

No. 14-6174

IN THE
SUPREME COURT OF THE UNITED STATES
WASHINGTON, DC

PAUL CHARLES SORENSEN — PETITIONER
(Your Name)

vs.

STATE OF WASHINGTON, ET AL — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

PAUL CHARLES SORENSEN
(Your Name)

SCCC - 337964 - H5B66-L
191 Constantine Way

(Address)

Aberdeen, WA 98520

(City, State, Zip Code)

None - Incarcerated

(Phone Number)

ORIGINAL

QUESTIONS PRESENTED

1. Can a DOC Corrections Records Manager send an e-mail to a prosecutor and legally request that a prisoner's maximum term of his sentence be changed to "Life?"
2. Can a prosecutor and a judge hold an open court action against said prisoner and issue an ORDER TO AMEND THE JUDGMENT AND SENTENCE to amend said prisoner's maximum term to "Life" without the prisoner's knowledge or legal representation in that open court action??[Ref APPENDIX "N"]
3. Can a judge, in issuing said ORDER, ignore the fact that said prisoner's J&S contract dismissed all aggravating circumstances against said prisoner, change said prisoner's maximum term sentence to "Life" while ignoring that in the State of Washington a judge may not sentence a defendant/prisoner to "Life" without a jury's findings that said defendant/prisoner was guilty of aggravating circumstances, unanimously and by special interrogatory.
4. Can a judge in issuing said ORDER, also ignore that in the State of Washington's RCW 9.94a.507(i) statute, the requirement by that statute that a sentence may be given a defendant/prisoner only in the Standard Range specified for any criminal act and the sentence of "Life" can only be given after a jury's finding of a defendant/prisoner guilty of aggravating circumstances in the criminal act charged? (See ¶ 43(a))
5. In an open court action in which the prisoner has no knowledge or legal representation, can the court/judge have any off the street licensed attorney sign said ORDER as "attorney-for-the-defendant" even though that attorney is not prisoner's "attorney of record" and the prisoner had no knowledge of that attorney's actions and had no knowledge of the said open court action? [Ref CrR 11(a) - FRAUD]

6. Does a prisoner need not be notified or otherwise informed of the said open court action against him nor be provided with a copy of any ORDER after said court's issuance of one affecting said prisoner?

7. Can said (illegal/fraudulent) ORDER be used to illegally alter prisoner's original J&S contract to add "Life" as a maximum term, without said prisoner's knowledge or a jury's findings of guilt of aggravating circumstances, even though prisoner's maximum term noted on his J&S contract was "inadvertently" left blank by the sentencing judge?

8. Even though said alteration to add the illegal maximum term to the said prisoner's J&S contract proves that his original J&S contract was not fully disclosed at the time of signing and, therefore, under the OBjective Theory of Contract which all law must abide, said prisoner's J&S contract is already unconscionable and an act of fraud by contract law and may be nullified, rescinded and revoked back to it's inception date. And it matters not that a contract in conflict with statutory requirements is illegal and considered unenforceable, as a matter of law, nor that a contract void under the Statute of Fraud is not subject to reformation, since the rights to reformation presupposes a valid contract. Even where a contract is within an agency's substantive authority, failure to comply with statutory mandated procedure is ultr vires and renders the contract void. Question then is, the State of Washington subject to those laws and the Justices of the WA State Supreme Court bound by them?

9. With an original null and void unconscionable J&S contract and for sure a VOID J&S contract after it being illegally altered, as noted above, is said prisoner being held against his will or incarcerated by the State (DOC), technically, as a kidnap person/victim as defined by State of Washington's statute RCW 9A.40.030?

10. In an open court, standing at the bar before the sitting judge's bench, with the judge listening, is it okay for a prosecutor to change the criminal act element initially charged a defendant to something else read out of a lawbook, after the prosecutor standing in front of the sitting judge, agrees or otherwise admits to the defendant that his, the prosecutor's original charge element of the crime charged was bogus, thereby, committing Fraud on the Court?

11. Can the judge, after listening to the prosecutor admit his original charge is bogus and look up in a lawbook another element of a criminal act that would result in the same charge Count, accept the Petitioner's guilty plea, knowing full well that there was no credible evidence to even establish a crime charged had even or ever happened, let alone Petitioner was guilty of committing it, regardless of what the Corpus Delict Rule of Law says?

LIST OF PARTIES

- [] All parties appear in the caption of the case on the cover page.
- [X] 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:

Washington State Supreme Court Case/cause # 94906-9
Temple of Justice
PO Box 40929
Olympia, WA 98504-0929

- * Chief Justice Mary L Fairhurst
- * Justice Barbara A Madsen
- * Justice Debra L Stephens
- * Justice Steven C Gonzalez
- * Justice Mary I Yu
- * Commissioner Narda Pierce

WA State Court of Appeals, Div I Case/cause # 76329-6-1
600 University Street
One Union Square
Seattle, WA 98101-1176

- * Judge James Verellen
- * Judge Roland E Cox
- * Judge J Trickey

King County Prosecutor's Office Case/cause # 09-1-01965-3 SEA
516 3rd Ave, Ste W554
Seattle, WA 98104-2390

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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

[X] Cases from the state courts:

The opinion of the Washington State Supreme Court appears in APPENDIX "A" to the petition and

[X] is unpublished.

JURISDICTION

[X] Cases from state courts:

The date on which the highest state court decided my case was February 7, 2018. A copy of that decision appears in APPENDIX "A".

[X] A timely petition for rehearing was thereafter denied on the following date: Case closed and Motion was filed, but not reviewed, and a copy of the order denying rehearing appears in APPENDIX "B".

The jurisdiction of this Court is invoked under 28 USC § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED
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STATEMENT OF THE CASE

1. INCIDENT - See APPENDIX "O" for details of the incident occurring 3/26/09.

2. - 11. Paragraphs 2 through 11 removed by Petitioner 

REASONS FOR GRANTING RELIEF

12. ARREST - Petitioner was arrested the following day and charged with numerous counts related to having sexual relations with a child. Shortly after his arrest, the prosecutor*, See [FN1] bottom of page 5, made a statement to the plaintiff family, "Don't worry! We'll make sure he goes to prison and never get out!" before crimes charged Petitioner had even been decided.

13. "We'll" in the foregoing statement by the prosecutor*, connotes more than one, i.e., the making of a conspiracy, in that two or more persons, acting together to

"conspire to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured by the Constitution or laws of the United States....", inter alia [Ref RCW 9A.28.040(1).]

or as defined in Webster's Dictionary of Law, 2016,

"An agreement between two or more people to commit an act prohibited by law or to commit a lawful acts by means prohibited by law."

14. PETITION'S "ATTORNEY" - Petitioner's State assigned Public Defender, "attorney***", apologized for getting assigned the case so late and requested that he sign a document to allow her more time to review his case. Being naive and believing his "attorney***" had his best interest at heart he

14. (continued)

signed the document. A week later he found out that she'd tricked him into signing away his rights to a speedy trial and the first indication that his newly "State" assigned "attorney***" did not have his best interest at heart and it would soon be apparent that she was more of an under cover prosecutor* assistant than legal counsel to him.

15. In the months following, Petitioner's "attorney***" refused to supply him with any information/documentation relevant to Petitioner's case/cause, no matter how many times he requested her to do so. When Petitioner offered to help her prepare for his trial she replied, "It doesn't matter what you have to say. It only matters what the prosecutor* says," and refused Petitioner's support. [For more detailed information on Petitioner's "attorney's***" failure to be effective assistance of counsel, See APPENDIX "D" - WASHINGTON STATE BAR ASSOCIATION GRIEVANCE AGAINST A LAWYER - based on FRAUD.]

