSHUA ANDREWS, MR OFFICER SAID HE WANTED TO "DISCHARGE COUNSEL AND TAKE OVER TRIAL FROM HERE," THAT IT WAS TIME TO REPRESENT HIMSELF IN THE CASE, 3RP 558-59

DESPITE THE COURT'S INITIAL REACTION THAT THE MID-TRIAL REQUEST FOR SELF-REPRESENTATION WAS UNTIMELY, THE LAWYERS URGED THAT

¹ THE SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION PROVIDES THAT, THAT ACCUSED SHALL " HAVE THE ASSISTANCE OF COUNSEL FOR HIS DEFENCE" U.S CONST. AMEND. VI.

THE DEFENDANT HAD A CONSTITUTIONAL RIGHT TO SELF-REPRESENTATION THAT COULD NOT BE DENIED IF THERE WAS A PROPER COLLOQUY. THE TRIAL COURT REACTED TO MR OFFICER'S SURPRISE STATEMENT BY DESCRIBING ANY NOTION OF SELF-REPRESENTATION AS UNTIMELY, REMARKING THAT JURY SELECTION HAD JUST OCCURRED, "WERE ... ON THE CUSP OF OPENING STATEMENT" AND SAYING "ITS KIND OF LATE FOR THAT, TO BE QUITE CANDID ABOUT IT" 3RP 526. THE COURT ALSO EXPRESSED THAT HANDLING OF THE CASE BY A PRO SE DEFENDANT AT THAT JUNCTURE "THROWS A WHOLE OTHER WRENCH INTO THE SYSTEM" 3RP 526.

HOWEVER, THE DEPUTY PROSECUTOR, IMMEDIATELY UPON THE DEFENDANT SAYING HE WANTED TO TAKE OVER THE CASE, ASKED THE COURT TO "ENGAGE IN THE -THE COURT'S FORMAL COLLOQUY" AND "GO OVER A WRITTEN WAIVER WITH MR OFFICER AT THIS TIME" 3RP 525. DEFENCE COUNSEL ANDREWS INITIALLY AGREED WITH THE COURT THAT IT HAD DISCRETION BUT THEN STATED, I DON'T KNOW WHAT THE COURT'S AUTHORITY WOULD BE TO DENY A KNOWING, INTELLIGENT AND VOLUNTARY WAIVER OF THAT RIGHT. 3RP 526. DEFENCE COUNSEL ALSO TOLD THE COURT THAT "MR OFFICER IS REPRESENTING THAT HE'D BE READY TO PROCEED TO DAY." 3RP 529.

ULTIMATELY, THE COURT CONCLUDED THAT IT WAS "RELUCTANT TO DENY SOMEBODY'S RIGHT TO PROCEED PRO SE BECAUSE THE LAST TIME I DID THAT IN A 2006 CASE, I GOT REVERSED BY THE SUPREME COURT IN 2010." 3RP 529. THE COURT THEREFORE BEGIN ASKING COLLOQUY QUESTIONS, REMARKING; SO EVERYBODY SEEMS TO KNOW BETTER FOUR YEARS AFTER THE FACT THAN WE DO, OKAY SO GOOD MORNING, MR OFFICER. MR OFFICER: GOOD MORNING THE COURT: OKAY? MR OFFICER: YEAH, THE COURT: JUST BEAR

WITH ME AS I SORT OF WIND MY WAY THROUGH ALL THESE QUESTIONS, OKAY? 3RP 529. FOLLOWING COLLOQUY QUESTIONS, LENGTHY DISCUSSIONS, AND STRONG ADVICE FROM THE COURT TO MR. OFFICER TO NOT REPRESENT HIMSELF, 3RP 529-69, THE COURT TOLD MR. OFFICER THAT HE COULD NOT CHANGE HIS MIND, AND THEN RULED THAT IT WOULD ALLOW HIM TO REPRESENT HIMSELF, 3RP 566-71.

OPENING STATEMENTS FOLLOWED IMMEDIATELY. AFTER MAKING ARRANGMENTS FOR TRIAL RESOURCES AT THE JAIL, 3RP 570-93, THE COURT PROCEEDED DIRECTLY TO INVITING THE DEPUTY PROSECUTING ATTORNEY AND THE DEFENDANT TO MAKE THEIR OPENING STATEMENTS TO THE JURY. THE COURT NOTED TO THE JURORS THAT THE DEFENDANT WAS NOW TAKING THE PLACE OF HIS FORMER COUNSEL WHO HAD CONDUCTED VOIR DIRE. 3RP 593. OPENING STATEMENTS WERE DELIVERED 3RP 594; 4RP 601-25 (OCTOBER 10).²

THE NEXT DAY, ON OCTOBER 11, 2017 THE TRIAL COURT VIOLATED MR. OFFICER'S SIXTH AMMENDMENT RIGHT TO COUNSEL WHEN IT DENIED RE-APPOINTMENT OF COUNSEL MERELY FOR THE REASON THAT OFFICER HAD WAIVED COUNSEL, AND WHERE IT DID NOT RELY ON ANY FINDING OF SUBSTANTIAL IDENTIFIABLE REASONS SUCH AS DELAY OR DISRUPTION TO REFUSE OFFICER COUNSEL.

