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THE SUPREME COURT
STATE OF WASHINGTON

Received
Washington State Supreme Court

MAY 16 2014

Ronald R. Carpenter
Clerk

CRJ

STATE OF WASHINGTON

Plaintiff,
Respondent

v.

SUDESHKUMAR S. KOTHARI

pro se, Petitioner
Appellant

No. 90151-1

[Appeals no. 69564-9-1, and
Superior no. 11-1-07116-9 SEA]

'STRICT'

PETITION FOR REVIEW,
TO 'STAY', TO RECONSIDER
COURT'S DECISION THAT
BETRAYS ACTUAL FRAUD,
inter alia, CRIMINAL ACTS.

Pursuant to *Haines v. Kerner*, 404 U.S. 519, 1972;
and RAP 1.2.(a), 9, *Sudeshkumar S.
Kothari, pro se*, the Petitioner request
"LIBERAL INTERPRETATION" and to "promote
Justice... Decision of cases on the merits."

I. IDENTITY OF MOVING PARTY

Comes now, SUDESHKUMAR S. KOTHARI,

Pro se, the Petitioner, seeks relief designated in Part II below. Petitioner is indigent. Petitioner, incarcerated since July 14, 2011, is presently at Coyote Ridge Correction Center, P. O. Box 769, CONNELL, WA 99326. Petitioner has no access to law library, internet, computers, printers, etc. Petitioner UNEQUIVOCALLY terminated attorney Ms. Jennifer J. Sweigert [see letter dated April 26, 2014 to the Supreme Court], for her direct role in committing Actual Fraud, inter alia, Criminal Acts.

"STRICT REVIEW" is designated pursuant to practice of Actual Fraud, Perjury, inter alia, CRIMINAL ACTS upon the courts, by and between, Justices Mariane Spearman, J. Cox, J. Grosse, J. Schindler; Prosecutor Jason L. Simmons; attorneys Ms. Leona A. Thomas, Mr. Gene E. Piculell, Mr. Dillion Johnson, Ms. Jennifer J. Sweigert; Ms. Kunjlata S. Kothari [residing at 2423 S. E. 84th Street, Mercer Island, WA 98040];

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inter alios, resulting from Superior Court [King County] no. 11-1-07116-9 SEA, and Appeals no. 69564-9-1. THIS PETITION HEREBY SERVES ^{NOTICE} EACH IS INFORMED.

II. STATEMENT OF RELIEF SOUGHT

- 2.1. To 'STAY' Appeals Court's Opinion, filed on March 17, 2014, in King County. This case, in its entirety [including Superior Court no. 11-1-07116-9 SEA, and Appeal no. 69564-9-1] is manifest weight of evidence of Criminal Acts of Constitutional magnitude, subject to full forensic and criminal investigations, inter alia, Professional misconduct, Criminal Negligence, Prosecutorial misconduct, Judicial misconduct, against each Officer of the Courts named here-in, inter alios, Ms. Kunjlata S. Kothari; and
- 2.2. Court order full forensic and criminal investigation,

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inter alia, against each Officer of the Courts named here-in, Ms. Kunglata S. Kothari, inter alios; and

2.3. Court order notifying and requesting all appropriate agencies, including without limitation, the Federal Bureau of Investigation [FBI], the Washington State Prosecutor's Office, the Police, to expose the depth and breadth of Criminal Acts, by each person named here-in, inter alios;

Failure to do so shall automatically betray a grand conspiracy of Constitutional magnitude to ignore, neglect, cover-up, inter alia, conceal manifest weight of evidence of Criminal Acts, by and between named parties here-in, inter alios.

Because any 'Reasonable' person, and each citizen shall automatically construe in full faith, and trust, **BLINDLY**, any and all court's decisions as **UNDENIABLE TRUTH**, in spite of overwhelming

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material facts and evidence to the contrary.