16. THE STATE'S CASE - The prosecutor* sent an e-mail, See APPENDIX "E", to Petitioner's "attorney of record***, at the time, stating"

"Hi Evgeniya, I wanted to try to provide you with an accurate list of charges I will be proceeding on because we have discussed several different variations.

Count I - ROC 1 (3/26/09) hot dog incident

Count II - CM 1 (1/1/06 - 3/26/09) take your pick prior to the date of the hot dog incident

Count III - Sexual Exploitation (1/1/06 - 3/26/09) touching peepee incident

Count IV - Possessing Depictions (1/1/06 - 3/26/09)

Count V - CM 1 (3/26/09) take your pick from the video episode.

Count VI - Sexual Exploitation (3/26/09) video episode

16. (continued)

All counts will have multiple aggravators. All counts except IV will have an abuse of trust aggravator.

Please let me know if you have any questions. You should have received the redacted discovery and the jail tapes by now. Thanks, Val [prosecutor* of Petitioner's case/cause.]"

17. PRETRIAL/NOIR DIRE - CHANGE TO GUILTY PLEA - COERCION -

Petitioner states, under penalty of perjury, that his change to guilty plea during the pretrial/noir dire hearing 11-months after his arrest was made to protect the family (Plaintiff) from being torn apart by the adversarial court system proceedings specifically because Petitioner's "attorney's***" attack on the mother of BG and the possibility of BG ending up being brought up in a single parent home - coercion.

18. Petitioner changed his plea to guilty, to non specific charges, without being fully aware of the multiple charges against him, two of which were dropped by the prosecutor* after Petitioner changed his plea. CrR 4.2(d) prohibits the court in the State of Washington from accepting a plea of guilty without first assuring the defendant understands the "nature of the charge and the consequences of the plea." Petitioner was not afforded that right by the court.

19. Petitioner did so spontaneously, under extreme emotional duress (coercion), unknowingly, unintelligently, and unintentionally, without regard or understanding the sentencing consequences eventhough Petitioner, as well as his "attorney***", the prosecutor*, and the sitting judge**, see ¶ 61, id, all knew there was no credible evidence of record to not only find

19. (continued)

Petitioner guilty of said crimes charged, but could not even establish that said crimes charged had even or ever occurred/happened, pursuant to the Corpus Delicti Rule of Criminal Law.

20. After Petitioner's unexpected dilatory plea change to guilty under extreme emotional duress (coercion), during the pretrial/noir dire hearing, for all the wrong reasons, Petitioner's "attorney***" writing up his pleading statement saying that he had put a hot dog in BG's vagina and Petitioner's objections to the insinuation, telling her, his "attorney***", that BG's hymen was intact and an inch diameter hot dog would not go in a little girl's vagina, Petitioner's "attorney***" screamed at him saying, "How would you know! Are you a doctor!" to which Petitioner replied, "No! But common sense would tell you that an inch diameter hot dog would not go in a little girl's vagina, especially if her hymen was intact. You're a woman. You should know. If not, read the expert witness's medical report/pictures or get a medical book!" Apparently, she'd read neither.

21. PROSECUTOR* AGREES HIS COUNT I CHARGE IS BOGUS - The prosecutor* over heard the semi-heated discussion/argument between Petitioner and his "attorney***", as they stood at the bar in front of the sitting judge**, and interceded. After a brief discussion between the prosecutor* and the Petitioner, the prosecutor* agreed with Petitioner that his, the prosecutor's*, Count I ROC I crime charged Petitioner was bogus. As noted in

21. (continued)

APPENDIX "E", the Count I charge is based on the hot dog incident, and the prosecutor* had just inadvertently agreed that his Count I ROC I crime charged Petitioner was bogus. The prosecutor* then left the courtroom and moments later returned with a law-book in hand. After looking it up, he, the prosecutor*, found that oral copulation would also effect the Count I ROC I crime and told Petitioner's "attorney***" to write it up that way. (court recording) [See RCW 9A.72.080.] Miscarriage of justice because insufficient factual basis for charge to effect the Count I ROC I crime charged.

22. Prior to that moment, nothing in the record, transcripts, inter alia, even mentioned that element of a criminal act, not even hearsay. Just another bogus claim by the prosecutor* committing Fraud on the Court. [RCW 9.62.010 - Malicious Prosecution.] [For more detailed information on prosecutor's* malicious prosecution, bad faith motives, Fraud on the Court, inter alia, See APPENDIX "F" - WASHINGTON STATE BAR ASSOCIATION GRIEVANCE AGAINST A LAWYER - based, also, on FRAUD.]

23. SITTING JUDGE** ACCEPTS PETITIONER'S GUILTY PLEA ILLEGALLY - And eventhough the sitting judge** had just sat and listened to the whole exchange between the Petitioner and the prosecutor* and knew there was no credible evidence to support the corpus delicti of the said criminal act element, she, the judge**, accepted Petitioner's plea of guilty in violation of the Due Process Clause that forbids a judge from relying on materially false and unreliable information. - Collusion and conspiracy.

24. Signing the plea agreement/contract, with the illegally conjectured Counts 1, IV, V, and VI remaining charges, was the only option given Petitioner that the Court would allow Petitioner to stop the proceedings from going to trial, and potentially destroying the Plaintiff's family, eventhough Petitioner knew, as did his "attorney***", the prosecutor*, and the sitting judge**, see ¶ 61, id, that there was no credible evidence to even establish the corpus delicti of the crimes charged had even/ever occurred/happened, let alone that Petitioner had committed them, and the sitting judge**, as mandated by State of Washington law, should not have allowed Petitioner to do so. [Ref CrR 4.2(d) - must be vacated.]

25. The prosecutor* then, laughingly, told the sitting judge** that it was the first time he'd ever heard of the Count I ROCI crime charged where the victim was laughing. (Court audio/video) (First degree is a crime of violence.) A misstatement of fact constitutes the basis of action for deceit.

A) "Prosecutor has a constitutional duty to correct evidence he know is false. [Hayes v Woodford, 301 F 3d 1054 (9th Cir 2002)]; Even failure to disclose information may constitute a BRADY violation. [Bailey v Rae, 304 F 3d 1107 (9th Cir 2003)]; A prosecutor may not obtain criminal conviction through use of false information. [Thompson v Calderon, 107 F 3d 1358 (9th Cir 1996)]; [Ref RCW 9A.72.080.]

26. PETITIONER'S SENTENCING - ILLEGAL/VOID J&S CONTRACT - In the following week, at Petitioner's sentencing hearing, the sentencing judge** lambasted Petitioner telling him what a terrible person he was (for doing the illegally conjectured crimes charged him with no credible evidence to even establish the corpus delicti

26. (continued)

of the crimes charged actually having occurred/happened; on top of the sentencing judge**, a week earlier, during Petitioner's pretrial/noir dire hearing, listening to the prosecutor* making up the Count I crime charged by reading it out of a lawbook, See ¶'s 21-22, id, as he, the prosecutor*, stood in front of the judge** basically agreeing with the Petitioner that his Count I charge was bogus and committing Fraud on the Court and prosecutorial misconduct). (Bias and Prejudice) The sentencing judge** then scratched out the minimum term sentence written on Petitioner's J&S contract, See APPENDIX "G", page 5 (before 3/17/10), and replaced them with the maximum term allowed in the Standard Range Guidelines, for each crime charged, without aggravating circumstances, which were dropped, see APPENDIX "G", page 2, III JUDGMENT paragraph, stating she, the judge**, was doing so because of other (extrajudicial source) information she had [Ref 28 USC § 455(a)-(b)(1) recusal]. Also notice, this is the first stage of a concert of conspiracy set up with respect to the prosecutor's statement noted previously in ¶ 12, id, "Don't worry! We'll make sure he goes to prison and never gets out!" made to the Plaintiff family right after Petitioner's arrest, and before the criminal charges against Petitioner were even defined.

