

PETITION
FOR
REHEARING

Sloan Stanley
v.

Washington

No. 17-7943

I respectfully ask this honorable court for a rehearing of my petition for writ of certiorari. The current circumstances I find myself in are another strong example why my petition for certiorari should be reviewed.

Instead of being released from prison to freedom on August 17th, 2017 I found myself being released to a county chain to King county Washington. I was charged with 7 counts of Felony harassment (threats to kill) and one count of intimidating a judge. My bail was set at one million dollars and the state is asking for forty-five years.

Because subjective intent is not required in this state in a threats analysis and the reasonable person objective standard being a negligence standard does suffice to obtain charges and convictions. Mere hearsay alone from almost anyone can be used to obtain charges and convictions regarding threats.

Because a cellie I had for twelve days while going through the intake and receiving prison before going to my main institution, said I was going to kill these various people upon releasing from prison. I find myself sitting in jail facing forty-five years.

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The particular individual came forth a year later only after he released from prison and caught new charges. I had explained to this person during the twelve days I was celled up with him how the state, particularly King county was out to get me because I had gone to the FBI about my trial transcripts being altered. Needless to say the FBI was not interested and said it was an issue for my appeal. I had circumstantial evidence that showed a high likelihood that extremely prejudicial statements made by the prosecutor after the judge had hushed me from objecting were omitted from the trial transcripts.

It was shortly after I went to the FBI that I was revoked of my DOSA (drug offenders sentencing alternative) sentence for frivolous reasons. At this time I had been out for 3.75 months after doing 17 months. I was sent back to prison to do 13 months, the remainder of my sentence.

I had explained my circumstances to this cellie as I did to all my cellies. But, never did I mention a plan to kill anyone. I was angry about an unfair revocation, and a highly prejudicial unfair trial full of obvious lies, but never did I have a plan to kill anyone.

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So a year after being cellies with this individual he comes forth and gives his statement, 1.5 months before I am set to release. This statement is used to start an investigation against me. 3 weeks before I am set to release I am moved to a new unit to a new cell with 2 new cellies whom I did not know. One of the cellies had been briefed on my case and had consented to have a bug placed in our cell a week after I moved in. The bugging went on for 6 days before I was confronted by the same detective from my original case. I denied any allegations and was sent to the hole for my last 8 days in prison.

I successfully released from prison only to be put on a county chain to King county. While at King county I motioned to change venue to Walla Walla county where most of the defense witnesses were located and was the proper venue. I also moved the court to recuse the King county superior court judges and the King county prosecutor's office. King county agreed to the motion and I was sent to Walla Walla county. However when I got to Walla Walla county I shortly thereafter learned that King county was still prosecuting me here, in Walla Walla county.

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Having remembered the conversations I had in the cell that was bugged and the fact I never had a plan to kill anyone, I knew the audio of the in-cell recordings would be exonerating, and in some instances specifically so. The recordings were finally turned over in an abridged version (30 hrs total for 6 days) 5.5 months after charges were filed. While there is nothing incriminating on this audio the instances of specifically exonerating material were not present in this audio. It wasn't until I complained of Brady material to the judge that the original recordings (144 hrs total) were turned over 8 months after charges were filed. I still have yet to listen to this audio. But, I am positive of specifically exonerating material existing.

After I viewed the state's witness statements, the probable cause statement and the abridged audio from the in-cell recordings I determined that there is direct evidence that the detective committed perjury on the probable cause statement and direct evidence that one of the state's witnesses commits perjury. Also, there is circumstantial evidence that shows the other state's witness is also lying.

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I brought this information to the attention of my lawyer and he did not say much. I went one step further and sent the head prosecutor in Walla Walla county letters 2 different times explaining the acts of perjury and that I would like charges pressed against these people, and to come talk to me. So far he has done nothing of the such.

Most of the evidence if not all of it is based on lies. They are basing my charges on hearsay from a less than credible source. But, this is apparently enough.

Because this hearsay was conveyed to the authorities and then conveyed to the victims through the authorities. I can be charged with the crime of harassment and intimidating a judge. Because subjective intent is not required even though the harassment statute contains a mens rea of knowing. Because knowing in this statute means you knowingly said a statement. Whether you actually said it or not. It is obvious that all kinds of abuses can arise from the way this state construes their threats statutes. As both my cases distinctively show.

While the evidence in my case is extremely weak and I have a very good chance of winning. No trial is ever a sure thing. The risk no matter how little becomes very stressful when the consequences you face if losing are severe. Like in my case forty-five years if I lose.

I have at this point been in jail for 9 months fighting this charge. I am getting a new attorney this coming week because the former did not do much of anything I asked. Having yet to do one single defense witness interview. I am hoping things will go better with my next lawyer. Regardless I am still stuck in jail for the foreseeable future.

While the logic of the court in Elonis v. U.S., 135 S. Ct 2001, 192 L. Ed. 2d 1 (2015), is impeccable as to why subjective intent is required it stopped short of the first amendment issue limiting the ruling to the statutory construction of the particular federal threats statute. This has allowed states such as the state of Washington to overlook the logic laid forth in Elonis and allow for otherwise protected speech to become unprotected. Essentially allowing convictions for negligent speech which is at odds

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with the majority opinion in Elonis. The ambiguity in the Elonis ruling allows for abuses to occur. How many more innocent people have to suffer because of this?

The logic has already been laid forth in Elonis. All this court has to do is apply it to the first amendment issue. This case is an excellent vehicle to use to accomplish this.

It is for all these reasons that I respectfully ask this court for a rehearing for the petition for writ of certiorari previously denied by this court. And, ultimately granting this writ.

Sincerely,


Sloan P. Stanley

Dated this 14th day
of May, 2018