²THE COURT OF APPEALS REJECTED MR. OFFICER'S ARGUMENT THAT THE TRIAL COURT ABUSED ITS DISCRETION BY APPLYING THE WRONG LEGAL STANDARD WITH REGARD TO THE DEGREE OF DISCRETION THE COURT POSSESSED TO DENY THE REQUEST FOR PRO SE STATUS. DECISION, AT PP. 9-16

REVIEW IS WARRANTED. THE COURTS DENIAL OF COUNSEL VIOLATED THE SIXTH AMENDMENT, AND IS CONTRARY TO DECISIONS OF THE SUPREME COURT AND THE COURT OF APPEALS. THE SIXTH AMENDMENT RIGHT TO COUNSEL IDENTIFIED IN GIDEON V. WAINRIGHT, 372 U.S. 335, 344, 83 S. Ct. 792, 9 L. Ed. 2d 799 (1963), RETAINS A CONSTITUTIONAL DIMENSION EVEN AFTER A DEFENDANT HAS CHOSEN TO REPRESENT HIMSELF UNDER FARETTA, EVEN THOUGH THE RIGHT IS NO LONGER ABSOLUTE. U.S. CONST. AMEND. VI; JOHN-CHARLES V. CALIFORNIA, 646 F.3d 1243, 1248-50 (9th Cir. 2011) (citing, inter alia, IOWA V. TOVAR, 541 U.S. 77, 80, 124 S.Ct. 1379, 158 L. Ed. 2d 209 (2004)). THE MATTER IS LEFT TO THE COURTS DISCRETION, BUT THERE MUST BE IDENTIFIABLE REASONS TO DENY REAPPOINTMENT. STATE V. CANEDO-ASTORGA, 79 Wn. App. 518, 525-26, 903 P.2d 500 (1995); STATE V. DEWEESE, 117 Wn.2d 369, 376, 379, 816 P.2d 1 (1991) GRANT OF REVIEW BY THIS COURT IS WARRANTED UNDER RAP 13.4(c)(1), (2) AND (3).

THE TRIAL COURT DENIED REAPPOINTMENT ON GROUND THAT MR. OFFICER HAD WAIVED COUNSEL DESPITE WARNINGS NOT TO DO SO. AFTER THE TESTIMONY OF DETECTIVE PAM MCCAMMON, MR. OFFICER ANNOUNCED TO THE COURT THAT HE WAS INCAPABLE OF REPRESENTING HIMSELF, AND SAID THAT THE REASON HE HAD ASKED TO DO SO WAS BECAUSE HIS LAWYER HAD NOT DONE THE THINGS HE ASKED. 5RP 822-28.

IN SEEKING REAPPOINTMENT OF COUNSEL, MR OFFICER TOLD THE COURT, "I'VE COME TO THE CONCLUSION THAT I HAVE NOT THE SKILL SET TO TAKE CARE OF THIS BUSINESS." 5RP 822.

MR. OFFICER STATED, "I NEED SOME COUNSEL," AND EXPLAINED THAT HE WAS CONFUSED, AND DID NOT KNOW WHAT TO DO:

IT'S JUST I DONT WHAT THE HELL I'M DOING - I'M TEARING

HER (THE WITNESS) UP, I'M TEARING YOU UP, I'M TEARING THE
 JURORS UP, I'M CONFUSING EVERY BODY, I'M CONFUSING MYSELF,
 AND ITS JUST MESSING EVERYTHING UP. I KNOW MAYBE THESE
 GUYS AIN'T, MAYBE SHE'S NOT, (STATE) BUT YOU KNOW, I'M LIKE-
 I SHOULD HAVE DONE SOMETHING WITH (POLICE WITNESS) MR. BESEL
 ER WHEN WAS SITTING THERE DOING ALL THIS. I SHOULD HAVE
 DONE SOMETHING, I DIDN'T KNOW WHAT TO DO, YOU KNOW.

SRP 822-23. MR OFFICER ALSO EXPLAINED THAT HIS SITUAT-
 ION WAS A RESULT OF HIM BEING UPSET WITH MR. ANDREWS, STATING
 "THE REASON I'M IN THIS SITUATION (WAS BECAUSE) MY COUNSELOR
 DID NOT GET ANYTHING THAT I ASKED HIM TO GET TO PROVE MY
 INNOCENCE" SRP 823.

AFTER RESERVING ON THE MATTER, THE COURT DECLINED
 TO REAPPOINT COUNSEL, TELLING THE DEFENDANT (1) THAT THE COURT
 HAD POINTED OUT THE PITFALLS OF SELF-REPRESENTATION AND
 WARNED HIM THAT "HE COULDN'T CHANGE HIS MIND LATER ON." (2)
 THAT "IT (HAD) BOILED DOWN TO THE FACT THAT... MR. OFFICER
 WANTED UNFETTERED REIGN TO TRY THE CASE THE WAY HE
 THOUGHT WAS IN HIS BEST INTEREST" SINCE HE HAD, AND MR.
 ANDREWS HAD "DIFFERANT THEORIES AS TO WHAT WOULD BE MOST
 EFFECTIVE," AND (3) THAT THE COURT HAD GENEROUSLY BEEN "LAX"
 AND WAS IGNORING MR. OFFICER'S INABILITY TO WORK WITHIN THE
 EVIDENTIARY AND PROCEDURAL RULES, AND WAS GIVING HIM GREAT
 LATITUDE, ALONG WITH THE FACT THAT THE PROSECUTOR WAS ALSO
 HELPING HIM AT TIMES SRP 936-40.