27. At this point, Petitioner's signed J&S contract, See APPENDIX "G", was, technically, non valid because it was only partially filled out or non fully disclosed, i.e., VOID at inception because it failed to show full disclosure as mandated

27. (continued)

by the Objective Theory of Contract to which all law must adhere, when it was signed by the three same State actors, See § 61, id.

A)"By law all valid contracts require parties to enter knowingly, willfully, and voluntarily, with full disclosure of all terms; If not, then the contract is considered unconscionable and an act of fraud, and may be nullified, rescinded, and revoked back to it's original signing." [In Petitioner's case 2/26/10.]

28. When Petitioner told his "attorney***", after hearing what his sentence was going to be, that maybe he should withdraw his guilty plea and go to court, she told him, "Too bad! You should have accepted the prosecutor's* plea bargain of 8½-years!" and refused to do so.

29. Petitioner's "attorney" and the Court both told him that he could not appeal his case.

A) Ref Article 1, § 22 (Amend 10) of the Washington State Constitution that says otherwise; Defendant who is misled regarding his rights to appeal was entitled to a vacature of sentence. [Garcia v US, 278 F 3d 134 (2nd Cir 2012.)]

30. PETITIONER'S "ATTORNEY'S" WITHDRAWAL AS HIS "ATTORNEY OF RECORD"

- Petitioner's "attorney***" then entered a Notice of Withdrawal of Attorney, See APPENDIX "H", that was filed by Jana Tungova, effective 3/8/10, 4:25:25pm, leaving Petitioner without an "attorney of record."

31. WARRANT OF COMMITMENT - A Felony Warrant of Commitment was issued and Petitioner was shipped off to prison (DOC) with a partially filled out or non fully disclosed J&S contract that is, by the Objective Theory of Contract which all law must adhere,

31. (continued)

a contract that is considered unconscionable and an act of fraud, and may be nullified, rescinded, and revoked back to it's original signing/inception date. Something that effective assistance of counsel should have caught and prevented from happening, if not for the concerted actions of three same State actors committing criminal acts of deceit, conspiracy and fraud.

32. VOID JUDGMENT AND SENTENCE (J&S) CONTRACT - During Petitioner's annual review, seven years later, Petitioner asked his counselor (at SCCC) to sign Petitioner up for a technical college class available at SCCC. Petitioner's counselor told him that he wasn't eligible to take the class because he needed HUB (main work and technical studies area at SCCC) access and access wasn't granted to those who were sentenced to "Life." Petitioner told him he wasn't sentenced to "Life" and that he had an ERD (earned release date) of 2/13/33, which was shown in his KIOSK profile. Petitioner's counselor told him that his J&S contract, dated 2/26/10, had been amended on 3/17/10, and that his maximum term sentence was changed to show that Petitioner was now sentenced to "Life."

33. Petitioner ordered and received a copy of the ORDER AMENDING THE JUDGMENT AND SENTENCE, dated 3/17/10, See APPENDIX "J", through Public Disclosure, and found that his maximum term sentence had been illegally and fraudulently amended from that given Petitioner in open court on 2/26/10.

34. SENTENCE OF "LIFE" MADE AT THE REQUEST OF A DOC MANAGER -

The ORDER came about at the request of a DOC Corrections Records Manager Wendy Stigall who sent an e-mail request to the prosecutor*, See APPENDIX "I", TELLING HIM THAT THE Petitioner's:

"... was rec'd at the Washington Corrections Center on 3-5-10, and that Counts I and V were sentenced under RCW 9.94A.507. On those two counts a maximum term was not set [NOTE here again, that the Standard Range for the Count I crime is 240-318 months and the 318 months is the maximum term for the Count I crime without going to court and having a jury finding the defendant guilty of aggravating circumstances in the commission of said criminal act], but the maximum term was not ordered. Under [RCW] 9.94A.507 there is a potential for an offender to be held in prison up to the statutory maximum term. If the life term is not entered he would have the potential of being released on his maximum expiration date rather than his statutory maximum release. Would it be possible to get an amended J&S that specifies the maximum term of life. Thank you. /S/ Wendy Stigall Corrections Records Manager."

35. Petitioner, a first time offender with no previous history of criminal activity, contends that an interesting thing here is that the person requesting such an illegal change is a DOC Corrections Records Manager and she is requesting, "would it be possible ... [to give him] ... life," change without knowledge of Petitioner's case/cause or seemingly to care and wanting to have him re-sentenced to "Life" without a jury trial as mandated by law - due process, inter alia, violation of Petitioner's Constitutional rights.

36. THREE SAME STATE ACTORS - ILLEGAL/FRAUDULENT ORDER AMENDING PETITIONER'S J&S CONTRACT - Petitioner also contends that even more interesting that the three same State actors, See ¶ 61, id, (sentencing court), jumped to issue an ORDER AMENDING THE JUDGMENT AND SENTENCE on March 17, 2010 [less than a week later - must be

36. (continued)

some kind of record for getting an action through the open court system or maybe it was already prepared and just needed to be sent off after the court received the e-mail it knew was coming from DOC], signed, by who else, but the three same State actors, See ¶ 61, id, the sentencing judge**, prosecutor* of the case/ cause, and fraudulently by Petitioner's ex-"attorney of record***," See ¶ 30 & 61, id, all without Petitioner's knowledge or legal representation (mandated by due process law) either before, during or after, in an open court action.

37. And, See APPENDIX "N" and ¶ 43, id, that:

"the ORDER was being issued by the undersigned [sentencing] judge stating that the Court being fully advised [by a DOC Corrections Records Manager's e-mail request to the prosecutor*, See ¶ 34-35, id] that pursuant to RCW 9.94A.507, the Court must set the minimum and maximum terms of confinement on Counts I and V." [See ¶s 23-27, id.]

A) In [State v Knotek, 136 Wn App 412, 425 (2006)] Blakely outlined the procedure by which life term for a Class A offense may be imposed in the State of Washington -- [The effective maximum for a Class A felony is the top end of the Standard Range.] [RCW 9.94A.537.]

B) There is no provision within the sentencing reform act of 1981 Chapter 9.94A. RCW (SRA) that can extend any sentence beyond that specified in Blakely. Otherwise, it is an exceptional sentence not authorized by the Fifth, Sixth, Eighth, and Fourteenth Amendments. See also, Washington's Constitutional Art 1, §§ 3, 14, 21 and 22. Fifth Amendment for lack of jury, to determine any exceptional sentence, Eighth Amendment for Cruel and Unusual Punishment due to the added stress and worry of never being released, and the Fourteenth Amendment for equal protection under the law, to be treated equally to all others convicted of a crime.

38. The maximum term for Counts 1 and V was left "inadvertently" blank on the Petitioner's J&S contract. The maximum sentence for Count I ROC I and Count V CM I may be life, but only if aggravating circumstances are found by a jury and only then it must be a unanimous guilty finding by special interrogatory-- not by a DOC Corrections Records Manager requesting "would it be possible ... [to sentence Petitioner to] ... life," nor does a judge in the State of Washington have the authority to adjudicate such a sentence without a jury findings. See APPENDIX "N".