And BECAUSE, these crimes by Officers of the Courts represents crimes against each citizen of United States of America, in direct violations of fair and equitable justice for all, guaranteed by United States' Constitution; and

2.4. Court order appointment of highly renowned, competent, trustworthy attorney as 'STANDBY-
'STAND-BY' counsel to assist the Petitioner in filing subpoenas, interrogatories, motions, inter alia, to effectively and efficiently expediate the case review, without un-necessary errors; and

2.5. Remand the entire case load back to King County pursuant to final report of full forensic and criminal investigations; assigned to the Chief Justice of Superior Court, who has been apprised via multiple correspondences, and

therefore should have sufficient knowledge in this matter to insure against further Criminal Acts, inter alia, Fraud, Corruption.; and

2.6. Court order to apportion, any and all court costs, cost of incarceration, attorney fees, damages incurred by Petitioner, inter alia, legal financial obligations, to each of the named persons here-in, inter alios, for their deliberate, reckless, premeditated, malicious crimes against the Courts, against United States Constitution, against the Kothari estate, against my children and family, inter alios.; and

2.7. Court order appointment of Washington State Prosecutor Mr. Daniel Satterberg, to expose the depth and breadth of Criminal Acts by persons named here-in, inter alios. To ensure against further or future CRIMINAL ACTS. Please note, Mr. Daniel Satterberg has been apprised of certain aspects of this case; and

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2.8. Court order, pursuant to final forensic and criminal investigations reports, warrant for arrest and criminal charges against Ms. Kunjlata S. Kothari for her deliberate, reckless, premeditated acts of Actual Fraud, Perjury, grand conspiracy, inter alia, Criminal Acts to 'FRAME ME / SET-ME UP.

It was no accident, she knew exactly what she was doing and with strong cruel motives.

Court order immediate freeze / block any and all worldly assets of Ms. Kunjlata S. Kothari. To use and recompense the Petitioner for damages so excessive ^{that} no single remedy can cure; and

2.9. Court order, pursuant to final forensic and criminal investigations reports, warrant for arrest and charge each Officer of the Courts, named here-in for their individual and combined deliberate, reckless, premeditated, malicious

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acts of Actual Fraud, Perjury, Gross Misconduct, Gross Misrepresentation, Criminal Negligence, inter alia, CRIMINAL ACTS in a coldly-calculated conspiracy to fabricate evidence, ignore, neglect, cover-up, inter alia, conceal their crimes. Crimes of manifest evil, causing damages so excessive that no single remedy can cure, the untold harm, pain, mental rape, financial rape, physical tortures, inter alia, inflicted upon my children, my family, I, the Petitioner, inter alios.

Their crimes betray Actual Prejudice, Sex Discrimination, Racial Discrimination, inter alia, gross willful violations, of United States Constitution that affects 'Rights' of every citizen.

Court order disbarment of each officer of the courts from practicing law.

Court order immediate freeze/block any and all world assets of each person named here-in; and.

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- 2.10. Court order full public disclosure of entire case, to prove to each citizen that no-one is above or beyond the law, especially Officers of the Courts, including Officers who stood by and let it happen after being informed; and
- 2.11. Court order, pursuant to final forensic and Criminals investigations reports, filing of Federal Charges against each of the named persons here-in, inter alios.; and
- 2.12. Court order, pursuant to final forensic and Criminals investigations reports, immediate release of Petitioner from incarceration, to remedy all wrongs, damages, false charges, records, financial losses, inter alia, in global resolution without prejudice, in order to restore all dignity, status, inter alia, enjoyed by the Petitioner. To recompense petitioner for damages so excessive that no single cure can remedy.; and

2.13. Court order notifying any and all authorities, including without limitations, the Commission on Judicial Conduct, the Washington State Bar Association to expose the depth and breadth of Criminal Acts by each person named here-in, inter alios.; and

2.14. Court order implementation of "GOOD JURISPRUDENCE PRACTICES [GJP]", overseen by a federal agency [as opposed to Commission on Judicial Conduct or Washington State Bar Association], in analogous fashion to "GOOD MANUFACTURING PRACTICES [GMP] overseen by the Food and Drug Administration, FDA.