THE COURT DID NOT RELY ON ANY CONCERN FOR DELAY OF TRIAL
 RESULTING FROM REAPPOINTMENT OF COUNSEL ANDREWS--WHOSE
 OFFICE ON FIRST AVE WAS SEVEN BLOCKS FROM THE KING COUNTY
 COURTHOUSE ON THIRD AVENUE OR NEEDING TO 'RE-PREPARE' FOR TRIAL.

AS ARGUED BELOW, NO DELAY WOULD HAVE BEEN REQUIRED. CP 29 (STATE'S MEMO) CP 394 (DEFENCE NOTICE OF WITHDRAWAL). NOTABLY, WHEN MR. ANDREWS LATER APPEARED FOR MR. OFFICER AT SENTENCING, THE COURT TOLD THE DEFENDANT THAT ANDREWS HAD DONE A "GREAT JOB" FOR HIM UNTILL HE WAS DISCHARGED, AND "IF YOU HADNT ASKED MR. ANDREWS TO COME BACK AND REPRESENT YOU AT SENTENCING... I WAS PLANNING ON HAVING A HEARING TO ASK YOU EXACTLY THAT QUESTION TO SEE IF YOU WANTED HIM BACK FOR PURPOSES OF SENTENCING" 9 RP 1668.

ABSENT IDENTIFIABLE REASONS TO DENY THE REQUEST BASED ON DELAY OR DISRUPTION, THE TRIAL COURT'S REFUSAL TO RE-APPOINT COUNSEL FOR MR. OFFICER WAS AN ABUSE OF DISCRETION.

THE SIXTH AMENDMENT RIGHT TO COUNSEL IDENTIFIED IN GIDEON V. WAINRIGHT, 372 U.S. AT 344, RETAINS A CONSTITUTIONAL DIMENSION EVEN AFTER A DEFENDANT HAS CHOSEN TO REPRESENT HIMSELF UNDER FARETTA, EVEN THOUGH THE RIGHT IS NO LONGER ABSOLUTE. U.S CONST. AMEND. VI; JOHN-CHARLES V. CALIFORNIA, 646 F.3d AT 1248-50 (CITING, INTER ALIA, IOWA V TOVAR, SUPRA 541 U.S. AT 87, AND MENEFIELD V BORG, 881 F.2d 696, 700 (9th CIR. 1989)); SEE GENERALLY FARETTA V CALIFORNIA, 422 U.S. 806, 95 S.Ct. 2525, 45 L.Ed.2d 562 (1975)

OF COURSE, A DEFENDANT WHO SEEKS REAPPOINTMENT CANNOT EXPECT TO REGAIN COUNSEL SOLELY BASED ON THE FACT THAT HE HAS MADE A HASH OF HIS SELF-REPRESENTATION. STATE V. CANEDO-ASTORGA, 79 Wn. APP. AT 525-26 (BECAUSE SELF REPRESENTATION IS A CHOICE THAT THE DEFENDANT WILL HAVE MADE WHILE FULLY KNOWING HIS LACK OF TECHNICAL IF THE WAIVER IS VALID, "INEPTITUDE DOES NOT BY ITSELF MANDATE THE RESTORATION OF A DEFENDANT'S SIXTH AMENDMENT RIGHT TO COUNSEL"); SEE ALSO ROBINSON V.

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IGNACIO, 360 F.3d 1044, 1056, (9th Cir 2004).

HOWEVER, THE GENERAL RULE IS THAT WHEN A DEFENDANT WHO HAS WAIVED COUNSEL REQUEST REAPPOINTMENT, A REFUSAL TO REAPPOINT IS AN ABUSE OF DISCRETION ABSENT SPECIFIC, ADEQUATE VALID REASONS TO DENY COUNSEL. STATE V CANEDO-ASTORGA 79 Wn. App. AT 525-26. THE DEFENDANT'S PERFORMANCE AS PRO SE COUNSEL MAY OF COURSE BE A FACT FOR CONSIDERATION. CANEDO-ASTORGA, AT 525-26 (TRIAL COURT SHOULD CONSIDER ALL THE FACTS AND CIRCUMSTANCES); STATE V DEWEESE, 117 Wn. 2d AT 376, 379.