39. The ORDER, See APPENDIX "J", ALSO STATED:

"The State moves for an order inserting the maximum term of life in section 4.4(b) of the Judgment and Sentence for Counts I and 5 [so much for the mandatory by law jury trial]; now, therefore, IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the Judgment and Sentence entered on February 26, 2010 is still in effect but is corrected to insert a maximum term of life in section 4.4(b) for Counts 1 and 5. /S/ by the three same State actors, See ¶ 61, id, i.e., the sentencing judge**, prosecutor* of the case/cause, and fraudulently by Petitioner's ex-"attorney***", See ¶ 30, id."

40. NOTE here that:

- A) Petitioner was unaware of the open court action against him;
- B) was fraudulently represented in open court by his ex- "attorney***" who was no longer his "attorney of record," See 30, id, nor would she have been approved by if he's known; and
- C) Petitioner was not made aware of the open court action after the fact, and the effect it would have on his Constitutional rights, liberties and the irreparable harm it would have on him, for almost seven years after his J&S contract was illegally altered and acted upon, hereby, making it VOID not voidable - on 3/17/10.

41. NOTE here also again, that the action was made arbitrarily at the request of a DOC Corrections Records Manager (CRM), See ¶ 34, id, having no possible knowledge, or seemingly not caring, about Petitioner's actual case/cause, other than maybe hearsay. And that said CRM quite possibly had no understanding that the 318-months listed in the minimum term of Petitioner's J&S contract was in actuality the maximum term too in the Standard Range sentence for a Count I crime, i.e., 240-318 months. [The Standard Range for a Count V crime is 149-198 months, with 198-months the maximum term without a trial.]

A) Too add "Life" to Petitioner's sentence, aggravating circumstances would have been added only by a jury trial and then only by unanimous jury findings of guilty of those aggravating circumstances and then by special interrogatory.

B) Again, aggravating circumstances were dismissed on all chrges, i.e., no jury trial, as noted in APPENDIX "G", III JUDGMENT PARAGRAPH, PAGE 2, OF Petitioner's J&S contract, dated 2/26/10.

42. But even more importantly, the sentencing judge** should have been more aware of the mandates of RCW 9.94A.507(i) ~~in sentencing~~ under RCW 9.94A.507 [and blatantly disregarded], in relevant part, emphasis added:

A) If this offense is any of the offenses listed in the subsections (aa) or (bb) [It is - see standard], the judge will impose a maximum term of confinement consisting of the statutory maximum sentence of the offense and a minimum term of confinement either within the Standard Range or outside the Standard Range if an exceptional sentence is applicable.

Since Petitioner's J&S contract DISMISSED [III JUDGMENT paragraph, page 2, of Petitioner's J&S contract, See APPENDIX "G"] the aggravating circumstances for an exceptional sentence on all

42. (continued)

charges, the "Life" sentence would neither be appropriate or for that matter applicable, See ¶s 12-13, id.

43. Thus, the ORDER TO AMEND THE JUDGMENT AND SENTENCE contract is not only an illegal/fraudulent document attempting to circumvent the mandatory jury trial requirement for exceptional sentence to be added to the Standard Range term, but one where the three same State actors, See ¶ 61, id, involved, stepped outside their judicial jurisdiction to commit criminal acts of fraud and trespass more in the consistancy of conspiracy, 18 USC § 241, n40, in that it is an illegal event depriving Petitioner of his Constitutional rights to freedom and liberty.

A) See [Blakely v Washington, 542 US 296, 124 S Ct 2531, 159L Ed 403 (2004)] (invalidating a Washington Statute authorizing the imposition of a sentence beyond a Standard Range for the offense based upon findings made by the sentencing judge.) (Abuse of Discretion Standard.) See APPENDIX "N".

B) See APPENDIX "K" - WASHINGTON STATE COMMISSION ON JUDICIAL CONDUCT COMPLAINT against a judge - based on FRAUD.

44. The illegal and fraudulent ORDER was also acted upon to cause an existing already non valid J&S contract signed by the three same State actors, See ¶ 61, id, to be illegally altered and acted upon without one party, the Petitioner, being made aware and approving the change. And Petitioner's ex-"attorney***", i.e., not Petitioner's "attorney of record", could not sign on Petitioner's behalf and without Petitioner's approval of the changes (but fraudulently did so), which ultimately resulted in Petitioner's originally signed and dated 2/26/10 non valid J&S contract to become VOID, for sure, on or about 3/17/10.. See APPENDIX "L", PAGE 2.

44. (continued)

A) BREACH OF AGREEMENT - The determination of whether a party breached a plea agreement is governed by the law of contract [Objective Theory of Contract which law must abide]. See Puckett v US, 556 US 129, 137 (2009)] (Stating "plea bargains are essentially contracts.)

45. PETITIONER WITH A VOID J&S CONTRACT - KIDNAP PERSON/VICTIM -

As of that date Petitioner has, technically, been held against his will at SCCC, causing irreparable harm, lost income, restricted from getting a college degree, inter alia.

A) The crime of seizing and taking a person prisoner by force or fraud, usually to hold a person prisoner in order to demand something from his or her family, employer, or government is called kidnapping, [RCW 9A.40.030]. It is also a federal crime.

Technically, therefore, without a valid J&S contract, Petitioner has been held as a kidnap/victim of the State (DOC) caused by three same State actors, See ¶ 61, id, and their illegal/fraudulent criminal actions since 3/17/10, if not before. [See 9A.40.040(1)]

46. HABEAS CORPUS PETITION/14 MOTIONS IN LIMINE FILED WITH WASHINGTON STATE SUPREME COURT - On January 3, 2017, Petitioner filed a Habeas Corpus Petition for relief with the Washington State Supreme Court [case/cause no. 94024-0] for relief submitted pro se pursuant to Article I, Section 22 (Amend 10) of the Washington State Constitution:

"[T]he right to appeal in all cases" and "[r]ight to appear and defend in person...." [Ref Rand v Rowland, 154 F 3d 952 (9th Cir 1988); Ref Article IV, Section 4 of the State of Washington - "...the Supreme Court shall have original jurisdiction...."]

47. Every person restrained of his or her liberty under any pretense whatever, may prosecute a writ of habeas corpus to inquire into the cause of the restraint, and shall be delivered therefrom when illegal. [RCW 7.36.010] Ref Article I, § 3 of the Const of WA. No person shall be deprived of life, liberty ... without due process.

48. Petitioner's Habeas Corpus Petition was not a "mixed petition," nor was it a petition based on any time constraints afforded ineffective assistance of counsel. Petitioner's Habeas Corpus Petition for relief was based, in part, on RCW 10.73.100 Collateral Attack - when one year time limit is not applicable. The time limit does not apply to a petition or motion that is based on one or more of the following grounds, in relevant part, RCW 10.73.100:

- (1) Newly discovered evidence [RAP 16.4(C)(3), CR 26(b)(4), (5), (6)];
- (2) Conviction unconstitutional As applied to defendant's conduct [RAP 16.4(C)(2)];
- (4) The defendant plead not guilty and the evidence introduced ... was insufficient to support a conviction [RAP 16.4(C)(2), (3), (5), (6), and (7) et seq; and
- (5) The sentence imposed was in excess of court's jurisdiction [RAP 16.4(C)(1)].

49. Courts will set aside a plea of guilty on a collateral attack only if doing so is necessary to contract a miscarriage of justice. [US v Golbart, 139 F 3d 436, 438-39 (5th Cir 1998)] (miscarriage of justice because insufficient factual basis for charges.)

50. Petitioner's Habeas Corpus Petition (WA S Ct case/cause no. 94024-0/94906-9, WA COA no. 76329-6-1) FOR RELIEF SUBMITTED TO THE WA Supreme Court for review, was written with heavy emphasis on ineffective assistance of counsel, See ¶ 15, id, prosecutorial misconduct/bad faith motives, See ¶s 21-22, and judicial abuse of power/discretion, See ¶ 43, id, done so only to establish the fact supported by irrefutable documentation of record, that Petitioner was not accorded due process rights of the 1st, 4th, 5th, 6th, 8th, and Fourteenth Amendment, inter alia, rights.