Because material evidence exists that both Commission on Judicial Conduct [CJC], and Washington State Bar Association [WSBA], are equally guilty of CRIMINAL ACTS, for intentionally failing to conduct substantial investigations, to notify law enforcement agencies, inter alia, in order to protect its

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members, peers, colleagues comprised of Judges, lawyers, prosecutors, over the Constitutional 'RIGHTS' of every citizen.

finance Because 99.99% of citizens lack law degree, to competently challenge the courts for sheer fear of further reprisals, inter alia, and simply give up when faced against corrupt judges, lawyers, prosecutors, inter alios.

Because there should be ZERO TOLERANCE against any Officer of the Court protecting the misdeeds, fraud, inter alia, crimes of another Officer of the Court. Such Officers must face treble the charges, penalties, because they know that by perpetuating the fraud, and crimes of fellow officers will always go unchallenged. For example, a 'Reasonable' person is highly unlikely to doubt the words of several judges compared to statement by one judge; and

2.15. Court order any and all other remedies deemed

appropriate in favor of Petitioner.

III. and IV FACTS AND ARGUMENTS

To preserve against duplication, inter alia, I the Petitioner direct the Court to:

- 3.1. Pursuant to entire court records under file in Superior court [King County] no. 11-1-07116-9 SEA; including depositions of Kunjlata S. Kothari, and Ms. Sumedhaa-Priya S. Kothari conducted on February 29, 2012; and
- 3.2. Pursuant to all letters, correspondences to the Chief Justice, Superior Court of King County in this case.; and motions filed or verbalized by the Petitioner in Superior court of King County.; and

see APPENDIX 1 for example; and Please note Justice Mariane Spearman, Prosecutor Jason Simmons, all ^{4 of} my lawyers, inter alios, had read these letters and therefore cannot plead ignorance; and

3.3. Pursuant to entire court records under file in Appeals no. 69564-9-1, specifically Appellant's Brief, Petitioner's motions, and letters to Justices J. Cox, J. Grosse, and J. Schindler; and

3.4. Critically, pursuant to Petitioner's 50 pages motion filed into record on November 1, 2011 by Justice Ronald Kessler, King County Superior Court no. 11-1-07116-9 SEA; and

3.5. Critically, pursuant to attorney Ms. Leona A. Thomas's motion for continuance, filed on November 1, 2011 in Superior no. 11-1-07116-9 SEA. See Appendix 2: EXHIBIT B, and analysis thereof in Appendix 2: EXHIBIT C, as manifest evidence of corruption; and

- 3.6. Pursuant to Appeal Court's Opinion filed on March 17, 2014, affirming Trial court's decision. Signed by Justice J. Grosse, J. Cox, and J. Schindler, and uncontested by attorney Ms. J. Sweigert. See APPENDIX 2: EXHIBIT A.; and
- 3.7. Specifically pursuant to Petitioner's "MOTION TO 'STAY,' TO RECONSIDER COURT'S OPINION DATED MARCH 17, 2014, THAT BETRAYS ACTUAL FRAUD WITH MALICIOUS INTENT, inter alia," signed March 20, 2014. See APPENDIX 3. Court of Appeals denied the motion; and
- 3.8. Pursuant to Petitioner's motion requesting oral argument, inter alia. Court of Appeals denied motion; and
- 3.9. Specifically pursuant to Petitioner's "MOTION TO TAKE JUDICIAL NOTICE, AND TO 'STAY' COURT'S OPINION FILED MARCH 17, 2014." There has been NO response to date by Court of Appeals, Div. 1. See APPENDIX 2: EXHIBIT D.; and

- 3.10. Pursuant to Petitioner's "MOTION TO 'STAY,' TO RECONSIDER MATERIAL EVIDENCE THAT BETRAYS CRIMINAL ACTS, inter alia," signed April 14, 2014 and submitted to the Supreme Court. Supreme court advised Petitioner to resubmit motion under this 'Petition For Review'. See APPENDIX 2.; and
- 3.11. Pursuant to Petitioner's letter signed April 26, 2014, submitted to the Supreme Court, inter alios, as material evidence to prove I, the Petitioner was FRAMED/SET-UP by attorney Ms. Jennifer J. SWEIGERT, and by direct association Justices J. Cox, J. Grosse, and J. Schindler of Court of Appeals, Division I.; and
- 3.12. Pursuant to any and all documents filed ^{under} with Supreme Court no. 90151.; and
- 3.13. Pursuant to any and all other material evidence, facts, inter alia, necessary to prove each of the

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CRIMINAL ACTS by persons named here-in, inter alios.