TYPICALLY, A VALED REASON TO DENY REAPPOINTMENT IS DELAY THAT WILL BE CAUSED IN ADMINISTRATION OF THE JUSTICE SYSTEM, SEE, e.g., MCCORMICK V. ADAMS, 621 F.3d 970, 973, 980 (9th Cir. 2010). [NO ABUSE OF DISCRETION IN DENYING REAPPOINTMENT OF COUNSEL WHERE DEFENDANT WHO HAD WAIVED COUNSEL CHANGED HIS MIND HALFWAY THROUGH TRIAL, AND ASKED FOR A CONTINUANCE TO LOCATE COUNSEL WHO COULD HELP HIM] (STATING, "THERE ARE TIMES WHEN THE CRIMINAL JUSTICE SYSTEM WOULD BE POORLY SERVED BY ALLOWING THE DEFENDANT TO REVERSE HIS COURSE AT THE LAST MINUTE AND INSIST UPON REPRESENTATION BY COUNSEL.")

THUS IN CANEDO-ASTORGA, AT 526-27. THE COURT OF APPEALS PROPERLY AFFIRMED THE DENIAL OF COUNSEL, WHERE THE DEFENDANT SOUGHT TO HAVE THE TRIAL "STOPPED" FOR A CONTINUANCE THAT WAS PREDICTED TO NOT BE "SHORT" IN ORDER FOR A LAWYER TO TAKE OVER. WHERE A LONG DELAY WOULD BE CAUSED, AND STANDBY COUNSEL WAS PRESENT TO ASSIST THE PRO SE DEFENDANT, THE DEFENDANT'S INEPTITUDE AT REPRESENTING HIMSELF DID NOT MAKE IT ABUSE OF DISCRETION FOR THE COURT TO REFUSE REAPPOINTMENT, UNDER THE STANDARDS OF CANEDO-ASTORGA. THOSE STANDARDS SHOW THAT REAPPOINTMENT WAS REQUIRED HERE.

THESE STANDARDS ARE DESIGNED, IN PART, TO PROTECT THE TRIAL COURT AND THE INTEGRITY OF THE CRIMINAL JUSTICE SYSTEM FROM MANIPULATIVE VACILLATIONS BY A DEFENDANT WISHING TO DISRUPT OR DELAY TRIAL. *DENESEE*, 117 Wn.2d AT 376, 816, P.2d1.

STATE V MODICA, 136 Wn. App. 434, 443, 149 P.3d 446 (2006), *aff'd*, 164 Wn.2d 83, 186 P.3d 1062 (2008) (also citing *CANEDO - ASTORGA*). IN THIS CASE, OF COURSE, THE DEFENDANT'S SINCERE REALIZATIONS THAT SELF-REPRESENTATION WAS NOT ONLY PREJUDICING HIS ABILITY TO HAVE A FAIR, ORDERLY TRIAL, BUT WAS ALSO DISRUPTIVE TO THE PROCESS AS A WHOLE, WERE NOT FOUND TO BE, AND COULD NOT BE FOUND TO BE, A MANIPULATIVE VACILLATION.

IN COMPARISON, MULTIPLE REASONS TO DENY REAPPOINTMENT EXISTED IN *MODICA*. THERE, "MODICA HAD SEVERAL OPPORTUNITIES TO SEEK REAPPOINTMENT EARLIER IN THE PROCEEDINGS AND WAS, IN FACT, ENCOURAGED BY THE TRIAL COURT TO DO SO, BUT NEVER THE LESS CHOSE TO REMAIN PRO SE" *STATE V MODICA* 136 Wn. App. AT 444. FURTHER, DELAY WAS GUARANTEED AND SUBSTANTIAL - "IF THE TRIAL COURT HAD GRANTED MODICA'S REQUEST IT WOULD HAVE BEEN FORCED TO EITHER GRANT A CONTINUANCE TO ALLOW AN ATTORNEY TO ADEQUATELY PREPARE, THUS REQUIRING THE JURY MEMBERS TO RETURN FOR THE LATER RESUMPTION OF TRIAL, OR TO DECLARE A MISTRIAL (WITH ITS ATTENDANT DOUBLE JEOPARDY CONCERNS)" *MODICA*, 136 Wn. App. AT 444. FINALLY, THE PRIME WITNESS WAS BEING HELD ON A MATERIAL WITNESS WARRANT AT THE TIME OF MODICA'S REQUEST "A BURDENSOME SITUATION THAT THE TRIAL COURT WAS LOATH TO PROLONG." *MODICA*, AT 444. NONE OF THESE REASONS ARE PRESENT IN THIS CASE.

HERE, NOTHING REBUTTED THE RECORD THAT MR. ANDREW'S WAS AVAILABLE, AND THE COURT MADE NO ORAL OR WRITTEN FINDING

OF DELAY. IN THIS CASE, THE FACTS AND CIRCUMSTANCES AMOUNTED TO AN ABUSE OF DISCRETION. FIRST, ALTHOUGH WARNING THE DEFENDANT WHO IS SEEKING PROSE STATUS THAT HE WILL NOT BE ENTITLED TO REAPPOINTMENT IS AN IMPORTANT CAUTION FOR THE TRIAL COURT TO GIVE DURING A FARETTA COLLOQUY, THE FACT THAT THE DEFENDANT DID PREVIOUSLY WAIVE COUNSEL, WHICH BY DEFINITION ALL DEFENDANTS HAVE DONE IF THERE IN THE POSITION OF SEEKING REAPPOINTMENT, IS NOT A VALID REASON TO DENY REAPPOINTMENT.