51. Additionally, Petitioner's action was/is not time bared, because it is not about ineffective assistance of counsel, prosecutorial misconduct/bad faith motives, or judicial abuse of power/discretion, per se, related to Petitioner's case/cause. It is, however, about criminal acts of deceit, conspiracy, and fraudulent actions of three same State actors, See ¶ 61, id, creating and acting upon the illegal and fraudulent issuance of an ORDER TO AMEND THE JUDGMENT AND SENTENCE, dated 3/17/10, See APPENDIX "J", in an open court action approximately 3-weeks after Petitioner's original Judgment and Sentence (J&S), dated 2/26/10, was issued, as noted previously in ¶ 34-45, id. And there is no time bar on FRAUD.

52. HABEAS CORPUS PETITION - CHANGED TO PRP - Washington State Constitution Article IV, § 4 states that the WA State Supreme Court will handle all VOID J&S's. The WA State S Ct, however, changed Petitioner's Habeas Corpus Petition to a PRP and submitted to the WA State Court of Appeals, Division I, (COA), for review a week later. [Case/cause No. 76329-6-1.]

53.

[PARAGRAPH 53 REMOVED BY PETITIONER 

54. PETITIONER'S ADDITIONAL MOTION FOR RELEASE PENDENTE LITE - Knowing the court process was going to be dragged out, Petitioner submitted a Motion For Release Pendente Lite on March 20, 2017, See APPENDIX "M", predicated on the facts that there was irrefutable

54. (continued)

evidence of record proving not only that Petitioner was not guilty of the crimes charged him, but credible evidence could not even establish the corpus delicti of the crimes being charged had even or ever happened/occurred; and the facts that Petitioner's J&S contract had been illegally altered and was now VOID, and Petitioner was being held against his will at SCCC (DOC), technically, as a kidnap person/victim pursuant to RCW 9A.40.030, as noted in ¶ 45, id. Kidnapping is also a federal crime.

55. Additionally, the ORDER TO AMEND THE JUDGMENT AND SENTENCE was both illegal and fraudulent in that the three same State actors, See ¶ 61, id, trying to circumvent the aggravating circumstances jury finding of guilty, unanimously, by special interrogatory State of Washington law, and give Petitioner a "Life" sentence. In doing so they the three same State actors, violated RCW 9.94A.507(i) that states a defendant's sentence could only be in the Standard Range; and Petitioner felt that an "Honorable" or reasonable trier of fact looking at the record would come to the same "slam dunk" conclusion. Petitioner was/is being held illegally/fraudulently and subsequent release Pendente Lite would be the appropriate action for the court to confir.

56. COURT OF APPEALS, DIV I, DENIES PETITIONER'S MOTION FOR RELEASE AND ESTABLISHES UNCONSTITUTIONAL PRECEDENT IN DOING SO

- The COA Clerk denied Petitioner's Motion For Release Pendente Lite on April 5, 2017. Petitioner then replied with a Motion

56. (continued)

To Reconsider on April 20, 2017, See APPENDIX "M", that contained more detailed reason for Petitioner's release Pendente Lite, that seemed to have been accepted for review. That, however, was denied on August 4, 2017, See APPENDIX "C", by the three noted justices of the Division I COA in one of the most cryptic ORDER Petitioner has ever run across, stating that they had reviewed the motion under RAP 17.7 and determined the motion should be denied, with no other reasons given.

57. Petitioner's VOID J&S contract, due to deceit, conspiracy, and fraudulent actions of the three same State actors, See ¶ 61, id, committing criminal acts, i.e., fraud, misconduct, Fraud on the Court, conspiracy, and abuse of power/discretion, with irrefutable evidence provided them and in the court record, and allowing Petitioner to be held against his will at SCCC (DOC), technically, as a kidnap person/victim pursuant to RCW 9A.40.030, was okay with them, the Justices, even though kidnaping is also a federal offense/crime. [Eighth Amendment rights violation - Cruel and Unusual Punishment.]

58. 42 USC § 1986 - Action for neglect to prevent conspiracy.

"Every person who, having knowledge that any wrongs considered to be done and mentioned in the proceeding section [42 USC § 1985], are about to be committed, and having the power to prevent or aid in preventing the commission of the same, neglects or refuses to do so, if such wrongful acts be committed shall be liable to the party injured, or his legal representative, for all damages caused by such wrongful acts, which such person by reasonable diligence could have prevented."

58. (continued)

Petitioner contends that the three noted justices in the ORDER of denial are equally guilty of violation of 42 USC § 1986 and in doing so have stepped outside their judicial jurisdiction and sovereign immunity protection.

59. Petitioner contends that in their denial, Justices Verellen, Cox, and Trickey of the State of Washington Court of Appeals, Division I, "Justices", set several new precedents when they, the Justices, denied Petitioner's Motion For Release/Motion To Rēconsider, (In re Personal Restraint) SORENSEN v STATE OF WASHINGTON, ET AL, case/cause no. 76329-6-1. See APPENDIX "C".

60. In addition to the Justices ignoring their own Oath of Office, Codes of Judicial Conduct, and the WA State /US Constitutions and laws/statutes, they, the Justices, acknowledged/ implied that the three same State actors, See ¶ 61, id, in the lower Superior Court of King County, can/could commit criminal acts of deceit, conspiracy and fraudulent actions with impunity - with irrefutable evidence of record to back/prove said claims by Petitioner - to deprive a prisoner of his Constitutional Due Process, inter alia, rights.

61. Even though the Justices were made fully aware of the illegal/fraudulent actions by the three same State actors [FN1]

[FN1] In Petitioner's case/cause no. 09-1-01964-3 SEA, herein also referred to as the "three same State actors":

* King County Prosecutor Valiant L Richey, #37209.

** King County Superior Court Judge Susan J Craighead.

*** Licensed attorney Evgeniya Mordekhova, #36731 (NW Defenders Association)

61. ((continued))

- with irrefutable evidence of record - the Justices, in their, adjudicated "Denials", acknowledged/implied that it was okay:

62. PRECEDENT 1 - For the prosecutor* and a judge** to, or could, hold an open court action, without the prisoner's knowledge or consent and without legal representation, and issue an ORDER TO AMEND THE JUDGMENT AND SENTENCE to change a prisoner's maximum term to "Life" at the e-mail request of a DOC Corrections Manager [In Petitioner's case/cause Wendy Stigall.]

63. PRECEDENT 2 - For a prosecutor* and a judge** to, or could, issue an ORDER TO AMEND THE JUDGMENT AND SENTENCE to change a prisoner's maximum term on his existing already signed J&S contract to "Life" without his knowledge of said court action.

64. PRECEDENT 3 - That a judge** can, or could, in changing prisoner's maximum term sentence to "Life", override and blatantly disregard/ignore the mandatory by law required jury finding of guilt on the prisoner's part of aggravating circumstances, unanimously, by special interrogatory, even though all aggravating circumstances were dismissed per the prisoner's original J&S contract [as they were in Petitioner's case/cause].

65. PRECEDENT 4 - That a judge** in changing prisoner's maximum term to "Life", can, or could, override and blatantly disregard/ignore the mandatory by law requirement of sentencing pursuant to RCW 9.94A.507(i), which specifically states a court could only set the minimum and maximum terms of a sentence within the Standard Range without aggravating circumstances - therefore, precluding a "life" sentence in Petitioner's case/cause.