V. AUTHORITY

This list is not comprehensive for reason outlined in I: Identity of Moving Party.

- 5.1. The first question for the court is not whether there is cause of action, BUT whether FRAUD has been practiced upon the court. see Pringle v. Pringle, 55 Wash. 93, 104 P.135, 1909; RAP 2.2; Ballinger's Ann. Code and Statute § 5159; Pierce's Code § 1041; inter alia; and
- 5.2. Nine elements of FRAUD pursuant to Angelo v.

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Angelo, Wn. App 622, 175 P.2d 1096, 142, 2008;
Uniform Fraudulent Transfer Act; inter alia; and

5.3. Pursuant to 'OATH OF ATTORNEY' "Never to reject the cause of the defenseless, or oppressed, or delay unjustly the cause of any person. An Oath that applies equally to all branches of the Judiciary body; and

5.4. Violation of RULES OF ADVOCATE by offering evidence / statement it knows to be false.; and

5.5. Violation of RULES OF PROFESSIONAL CONDUCT for failure to promptly inform appropriate professional authority of another officer's acts of fraud and crimes.; and

5.6. I direct this court to authority, case citations included in Petitioner's filings in Superior court, in the Court of Appeals, and in the Supreme court; and

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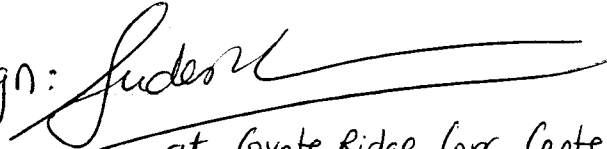
any and all authority this Court knows and understands to be applicable.

VI. CONCLUSION

THIS Court must grant 'STRICT' REVIEW² and 'Relief Sought', in order to protect 'RIGHTS' of each citizen, the United States Constitution, inter alia, function of the Judiciary system.

I, declare under penalty of perjury aforementioned is true to best of my knowledge.

Date: May 10, 2014

Sign: 
at Coyote Ridge Corr. Center
P.O. Box 769, Doc # 362420
CONNELL, WA 99326
pro se, the Petitioner

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DECLARATION OF MAILING.

MAY 16 2014

E CRF
Ronald R. Carpenter
Clerk

I, Sudeshkumar S. Kothari, pro se, the Petitioner declare that I deposited the foregoing document with attached Appendices:

1. "PETITION FOR 'STRICT' REVIEW, TO 'STAY', TO RECONSIDER COURT'S DECISION THAT BETRAYS ACTUAL FRAUD, inter alia, CRIMINAL ACTS."


or a copy thereof, in the internal mail system of:
COYOTE RIDGE CORRECTION CENTER, CONNELL, WASHINGTON.

And made arrangements for postage, addressed to each of the following:

1. Honorable Ronald R. Carpenter, Supreme Court, P.O. Box 40929 OLYMPIA, WA 98504-0929; and
2. Chief Justice Ronald Kessler, Superior Court, 516 3rd Avenue, Rm C-203, Seattle, WA 98104- ; and
3. Chief Justice Mr. Richard D. Johnson, Court of Appeals, Div. 1., 600 University Street, Seattle, WA 98101-4170; and
4. Mr. Daniel Satterberg, Washington State Prosecutor's Office, 516 3rd Avenue, Suite W554, Seattle, WA 98104-2362

I, declare under penalty of perjury foregoing is true.

Date: May 13, 2014

Sign: 
at CONNELL, WA 99326

Attachment A

FILED
KING COUNTY, WASHINGTON

MAY 27 2012

SUPERIOR COURT CLERK
ANDRE JONES
DEPUTY

APPENDIX 1: 5/10/2014

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

State of Washington

Plaintiff,

vs.

Sudeshkumar Kothari

Defendant.