BELOW, THE TRIAL COURT LEANED HEAVILY ON TELLING MR. OFFICER THAT WAIVER OF COUNSEL WAS WHAT MR. OFFICER "WANTED" WHEN RULING THAT HE WOULD NOT BE ALLOWED REAPPOINTMENT 5RP 937, 940.

THIS REASONING USED IN SUPPORT OF THE DENIAL OF REAPPOINTMENT WAS LEGAL ERROR, AND A ABUSE OF DISCRETION, WHEN COMBINED WITH THE ABSENCE OF CONCERNS FOR DELAY. THE COURT ARTICULATED NO SUCH CONCERNS - FOR OBVIOUS REASONS - THERE WERE REALISTICALLY NONE WHATSOEVER, THE RECORD SUPPORTS ONLY THE CONCLUSION THAT WHEN MR. OFFICER PLEADED FOR LEGAL REPRESENTATION ON OCTOBER 11, 2017 AS HE HAD BEEN THE PREVIOUS DAY, OCTOBER 10, 2017 3RP 827-28.³

BY THE MORNING OF THE 11TH OF OCTOBER 2017, WHEN ANDREWS WAS SET TO DELIVER OPENING STATEMENTS, HE HAD SECURED AN ORDER TO BIFURCATE THE GUILT PHASE AND THE AGGRAVATING FACTOR PHASE DESPITE THE STATE'S VIGOROUS ASSERTIONS

³ AS IT HAPPENED, MR. ANDREWS DID NOT ACTUALLY DRAFT AND FILE A NOTICE OF WITHDRAWAL AS MR. OFFICER'S COUNSEL UNTIL THE (CP394) NEXT DAY AFTER MR OFFICER ASK FOR REAPPOINTMENT, OCTOBER 12 2017

THAT STATUTORY LANGUAGE, PATTERN INSTRUCTIONS, AND ISSUES OF CROSS-ADMISSIBILITY WARRANTED UNITARY TRIAL, 2RP 215 (COURTS RULING), AND HAD ENGAGED IN LENGTHY, COMPLEX, HIGHLY CASE-SPECIFIC LITIGATION OF ER 404(b) AND OTHER EVIDENTIARY ISSUES, 1RP 14-200; 2RP 201-354. COUNSEL HAD CONDUCTED VOIR DIRE OVER THE COURSE OF TWO DAYS ON OCTOBER 9 AND 10, 2RP 355-400; 401-524, FOLLOWING WHICH COUNSEL STATED HIS READINESS TO DELIVER OPENING THE NEXT MORNING, AND THE COURT ACKNOWLEDGED THE PARTIES WORK PREPARING FOR TRIAL. 3RP 524 ("I THINK WE'RE EXHAUSTED, AT LEAST I AM, SO SEE YOU GUYS TOMORROW MORNING. HAVE A GOOD EVENING AND WE'LL GET KICKED OFF AT 9:00.").

COUNSEL'S ABILITY TO PREVAIL ON THE PRE-TRIAL ISSUES WAS PREDICATED ON HIS INTIMATE KNOWLEDGE OF VERNON OFFICER'S CASE, THE AVAILABLE DEFENCES, AND THE STRATEGIES FOR TRIAL, WHICH HAD RESULTED IN UNUSUALLY SUCCESSFUL PRE-TRIAL RULINGS. FOLLOWING COUNSEL'S ABLE ARGUMENT, HIS ABILITY TO CONTINUE THE CASE, AS COUNSEL, BY EXAMINING THE SUBSEQUENT WITNESSES, COULD NOT POSSIBLY BE MORE DEMONSTRABLE IN THIS CASE.

THE COURT OF APPEALS REASONING IS WHOLLY UNTENABLE - THE COURT NOTES THE PROSECUTOR'S VOICED CONCERN THAT THE COMPLAINANT (ALLEGED VICTIM) HAD FLOWN TO SEATTLE, AND YET AT THE SAME TIME, THE COURT RECOGNIZES THAT THE TRIAL COURT CONCLUDED THAT IT NEEDED TO CONSIDER THE MATTER AND RULE THE NEXT DAY. THE COURT SAID NOTHING ABOUT DELAY OR DISRUPTION IN THE PROCEEDINGS, AND CERTAINLY NEVER ENDORSED THE NOTION THAT A VERY SHORT ADDITIONAL PERIOD OF TIME FOR THE COMPLAINANT - MR. OFFICER'S ACCUSER - TO REMAIN IN SEATTLE UNTILL MR. ANDREWS COULD RETURN TO

THE COURTROOM WOULD CAUSE DELAY OR DISRUPTION, THE COURT OF APPEALS' CITATION TO THE CANEDO-ASTORGA TRIAL COURT'S REASONS FOR DENYING REAPPOINTMENT IN THAT CASE, INVOLVING AN ATTORNEY WHO HAD NOT PREPARED FOR TRIAL (UNLIKE MR. ANDREWS, WHO HAD STOOD READY TO DELIVER OPENING STATEMENT AND TO THEN EXAMINE THE STATE'S WITNESSES) AND WHO, IN CANEDO-ASTORGA, AFFIRMATIVELY STATED THAT REAPPOINTMENT WOULD REQUIRE A DELAY OF A UNKNOWN PERIOD OF TIME, IS UTTERLY UNLIKE THE FACTS OF THIS CASE. SEE DECISION, AT PP. 8-9, 16-17.