66. PRECEDENT 5 - That a prosecutor* and a judge**, in an open court action issuing an ORDER against a prisoner, could have any

66. (continued)

off the street licensed attorney*** sign the said ORDER as the "attorney-for-the-defendant," even though said attorney was/is not petitioner's "attorney of record" nor was the prisoner aware that said attorney had done so in his case/cause. - And that UCC 3-403(a) stating "A forged or unauthorized signature does not bind the person whose name is forged unless a person ratifies it," could also be disregarded.

67. PRECEDENT 6 - For a prosecutor* and a judge** to, or could, alter a prisoner's existing signed J&S contract, without the prisoner's knowledge, consent, or legal representation, and act upon it.

68. PRECEDENT 7 - That it did/does not matter that the prisoner's signed original contract was/is already non valid, because it failed to fully disclose all terms of the contract pursuant to the Objective Theory of Contract to which all law must adhere, nor did it matter that:

A) All valid contracts, as mandated by contract law requires parties to enter knowingly, willfully, and voluntarily, with full disclosure of all terms stated in the contract at the time of signing; and

B) In this case/cause, it didn't matter that the prisoner's J&S contract was deficient on the terms when it was signed, and was/is considered to be unconscionable and an act of fraud by contract law and may be nullified, rescinded, and revoked back to its original signing/inception date.

69. PRECEDENT 8 - That it did not matter that a prisoner's J&S contract was VOID back to its inception date; the prisoner could still be held by the State (DOC) in prison against his will, technically, as a kidnap person/victim pursuant to RCW 9A.40.030, and in violation of his Fourth Amendment Constitutional, inter alia, rights.

70. PRECEDENT 9 - For a prosecutor* and a judge** to, or could,, charge a person with a crime in which they, the three same State actors, See ¶ 61, id, were fully aware that no credible evidence of record existed to even establish the corpus delicti of the crime charged had even or ever happened/occurred, and that it was okay by them, the Justices, to allow a lower court to sentence that prisoner to "Life" on a DOC Corrections Records Manager's e-mail request. (Ref see ¶ 43, id.)

71. PRECEDENT 10-# - That in open court, before the sitting judge's bench, with the judge** listening, it was/is okay for a prosecutor* to change the criminal element of a crime originally charged, to something else read out of a lawbook, after the prosecutor* agrees with the defendant that his, the prosecutor's, original charged criminal element was bogus. (court recording) [Ref RCW 9.62.010, RPC 8.4 et seq]:

A) And it was not challenged by the sitting judge** who then accepted the change knowing fully well that no credible evidence, or even hearsay, of record could be found to establish the corpus delicti of the crime charged, that was just made up by reading it out of a lawbook by the prosecutor*.

B) That the Corpus Delicti Rule of Criminal Law of not having a corpus delicti with credible evidence to secure not only a conviction, but establish that such crime had even or ever happened/occurred, can/could also be disregarded by the judge**;

C) It was, also, okay that the defendant's "attorney***" did not object to the Fraud on the Court change, in violation of RPC 8.4 et seq; and

D) In addition, it was/is, also, okay by the Justices, that not only can/could the judge** violate/ignore the Corpus Delicti Rule of Criminal Law, but the three same State actors, See ¶ 61, id, can/could commit criminal acts of deceit, conspiracy, and fraudulent actions - well documented with irrefutable evidence of record - creating a black cloud over the integrity of the court/judicial system. [Ref CrR 4.2(d).]

72. Scienter (guilty knowledge) signifies an intent to deceive and scienter exists:

- A) If a party knows a fact is not as stated;
- B) If a party makes a statement that he or she believes not to be true or makes a statement recklessly without regard to whether it is true or false; or
- C) If a party says or implies that a statement is made on some basis such as personal knowledge or personal investigation when it is not.

73. Petitioner contends, also, that an innocent party to a contract is discharged when another party to the contract materially alters the contract without the innocent/other party's consent.

74. The Sixth Amendment of the US Constitution requires that every person accused shall "be informed of the nature and cause of the accusation," and the same rule is binding upon persons brought to trial in States and under the Fourth Amendment. Additionally, Washington State's Constitution provides that "In all criminal prosecution, the accused shall be informed of the nature and cause of the accusations against him."

75. Petitioner, therefore, contends that the Justices' "Denial" of his Motion For Release Pendente Lite/Motion To Reconsider, must be for some other "nature and cause of accusation" or agenda, since the as noted PRECEDENTS 4 to 10-#, See ¶s 62-71, id, are not valid, i.e., they're illegal. The Justices "Denials" can/could be considered as nothing more than flaws in the criminal justice system in Washington State, designed to shackle the pro se litigant from getting due process, inter alia, and a fair chance to succeed in his actions in a court of law.

76. It should also be noted, that a person charged with a crime has a Constitutional right to receive from the government a written statement indicating with particularity the offenses to which s/he must plead and prepare a defense. Charging a person in a language of an unconstitutionally vague statute or ordinance is violative of that person's constitutional, inter alia, rights.

77. Petitioner contends, also, that to receive a "Denial" from a court without reasons for that denial is unconstitutionally vague and does not allow a prisoner any latitude to defend against it, or the reasons the court denied prisoner's pleadings.

78. Petitioner, also, contends that anybody can/could pick up a rubber stamp of denial and rubber stamp a document - and for a judge, commissioner or clerk under the Oath of Office, entrusted with the Scale of Justice to do so, is unconscionable when done so without a valid reasons.

79. After Petitioner's Motion For Release Pendente Lite/Motion To Reconsider was "Denied" by Justices Verellen, Cox, and Trickey of the COA Div I Court, as noted in ¶ 56, id, Petitioner filed a Motion For Discretionary Review with the WA State Supreme Court, on August 21, 2017, once again stating the facts of his case/cause, i.e., pointing out that his case/cause, ab initio, with numerous/ongoing violations of his 1st, 4th 5th, 6th, 8th, and 14th Amendment rights, inter alia, violations constituted a fundamental defect that inherently resulted in a complete

79. (continued)

miscarriage of justice; actual (with factual irrefutable evidence of record) innocence; factual predicate of newly discovered/presented evidence, including exculpatory and impeachment evidence hidden by the prosecutor*, a BRADY violation, prosecutorial misconduct, bad faith motives, and Fraud on the Court; and the judge's** judicial abuse of power/discretion, that a preponderance of actual documentation of record validated.

80. Petitioner stated, also, that he was not guilty of the illegally conjectured crimes charged him, See ¶s 21-23, id, and that the record did not contain any credible evidence to even establish the corpus delicti of the crime charged had even or ever occurred/happened, let alone prove Petitioner committed, them, but the record did contain credible evidence to not only establish proof beyond a reasonable doubt, but with absolute certainty that said crime charged was never committed/happened.

81. Petitioner also presented credible evidence proving that the ORDER TO AMEND THE JUDGMENT AND SENTENCE, APPENDIX "G", of Petitioner's already non valid J&S contract, signed and dated on 3/17/10, was both illegal and fraudulent:

A) Illegal, i.e., without a jury trial finding of aggravated circumstances necessary for exceptional sentencing;

B) And also illegal, i.e., for being held in open court without Petitioner's knowledge or being legally represented in the court action; and

C) Fraudulently, in that the attorney*** signing as the "attorney-for-the-defendant," See APPENDIX "J", page 2, was

81. (continued)

(C) (continued)

not Petitioner's "attorney of record" and had no right to represent him in open court, or anywhere else for that matter, nor would Petitioner approved of her being so, because of her deceit and misrepresentation of him in the original court action before she withdrew as Petitioner's "attorney of record." See APPENDIX "H" AND ¶ 30, id.