No: 11-1-07116-9 SEA

Correspondence from Mr. Kothari
RE: Motion for New Trial
Dated April 27, 2012

PI

RECEIVED

MAY 07 2012

JUDGE MARIANE SPEARMAN
DEPARTMENT 53

SUDESH KOTHARI

KCC: 211-021-921

500 5th AVENUE

SEATTLE, WA 98104

CHIEF JUDGE
Of The Superior Court for
the STATE OF WASHINGTON
for the County of KING

Re. SUDESH S. KOTHARI
CASE NO. 11-1-07116-9 SFA

Issue at hand: Request a New Trial for
all reasons outlined in this
letter, and listed citations.

Dear Chief Judge,

I, Sudesh S. Kothari hereby respectfully
request and pray for your help to order a
New Trial, for all the reasons, including
without limitation, examples outlined below
I was charged initially with 3 charges
(Burglary 1st Degree, Assault 2nd degree,
and violation of "NO CONTACT" order)

and incarcerated into King County Correction facility on July 14th, 2011 (over 10 months ago).

FACTS

1. Judge Kessler admitted into record my 50-page motion to dismiss Ms. Leona Thomas (my defense attorney) on November 1st 2011, for gross intentional misconduct, misrepresentation, negligence, after approximately 4 months of ineffective counsel. For example, I was NEVER provided a full discovery report, and did NOT shown ALL the digital color photos, but ONLY some of the black and white photocopies. A key fact please see below.
2. On November 11th, 2011 my family (based in England) and friend retained a paid attorney,

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Mr. Gene Piculles. Approximately 3 months later (dispite numerous requests) on February 29th 2012, Mr. Piculles showed me some of the color photocopies (with poor quality) INSTEAD of actual color digital photos and NOT ALL of them. He too did NOT share the full Discovery report. A Key fact see below.

3. On March 5th, 2012, 1st day of trial, I verbally presented (per Judge's consent) my motion to dismiss Mr. Piculles for gross misconduct, misrepresentation, and negligence, who lied wilfully, for reasons unbeknownst to me. Judge Spearman approved my request to go PRO-SE, with Mr. Piculles acting as my 'STANDBY COUNSEL', and denied my request to push-out the Trial Date necessary for me to prepare 'PRE-TRIAL' motions, to review the full Discovery report with ALL color digital photos, to review over 15 motions-in-limine prepared by prosecution and provided to me

that afternoon on 03-05-2012.

Please note: same evening I received 1" thick 'Discovery Report' file (with ONLY poor quality black & white photocopies of un-labeled pictures) and 1" thick documents prepared by Prosecutor for trial.

4. On March 6th, 2012, Judge Spearman reversed my PRO-SE status - under duress, following an aggressive, argumentative posturing by Prosecutor to deny me any form of help including a 'STANDBY COUNSEL'. I was left NO-choice, but my re-request to continue as PRO-SE, under duress was denied and the Judge instructed Mr. Picullet to proceed.

Please note: Mr. Picullet did NO motions in my case (ignoring all my requests and concerns), and did very little in terms of preparations, e.g. NO research on "Runt" device that is

4. continued

classed as a deterrent, NOT a Taser (a device designed to incapacitate), NO witnesses (except or otherwise), and NEVER reviewed any strategy, or any case citations, etc.

5. This is a VITAL point. On March 7th, 2012, 3rd day of Trial, I learnt for the 1st time during the examination/cross-examination of Kunjlata Kothari (divorce under appeal) the following:

(a) Kunjlata had IN-FACT self-inflicted "Prong"-like injury on her breast. The ONLY injury that left scar. Mr. Picullet and the Prosecutor knew that this injury could NOT have been caused by the said deterrent device, nor by me. Mr. Picullet did challenge the witness, albeit very briefly, why?

(b) Kunjlata had IN-FACT self-inflicted two

5b. Continued -

deep scratches on her upper back/shoulder that matched her 2 fingernails with trace of blood. Mr. Picullet and the Prosecutor knew that this injury was not caused by me, and NO questions were raised, WHY?

Please note: Why the police/detectives did NOT collect these blood samples?