INDEED, IF THIS IS NOT A CASE WHERE THE NOTION OF DELAY OR DISRUPTION, TRUMPETED BY THE STATE AND CITED BY THE COURT OF APPEALS TO BE DISPOSITIVE, IS IN FACT SO EPHEMERAL THAT DENIAL OF REAPPOINTMENT WAS AN ABUSE OF DISCRETION, THERE CAN BE NO SUCH CASE.

SUBSTANTIVELY, AND ALSO IN TERMS OF PHYSICAL AND TEMPORAL AVAILABILITY, MR. ANDREWS WOULD HAVE BEEN ABLE TO RE-COMMENCE HIS REPRESENTATION OF MR. OFFICER WITHOUT DELAY. THE RECORD SUPPORTS ONLY THAT CONCLUSION. INDEED, ON OCTOBER 4, WHEN THE COURT INDICATED THAT THE COMPLEX PRE-TRIAL HEARINGS, ALONG WITH STATE'S WITNESS AVAILABILITY ISSUE, WERE LIKELY TO PUSH THE COMMENCEMENT OF JURY SELECTION TO THE COMING MONDAY, DEFENSE COUNSEL NOTED TO THE COURT, "I HAVE NO PROBLEM WITH THAT, YOUR HONOR. MY SCHEDULE FOR THE WHOLE MONTH OF OCTOBER IS WIDE OPEN." 2 RP 212-13

THE RIGHT TO COUNSEL AND THE ABSENCE OF ANY ORAL OR WRITTEN FINDING OF DELAY RENDERED DENIAL OF REAPPOINTMENT AN ABUSE OF DISCRETION, REQUIRING REVERSAL.

DURING THE DISCUSSION OF MR. OFFICER'S NEED FOR MR. ANDREW, THE COURT TOLD MR. OFFICER THAT IT WAS VERY DIFFICULT TO GIVE

HIM A FAIR TRIAL BECAUSE "YOU DON'T KNOW THE RULES." 5RP 823. MR. OFFICER AGREED, RESPONDING, "I DON'T HAVE A CLUE," AND NOTING THAT HE DID NOT EVEN UNDERSTAND WHAT WAS IN THE "PILE" OF PAPERS IN FRONT OF HIM. 5RP 823-26. HE NEEDED MR. ANDREWS, WHO "KNOWS EVERY PIECE OF PAPER, EVERY LITTLE PIECE OF PAPER." 5RP 827. MR. OFFICER ALSO EXPRESSED CONCERN THAT WHEN MS. WOOD (THE ALLEGED VICTIM) TOOK THE STAND, "I'M AFRAID THAT I'M GOING TO BE SO ANIMATED THAT I MIGHT LOSE IT, I MIGHT LOSE CONTROL AND YELL OR SOMETHING 'CAUSE IT'S SO HARD FOR ME TO LOOK AT SOMEBODY THAT'S LYING IN MY FACE." 5RP 824.

WHEN MR. OFFICER AGAIN REPEATED THAT HE "NEEDED... MR. ANDREWS BACK," HE NOTED THAT HE HAD ONLY BEEN REPRESENTING HIMSELF VERY BRIEFLY. 5RP 828 (STATING "I'VE ONLY HAD ONE DAY, AND I DON'T WANT TO RUIN NO MORE WITNESSES," AND "IT'S ONLY BEEN ONE DAY, YOUR HONOR.").

THERE WAS SIMPLY NO SHOWING OR FINDING THAT MR. ANDREWS COULD NOT EASILY REPRESENT THE DEFENDANT AND HANDLE THE CASE, THE DEPUTY PROSECUTOR'S ONLY OBJECTION WAS THAT THE DEFENDANT HAD MADE HIS DECISION AND THAT THE CASE SHOULD PROCEED FORWARD. 5RP 832-33. WHEN ASKED IF MR. ANDREWS HAD BEEN "SENT OUT... ON" ANOTHER CASE, THE PROSECUTOR DID NOT ANSWER, AND INSTEAD REMARKED THAT LAWYERS ARE NOT "INTERCHANGEABLE... GENIUSES" THAT ONE CAN "POP INTO" A CASE. 5RP 832. IN FACT, MR. ANDREWS COULD "POP INTO" THIS CASE BUT NOT A CASE, MR. ANDREWS WOULD HAVE BEEN FULLY READY FOR TRIAL, WITH NO ADDITIONAL PREPARATION, AND NO DELAY.

THE TRIAL COURT HAS DISCRETION TO REAPPOINT COUNSEL. STATE V DEWEESE, 117 Wn.2d AT 376-77; STATE V MEHRABIAN, 175 Wn. APP. 678, 690-91, 308 P.3d 660. review denied, 178 Wn. APP.