82. Technically, Petitioner's original J&S contract, See APPENDIX "G", was non valid in that it non fully disclosed all terms of the J&S contract at signing pursuant to the Objective Theory of Contract to which all law must abide, thus a contract is considered to be unconscionable and an act of fraud, and may be nullified, rescinded, and revoked back to it's inception/signing date, i.e., 2/26/10 signing date.

83. In actuality, Petitioner's non valid J&S contract, for sure, was made VOID by the illegal and fraudulent actions of the three same State actors, See ¶ 61, id, creating/issuing an illegal/fraudulent ORDER TO AMEND Petitioner's J&S contract and act upon it to modify Petitioner's already non valid J&S contract, See APPENDIX "L" - added "Life" to Maximum Term without Petitioner's knowledge and legal representation/approval of said act. [Ref RAP 16.4(c)(1).]

84. MOTION FOR DISCRETIONARY REVIEW - WA STATE SUPREME COURT - Petitioner noted in his Motion For Discretionary Review, filed August 21, 2017, that for the last seven years and currently without a valid, i.e., VOID, J&S contract he is, technically,

84. (continued)

a kidnap person/victim pursuant to RCW 9A.40.030, being illegally held at SCCC against his will causing Petitioner grievous irreparable harm, because three same State actors', See ¶ 61, id, criminal actions of deceit, conspiracy, and fraudulent actions.

85. The WA Supreme Court Commissioner "Denied" Petitioner's Motion For Discretionary Review on December 20, 2017, See APPENDIX "B", on the basis, according to the Commissioner, Petitioner "plead guilty to ROC I and CM I and there was factual basis for his plea....." and that Petitioner "fails to demonstrate that his confinement is so clearly unlawful or unjust that the COA erred in denying his RAP 16.15(b) motion", totally ignoring any other merits of his case/cause.

86. MOTION TO MODIFY COMMISSIONER'S RULING RAP 17.7 -

Petitioner then submitted a Motion To Modify, stating under penalty of perjury, that Petitioner's change to guilty plea during the pretrial/noir dire hearing 11-months after his arrest was made to protect the family (Plaintiff) from being torn apart by the adversarial court system proceedings, specifically because of Petitioner's "attorney of record's***" attack on the mother of BG and the possibility of BG winding up being brought up in a single parent home - coercion.

87. Petitioner changed his plea to guilty, to non specific charges, without being fully aware of the multiple charges against him, two of which were dropped by the prosecutor* after

87. (continued)

Petitioner changed his plea. CrR 4.2(d) prohibits the court from accepting a plea without first assuring the defendant understands the "nature of the charge and the consequences of the plea."

88. Petitioner did so spontaneously, under extreme emotional duress (coercion), unknowingly, unintelligently, and unintentionally without regard to the sentencing consequences even though he, as well as his "attorney***", the prosecutor*, and the sitting judge**, were all fully aware that there was no credible evidence of record to not only find Petitioner guilty of said crime, but could not even establish the corpus delicti of said crime charges had even or ever occurred/happened, pursuant to the Corpus Delicti Rule of Criminal Law.

89. Then during the writing up of Petitioner's plea agreement (contract), Petitioner and his "attorney***" had a semi-heated argument about what she wanted to write on his plea agreement, as they stood at the bar in front of the sitting judge**. The prosecutor* hearing the argument between Petitioner and his "attorney***", in front of the judge**, interceded and after a brief discussion with the Petitioner agreed that his, the prosecutor's, Count I ROC I charge was bogus, See APPENDIX "E". The prosecutor* then left the courtroom and moments later returned with a lawbook in hand. Skimming through the pages, he came to another criminal element act (oral copulation) that would effect the same ROC I charge and told Petitioner's

89. (continued)

"attorney***" to write Petitioner's plea agreement up with that element of a criminal act in lieu of the one Petitioner was falsely charged with originally, See APPENDIX "E" - Count I, Prior to that moment, nothing in the record, transcripts, inter alia, even mentioned that element of a criminal act, not even hearsay. Just another bogus claim by the prosecutor* committing Fraud on the Court. [Ref RCW 9.62.010 - Malicious Prosecution]

90. And even though the sitting judge** had just sat there and listened to the whole exchange between the Petitioner and the prosecutor* and knew there was no credible evidence to even support the corpus delicti of the said criminal act, she, the judge**, accepted Petitioner's plea of guilty in violation of the Due Process Clause the forbids a judge from relying on materially false and unreliable information.

91. The following week at Petitioner's sentencing hearing, the same sitting judge** was now the sentencing judge**, that a week before had sat and listened to the prosecutor* make up the charged criminal act element out of a lawbook, told Petitioner what a terrible person he was for such behavior (prosecutor's imagination - Fraud on the Court), and scratched out the minimum term of 240-months and replaced it with 318-months, the maximum number of months allowed by/in the Standard Range Guidelines, leaving the Maximum Term blank on Petitioner's pending J&S contract. She ignored the prosecutor* telling her not to forget to add aggravating circumstances. [See RCW 9.94A.525(7) and RCW 9.94A.360(ii) and ¶ 37, id.]

92. Petitioner's J&S contract dismissed all aggravating circumstances - no jury trial was held to find Petitioner guilty of aggravating circumstances, unanimously, by special interrogatory as mandated by State of Washington law. See APPENDIX "G", page 2, III JUDGMENT paragraph, and ¶ 37(a-b).

93. Petitioner contends, that regardless of what the Commissioner stated in his/her ORDER of "Denial", "that there was no factual basis that Petitioner's plea was neither valid or that it should have been accepted by the court," the record shows that just the opposite is true. The prosecutor's* actions and the coercion and fraud noted in the record easily discernible by a reviewing "Honorable" or reasonable trier of fact should have easily ascertained or found more than sufficient number or reasons/merits to not deny Petitioner's Motion, before even considering the following reasons that clearly demonstrate why Petitioner is being held against his will by the State (DOC) and why the COA, Div I, erred in failing to effect Petitioner's Motion For Release Pendente Lite/Motion To Reconsider pursuant to RAP 16.15(b), previously submitted to the Court.

94. Petitioner contends that since the Commissioner did not attempt to challenge the "PRECEDENTS" established by the COA's denial of Petitioner's Motions and presented in Petitioner's Motion To Modify, that said ORDER of denial constitutes the WA State Supreme Court's concurrence/sanctioning of those "Precedents." And it must also be conceded that the WA State

94. (continued)

Supreme Court Chief Justice Fairhurst, and Justices Madsen, Stephens, Gonzalez, and Yu noted in their subsequent "Denial", dated February 7, 2018, See APPENDIX "A", also concur and sanction those "Precedents" as acceptable actions against a prisoner, and also that the lower court may commit criminal acts of deceit, conspiracy and fraud with impunity, to convict any person charged with a criminal act, guilty or not.

95. WA State Supreme Court Chief Justice Fairhurst and Justices Madsen, Stephens, Gonzalez and Yu, in their ORDER of "Denial", dated February 7, 2018, of Petitioner's Motion To Modify, concurs and sanctions that:

96. PRECEDENT 1 - a DOC Corrections Records Manager [Wendy Stigall] can send an e-mail to the prosecutor* and request that a prisoner's maximum term sentence on his original J&S contract be changed to "Life."

97. PRECEDENT 2 - a prosecutor* and a judge** may hold an open court action against said prisoner and issue an ORDER TO AMEND THE JUDGMENT AND SENTENCE to amend prisoner's maximum term to "Life" without said prisoner's knowledge or legal representation in that open court ORDER issuing action. [Ref See ¶ 43, id]

98. PRECEDENT 3 - a judge** in issuing said ORDER, may ignore the fact that said prisoner's original J&S contract dismissed all aggravating circumstances against said prisoner, and change said prisoner's sentence to "Life" while ignoring that in the State of Washington a judge may not sentence a defendant/prisoner to "Life" without a jury finding that defendant/prisoner guilty of aggravating circumstances, unanimously, by special interrogatory.