(c) Kunjlata had self-inflicted injury on her face, because I have NEVER touched her face, and I have NEVER HIT her - for the record.

(d) The Prosecutor and Mr. Picullet also failed to present to the Jury that Kunjlata had CHANGED HER CLOTHES prior to exiting the home. WHY?

Please note: These facts contradicts Kunjlata's

5d. continued -

own testimonies / declarations, under oath.

(e) Why police and detectives did NOT collect Kunjlata's clothes in evidence? - a key 'material' evidence, especially given the gravity of a CLASS A Felony charges. BUT they collected all my clothes.

(f) Why did Kunjlata LIE, under oath, on several counts, e.g. Why she lied about her visit to Mercer Island Police Station on July 18th, 2011 (4 days after incident on 07-14-2011)?; Why she lied about the IRS audit letter?; Why she lied about her being home from work between 5-5.30pm since 1997?; why she lied about the incident and injuries?; Why she lied that I entered our home numerous times before July 14th 2011, without lawyers / her approval?;

5 (g) Why Ms. Thomas and Mr. Picullet did NOT share and discuss the Officer Wolff's report, at any time prior to Trial with me?

Please note: Officer Wolff's report and testimony were used as so-called 'EXPERT' on the injuries and "TASER", BUT who has NEVER handled the said 'deterant' device. Why Mr. Picullet did NOT offer any objections to blatant coloring of evidence in the eyes of the jury? This is critical, because I did NOT touch Kujlata with said 'deterant' device 20-30 times, a fact we could have corroborated with marks on the clothing and with the defense expert witness review of the photos. Said device is NOT a lethal weapon (as Prosecution had alleged falsely) and it is advertised and sold to women to carry in their purses to deter an assailant, just like 'pepper-spray'. As such it left NO scars, NO permanent injury, and required minimal treatment.

Why Mr. Picullet did NOT offer defense?

5(h) The above points, facts, 'material' evidence was clearly concealed, withheld wilfully by the Prosecutor as well as in large part by Mr. Piculiel.

IMPORTANT NOTE: It was of UTMOST significance, that the jury be informed that Kunlata DID self-inflict injuries upon herself, injuries that caused scars, to deliberately deceive the police, detectives, the prosecutor, the courts, the jury, our children, families and friends, and to FALSELY accuse me of a crime I did NOT commit.

Further, it was of UTMOST significance to inform the jury that Kunlata lied / committed perjury, under oath.

Further, it was of UTMOST significance to inform jury that the prosecution concealed and wilfully misrepresented key 'material' evidence and circumstantial evidence, WHY? The assault charge is false, as Mr. Piculiel knew.

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5(i) Why Mr. Picullet did NOT present to the jury the history of perjuries committed by Kunjlata accusing me of serious acts of domestic violence? - all proven to be false and wilful, deliberate vindictive lies, all because I filed for divorce, and Kunjlata did NOT want anyone to learn about her cruel evil deeds.

Please note, Commissioner Sellers, Judge Helen Halpert and Judge Michael Fox all ruled out domestic violence in our 17+ years of marriage. A fact Kunjlata testified to in her deposition, under oath, in this case on February 28th 2012 (few days before Trial Date in this case).

5(j) Why Mr. Picullet did NOT present to jury that Kunjlata attacked me on November 21st 2009, per Mercer Island report, because she did not like

5(J) continued -

Commissioner Sellers's rulings? A fact that Kunjlata never feared me and always hit me, throughout our marriage, because I never harmed nor hit her back. Our children and family are witnesses. The fact Kunjlata DID lie / commit perjury during the divorce process, is part of the Appeal case for deliberate, reckless and cruel abuse of domestic violence laws to tear-apart our children from their father and destroy my life in anyway possible.

6. Why did police / detectives and the prosecutor falsely allege and filed a charge accusing me of violating a "NO CONTACT" order when NO such order existed in our marriage/divorce?