:2d 1022, 312 P.3d 650 (2013). BUT A TRIAL COURT ABUSES ITS DISCRETION WHEN ITS DECISION IS MANIFESTLY UNREASONABLE, BASED ON UNTENABLE GROUNDS, OR APPLIES AN ERRONEOUS VIEW OF THE LAW. IN RE PERS. RESTRAINT OF RHOME, 172 Wn.2d 654, 667-68, 260 P.3d 874 (2011).

HERE, THAT DISCRETION APPLICABLE TO REAPPOINTMENT OF COUNSEL WAS ABUSED WHEN THE TRIAL COURT DENIED A REQUEST FOR REAPPOINTMENT OF COUNSEL ABSENT VIABLE, IDENTIFIED REASONS TO DO SO. IMPORTANTLY, THE DEFENDANT CONTINUED TO HAVE A SIXTH AMENDMENT RIGHT. JOHN-CHARLES V. CALIFORNIA 646 F.3d AT 1248-50. IN THIS CASE, WHERE THE ENTIRE RECORD INDICATES THAT TRIAL COUNSEL WOULD HAVE BEEN PREPARED TO PROCEED TO TRIAL AT THE TIME COUNSEL WAS BRIEFLY DISCHARGED AND THEN REQUESTED TO BE REAPPOINTED, THE REFUSAL TO REAPPOINT WAS ERROR.

AS NOTED, THE ISSUE WHETHER THE TRIAL COURT ERRED IN DENYING MR. OFFICER'S REQUEST FOR REAPPOINTMENT OF COUNSEL DOES NOT TURN EXCLUSIVELY ON THE FACT THAT HIS CONDUCTING OF HIS OWN DEFENCE, ALBEIT FOR THE BRIEF AFTERNOON AND MORNING HE DID SO PRIOR TO SEEKING REAPPOINTMENT, CANEDO-ASTORGA, 79 Wn. APP. AT 518 (PRO SE DEFENDANT'S INCAPABILITY IN CONDUCTING HIS OWN DEFENCE DOES NOT "BY ITSELF MANDATE" RESTORATION OF THE RIGHT TO COUNSEL). HOWEVER, IT IS A FACTOR, AND THE DEFENDANT'S HANDLING OF HIS OWN TRIAL PHASE WAS DEMONSTRABLY DELETERIOUS TO HIS INTERESTS IN A MANNER THAT IS IN THIS RECORD TO A HIGHER DEGREE UNLIKELY IN MOST CASES.

FOR FURTHER EXAMPLE, MR. OFFICER'S TRIAL TESTIMONY WAS PARTICULARLY WIDE RANGING, OFF POINT IN A MANNER THAT

A LAWYER WHO HAD HANDLED THE PRE-TRIAL RULINGS WOULD NOT HAVE PRESENTED AS MADE CLEAR FROM MR. OFFICER NOT EVER RECEIVING, OR EVEN EVER SEEING HIS DISCOVERY FOR THE 11 MONTHS HE WAS INCARCERATED UP TO AND AFTER TRIAL STARTED, TO BE ABLE TO BRING THIS TO THE SURFACE OF JUSTICE, AT THIS TIME, THIS DOOR WAS OPENED TO THE COURT AT TRIAL, RIGHT AFTER MR. ANDREWS WAS DISMISSED AS COUNSEL, MR. OFFICER SAID TO THE TRIAL COURT ON RECORD. "IT'S ABOUT TIME I GET DISCOVERY AFTER 11 MONTHS" AND DID NOT GET DISCOVERY INTO HIS TRIAL, FOR HIS DEFENCE. UNTILL AFTER MR. OFFICER DID OPENING STATEMENT AND CROSS EXAMINED NUMERIOUS STATE WITNESSES WITHOUT KNOWING WHAT THEY HAD WITNESSED, SAID IN STATEMENTS OR OFFICIAL REPORTS, THE DEPUTY STATE PROSECUTOR, HAD DENIED MR. ANDREWS ACCORDING TO MR. ANDREWS OFF RECORD, TO GIVE MR. OFFICER HIS DISCOVERY WHILE HE WAS INCARCERATED. AND THE COURT AND DEPUTY PROSECUTOR KATIE MYERS KNEW MR. OFFICER NEVER HAD DISCOVERY, BECAUSE ON RECORD THEY BOTH HAD TO MAKE ARRANGEMENTS TO GET MR. OFFICER'S DISCOVERY TO HIM AT THE KING COUNTY JAIL WHERE HE WAS INCARCERATED BEFORE AND AFTER TRIAL. AND FOR THE COURT TO DENY REAPPOINTMENT OF COUNSEL AFTER 1 BRIEF DAY WITHOUT COUNSEL, AND NOT RULING ON THAT MOTION FOR REAPPOINTMENT UNTILL THE FOLLOWING DAY, GIVING DEPUTY PROSECUTOR KATIE MYERS TO TAKE FURTHER ADVANTAGE OF MR. OFFICER NOT KNOWING DISCOVERY, AND HAVING AMPLE TIME TO FIGURE OUT WHO SAID WHAT, WHEN AND WHERE, WAS DENIED REAPPOINTMENT OF COUNSEL. THIS WAS NOT JUST ABUSE OF DISCRETION BUT ABUSE OF DISCRETION TO ITS HIGHEST DEGREE NEXT TO INFINITY. THIS REQUIRES REVERSAL OF MR. OFFICER'S JUDGEMENT AND SENTENCE AND GIVE HIM A NEW TRIAL, AT THE VERY LEAST AND