99. PRECEDENT 4 - a judge** in issuing said ORDER, may also ignore RCW 9.94A.507(i) and the required by statute that a sentence may be given a defendant/prisoner only in the Standard Range specified for any given criminal act and a sentence of "Life" can only be given after a jury finding defendant/prisoner guilty of aggravating circumstances. See ¶ 37(a-b), id.

100. PRECEDENT 5 - in the open court action in which a prisoner has no knowledge or legal representation, the court can have any off the street licensed attorney sign the said ORDER as "attorney-for-the-defendant" even though that attorney is not prisoner's "attorney of record" and the prisoner has no knowledge of said open court action. [Cr11(a) - FRAUD.]

101. PRECEDENT 6 the prisoner need not be notified or otherwise informed of the said open court action against him, nor need to be provided with a copy of any ORDER after said court's issuance of one.

102. PRECEDENT 7 - the illegal/fraudulent said ORDER can then be used to illegally alter the prisoner's original J&S contract to add "Life" as a maximum term without said prisoner's knowledge or a jury finding of guilt of aggravating circumstances.

103. PRECEDENT 8 - even though said alteration to add the maximum term to the prisoner's J&S contract proves that the prisoner's original J&S contract was not fully disclosed at the time of signing and, therefore, under the Objective Theory of Contract to which all law must abide, said prisoner's J&S contract is already non valid, i.e., unconscionable and an act of fraud by contract law and may be nullified, rescinded, and revoked back to it's inception/signing date. And it matters not, by the Justices, that a contract in conflict with statutory requirements is illegal and unenforceable as a matter of law, nor that a contract is void under the Statute of Fraud is not subject to reformation, since the right to reformation presupposes a valid contract. Such law doesn't apply in the State of Washington to prisoner's, according to WA State Supreme

103. (continued)

Court noted Justices, See ¶ 94, id, even though prisoner's J&S contract is in conflict with statutory requirements and is illegal and otherwise unenforceable as a matter of law. [Petitioner's NOTE: "Even where a control is within an agency's substantive authority, failure to comply with statutory mandated procedure is ultra vires and renders the contract void."]

104. PRECEDENT 9 - with a null and void J&S contract and said prisoner being held illegally incarcerated against his will by the State (DOC), technically, defined by the State of Washington statute RCW 9A.40.030 as kidnapping, it is deemed by the Justices, See ¶ 94, id, okay and sanctioned by the WA State Supreme Court - even if it is a federal crime/violation.

105. PRECEDENT 10 - in an open court at the bar before the sitting judge's** bench, with the judge** listening, it is okay for the prosecutor* to change the criminal act elements initially charged the defendant [Petitioner] to something else read out of a lawbook, after the prosecutor* standing in front of the judge**, agrees or otherwise admits to the defendant that his, the prosecutor's*, original charge element is bogus. [See APPENDIX "E", Count I, RCW 9.62.010, RPC 8.4 et seq.]

106. PRECEDENT 11 - it need not be challenged by the sitting judge** who could, or can, then accept the change by the prosecutor* knowing full well that no credible evidence of record, or even hearsay, could be found to establish the corpus delicti of the crime charged, that was just made up by the prosecutor* reading it out of a lawbook, regardless of what the Corpus Delicti Rule of Law requires.

107. PRECEDENT 12 - the Corpus Delicti Rule of Law requiring a corpus delicti with credible evidence to secure not only a conviction, but one that establishes that such crime charged had even/ever occurred/happened can also be disregarded by the judge**.

108. PRECEDENT 13 - the defendant's "attorney" not objecting to the change (IAC) in violation of RPC 8.4 et seq is okay, even though it violates defendant's (Petitioner's) Constitutional Sixth Amendment, inter alia, rights.

109. PRECEDENT 14 - it is, also okay for a judge** to not only violate/ignore the Corpus Delicti Rule of Criminal Law, but the defendant's [Petitioner's] "attorney***," the prosecutor*, and the judge** acting in consonance can commit criminal acts of deceit, conspiracy and fraud to convict a defendant illegally - even if it creates a black cloud over the integrity of the court/judicial system. [Ref CrR 4.2(d).]

CONCLUSION

110. In the "Oath of Office" each justice makes a mandatory oath or affirmation before ^{per} forming his or her duties of office:

"I [justices name], do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and I will faithfully and impartially discharge and perform all the duties incumbent upon me as -- under the Constitution and laws of the State of Washington, so help me God."

111. Petitioner contends that the WA State Supreme Court Chief Justice and the four noted Justices on the ORDER issued by the Court on February 7, 2018, See APPENDIX "A", denying Petitioner's Motion To Modify, violated not only the Oath of Justices, and Code of Judicial Conduct, but also the Constitutional rights of Petitioner, laws and statutes, inter alia, of the State of Washington, to concur and sanction some really "off-the-wall" "PRECEDENTS", as noted previously. See ¶s 95-109, id.

112. In conclusion, Petitioner only seeks the truth and a fair and equitable Due Process of his rights in a court of law, pursuant to the Objective Theory of Contract to which all law must abide; the Corpus Delicti Rule of Criminal Law to which criminal charges must be supported by, or have, a corpus delicti for the charges to be made; and an "Honorable" or reasonable trier of fact to adjudicate Petitioner's case/cause without bias, prejudice, partiality and usage of "extrajudicial source" of invalid, in contention, information claims that, otherwise, would call for Recusal of a less-than-honorable trier of fact.

113. Petitioner has presented his case/cause with irrefutable evidence of record proving not only is he not guilty of said crimes charged him (and the judge** erred in accepting his change to guilty plea knowing full well there was not credible evidence to even establish the corpus delicti of the crime Petitioner was pleading guilty to), but also had shown that there is irrefutable evidence of record proving that said crime charged had never occurred/happened, not only beyond a reasonable doubt but with absolute certainty; and that the irrefutable fact that Petitioner's J&S contract is VOID and he is being held as a kidnap person/victim by the State of Washington (DOC) pursuant to RCW 9A.40.030 - which is also a federal crime - all because of three same State actors', See ¶ 61, id, committing criminal acts of deceit, conspiracy and fraud.

114. Petitioner, therefore, respectfully requests that this Honorable Court evaluate all credible evidence of record, ab

114. (continued.)

initio, and look at Petitioner's request for Writ of Certiorari without bias, prejudice, and usage of extrajudicial source information, in contention by Petitioner, as noted herein, and overturn the WA State Supreme Court's ORDERS of "Denial" of Petitioner's Motion For Release Pendente Lite/Motion To Reconsider and any other related Motions made by Petitioner relevant to his case/cause noted in ¶ 50, id, and overturn his illegal/fraudulent conviction in King County Superior Court, case/cause no. 09-1-01964-3 SEA (Washington State) based on FRAUD, or if nothing else remand or ORDER Petitioner's case/cause back to Superior Court with a jury trial, with adjudication of QUESTIONS PRESENTED 1 through 14, herein. Thousands already in prison and those who may be headed to prison by the illegal/fraudulent criminal acts of State actors committing criminal acts of deceit, conspiracy and fraud, depend on this Court's "Honorable" decision/opinion, to make them stop these unconscionable acts, and bring honor and integrity back into the broken legal/judicial system.

THIS Petition for Writ of Certiorari should be granted.

Respectfully submitted in good faith, under penalty of perjury
28 USC § 1746, on this 22nd day of May, 2018, at Aberdeen, WA.



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