7. Why neither Ms. Thomas nor Mr. Piculiel file a motion to dismiss the false charge of violating a "NO CONTACT" order?

8. Why neither Ms. Thomas nor Mr. Piculiel file a motion to dismiss Burglarly charge, especially since they and the prosecutor knew the following:

(a) that the Dissolution Decree Order is "STAYED" and NOT final per case Re. Brown, 6 Wn. 2d 215 (1940), because I filed an appeal and furthermore Kunjata filed a cross-appeal to challenge the order;

(b) I am presently co-borrower on a \$860,000 mortgage on the said home (located at 2423 84th Avenue S.E., Mercer Island, WA 98040);

8(c) I NEVER signed a "QUIT CLAIM DEED";

(d) 50% of all items in our home I co-purchased with Kunjata during our 17⁺ years of marriage, and the fact there are still boxes containing my things in our home;

(e) I only entered our home on July 14th, 2011, under the belief both our children and Kunjata were in New York, to retrieve key documents to support my Appeal claim that Kunjata DID lie, steal, and lose over \$90,000 in 1996. See the Court of Appeal case no. 6692.7-3. Documents I prepared myself in 1996.

9. Why did the Prosecutor conceal/withheld wilfully; several 'material' evidence from the jury, which would have shown the

9. continued -

following:

9(a) Kunjlata DID commit Perjury and a serious criminal act to deliberately deceive the police, the court, the jury, etc.

9(b) Kunjlata committed wilfully, deliberate and cruel act to falsely charge me with assault.

9(c) That forensic's on Kunjlata's clothes, blood, gloves, etc were all 'material' evidence to corroborate Kunjlata DID lie / commit Perjury.

9(d) Kunjlata DID change clothes prior to exiting the home to conceal her devious acts and schemes.

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10. On March 6th, 2012, Judge Spearman denied my request to file for a mis-trial.

11. On March 12th, 2012, at the end of Trial, I specifically asked about filing for a mis-trial / New Trial, BUT he told me that my ONLY option was to file for appeal and that I should do that after sentencing because I have 30 days from "Sentencing" hearing. He repeated this to me on April 16th 2012 at the hearing to formally dismiss him from representing me. A GROSS INTENTIONAL MISREPRESENTATION and a LIE, because on April 26th, 2012, Mr. Dillion R. Johnson (WBSA no. 38289; a public defender) informed me that Mr Picullet had 5 days from end of trial to file for a NEW TRIAL. I do NOT waive this RIGHT.

To this date, Mr. Picullet has not returned all hand-written materials I had given him as request several times.

12. IF Ms. Thomas had shown the full Discovery report and all the actual color photos in August 2011, she would have discovered that Kunjlata self-inflicted injuries upon herself to set-me up for assault, and the said device was ONLY used to deter Kunjlata from hitting me. Also any and all statements by Kunjlata, officer Wolff's report and testimony would have been challenged by an appropriate expert witnesses. A fact, Mr. Picullet did NOT do either.

13. IF Ms. Thomas and Mr. Picullet had in a timely manner interviewed the witnesses (i.e. not 3 days before trial date), including the police, the detectives, etc., they would have discovered Kunjlata had changed clothes prior to exiting the home, why 'material' evidence was NOT collected, forensics conducted, etc. INSTEAD

13 continued -

I was Blackmailed by them and the Prosecutor of an additional charge of "Attempted Murder" just because I did NOT sign Trial Date continuance: an act of "Mental Rape and Torture".

14. IF Mr. Piculiel had shared the full Discovery Report with All actual color photos with me, as I had requested many times and especially since he knew himself that Kunjlata was lying about the self-inflicted injuries, I would have asserted these facts to both the chief Judge and the Court well before the Trial Date. A fact both Ms. Thomas and Mr. Piculiel failed to do this, is why I sit 10 months later writing to you. Please note: Mr. Piculiel did NOT review Prosecution's 15+ motion-in-liminea with me. He simply told the Court that he had NO objections, ignoring all my rights and concerns.

15. I do NOT understand How and Why Ms. Thomas and Mr. Picault, with over 20 years experience in criminal law cases can wilfully and recklessly disregard the above points and other factors, other than reasons unbeknownst to me, in a clear act of prejudice.