AS THE PROSECUTOR AND COURT REMARKED AT SENTENCING, THE DEFENDANT'S OWN CASE MADE THE DIFFERENCE BETWEEN AN ORIGINALLY TENUOUS STATE'S CLAIM OF A LONG PATTERN OF ABUSE, AND AN ABUNDANTLY SUPPORTED AGGRAVATING FACTOR, CLOSING ARGUMENT WAS SIMILARLY UN-HELPFUL TO MR. OFFICER. 8RP 1566-1599; 10RP 1601-1616. ALL OF THIS RESULTED IN A 60-MONTH EXCEPTIONAL SENTENCE OVER A STANDARD RANGE OF 17-22 MONTHS. See 7RP 1270-1400, 8RP 1401-1433; see 7RP 1333-39; 8RP 1465; see 9RP 1642-45, 1669-1675 (remarks at sentencing)

IN SUM, IT WAS RIGHT FOR THE COURT TO TELL MR. OFFICER, WHEN HE WAIVED COUNSEL THE PREVIOUS DAY THAT HE COULD NOT CHANGE HIS MIND - THIS IS PART AND PARCEL OF THE REQUIRED VIGOROUS DISCOURAGEMENT OF THE DEFENDANT'S DESIRE TO WAIVE COUNSEL. BUT THIS IS NOT A REASON TO DENY REAPPOINTMENT, UNLESS INDIVIDUAL DEFENDANTS MAY BE UTILIZED AS A "LESSON" TO HYPOTHETICAL FUTURE OTHERS WHO MIGHT BE CONSIDERING REPRESENTING THEMSELVES, IN ORDER TO DISCOURAGE THEM FROM EVEN ASKING TO DO SO. BUT THE DEFENDANT'S RIGHTS ARE INDIVIDUAL TO HIM²⁶, AND IF THERE WILL BE NO DISRUPTION OR IDENTIFIABLE DELAY IN HIS CASE, HE CANNOT HAVE HIS RIGHT TO THE PROPER EXERCISE OF DISCRETION STRIPPED FROM HIM. THAT'S NOT OUR CONSTITUTION, THAT WOULD BE SOMETHING YOU WOULD EXPECT IN A THIRD WORLD COUNTRY LIKE NORTH-KOREA, BASED ON THE ESTABLISHED LAW OF THE WASHINGTON COURTS REQUIRING IDENTIFIABLE REASONS TO DENY REAPPOINTMENT, UN-OBSERVED AND THEN THAT DEFAULT EXCUSED, SIMPLY IN ORDER TO EMPHASIZE THE PROPER CAUTION THAT FUTURE DEFENDANTS WHO MAKE BEDS OF THIS SORT MUST LIE IN THEM.

IN STATE V. FISHER Wn. APP. 924 (MARCH 30 2015) RIGHT ABOVE ORINIONS, IT MUST BE LAW; ITS IN THIS CASE AND IT SAYS "A REQUEST FOR REAPPOINTMENT OF COUNSEL AFTER WAIVER SHOULD BE GRANTED ABSENT REASONS TO DENY," IN SOME CASES, HOWEVER THERE WILL BE REASONS TO DENY - FOR EXAMPLE THAT THE REQUEST COMES ON THE EVE OF OR DURING TRIAL, AND WILL DELAY OR INTERRUPT THE TRIAL IF GRANTED,

REAPPOINTMENT SHOULD BE GRANTED, THIS CASE HAS ABSENT REASONS TO DENY REAPPOINTMENT OF COUNSEL. BY FAILING TO CONSIDER AT ALL WHETHER THERE WERE PROPER REASONS TO DENY - SUCH AS DELAY OR INTERRUPT - THE COURT ABUSED ITS DISCRETION BY APPLYING THE WRONG LEGAL TEST, AND ITS DECISION WAS ALSO MANIFESTLY UNREASONABLE UNDER ALL THE CIRCUMSTANCES. STATE V MADSON, 168 Wn. 2d 496, 229 P.3d 714 (2010); SUPRA; SEE GENERALLY IN RE DETENTION OF MINES, 165 Wn. APP. 112, 125, 266 P.3d 242 (2011) (FAILURE TO EXERCISE DISCRETION IS AN ABUSE OF DISCRETION); CANEDO-ASTORGA 79 Wn. APP. AT 525;

REVERSAL IS REQUIRED. GOVERNMENTAL VIOLATION^S OF THE RIGHT TO COUNSEL IS STRUCTURAL ERROR THAT DEMANDS AUTOMATIC REVERSAL OF THE DEFENDANTS CONVICTIONS.

SEE UNITED STATES V GONZALEZ-LOPEZ 548 U.S. 140, 148-49, 126 S. CT. 2557, 165 L. ED. 2d 409 (2006). THE COURTS REFUSAL TO REAPPOINT ANDREWS VIOLATED MR OFFICERS RIGHT TO COUNSEL AND MR OFFICER CONVICTIONS AND SENTENCE SHOULD BE REVERSED.