16. I do NOT understand How and Why the Prosecutor actions / statements and charges wilfully neglected / omitted / concealed 'material' evidence without any recourse by the Court and especially by my own defense attorneys throughout the criminal proceedings and whose gross intentional negligence and misrepresentation has caused and continues to cause untold trauma / damages and expense to my family and I, as I remain incarcerated for over 10 months, whereas Kunjlata, a woman, faces no recourse for her cruel and evil acts.

SUMMARY

I would NOT have learnt the full scope of facts and 'material' evidence. IF I had NOT taken this case to Trial. Meaning Kunjlata, the Prosecutor, and my attorneys would have GOT-AWAY with concealing the TRUTH from our children, my family, my friends and the Court, and Succeeded in imprisoning me for crimes I did NOT commit. Full-filling Kunjlata's grand deceptive scheme to tear-apart our children from their father and destroy my life without any recourse.

I therefore, hereby request your help to set a NEW TRIAL, and dismiss false charges of burglary and assault. I respectfully request the Court to dismiss the bail, since I am not a risk to society nor to Kunjlata, except the reverse, based on Kunjlata's deliberate and cruel actions to date.

LIST OF CASE CITATIONS.

I have listed here several case citations as they pertain to this case and my request for a NEW TRIAL.

1. Cline v. Wal-Mart Stores Inc., 144 F3d 294
(4th Cir.)
2. MS v. Haimowitz, 725 F2d 1561 (11th Cir.)
3. MS v. Levy-Cordero, 156 F3d 244 (1st Cir.)
4. Brady v. Maryland, 373 US 83, 10² Ed2d
215, 83 Sct 1194
5. MS v. HOLMAN, 314 F3d 837 (7th Cir.)
6. Cuyler v. Sullivan, 446 US 335, 348 64 LEd2d
333, 100 Sct 1708
7. MS v. Blouiss, 98 F3d 647 (1st Cir.)
8. MS v. Gill, 297 F3d 93 (2nd Cir.)

9. Cone v. Bell, 243 F3d 961 (6th Cir.)
10. MS v. Iglesias, 915 F2d 1524
11. MS v. Haese, 162 F3d 359 (5th Cir.)
12. Wilson v. Lawrence County, 260 F3d 946 (8th Cir.)
13. Hayes v. Woodford, 301 F3d 1054 (5th Cir.)
14. Hughes v. Johnson, 191 F3d 607 (5th Cir.)
15. Schaff v. Synder, 190 F3d 513 (7th Cir.)
16. Knox v. Johnson, 224 F3d 470 (5th Cir.)
17. MS v. Miller, 263 F3d 1 (2nd Cir.)
18. SU v. Filion, 335 F3d 119 (2nd Cir.)
19. MS v. Rahman, 189 F3d 88 (2nd Cir.)
20. MS v. Mulberg, 120 F3d 354 (5th Cir.)
21. MS v. Johnson, 968 F2d 768 (8th Cir.)

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22. *U.S. v. Foster*, 100 F3d 846 (10th Cir.)
23. *Mitchell v. Mason*, 325 F3d 732 (6th Cir.)
24. *Lochart v. Terhune*, 250 F3d 1223 (9th Cir.)
25. *U.S. v. Padilla-Martinez*, 762 F2d 942 (11th Cir.)
26. *Powell v. Alabama*, 287 US 45 77 LEd 158
53 Sct 55
27. *U.S. v. Deering*, 179 F3d 592 (8th Cir.)
28. *U.S. v. Morrison*, 449 US 361 66 LEd2d 564
101 Sct 665
29. *Strickland v. Washington*, 466 US 668, 80
LEd2d 674, 104 Sct 2052
30. *Williams v. Taylor*, 529 US 362 120 Sct
1495 146 LEd2d 389
31. *Mesareash v. U.S.*, 352 US 1, 1 LEd2d 1
77 Sct 1

32. *US v. Torres-Ortega*, 184 F3d 1128 (10th Cir.)
33. *Paradise v. CCI Warden*, 136 F3d 331 (2nd Cir.)
34. *McCambridge v. Hall*, 266 F3d 12 (1st Cir.)
35. *Riley v. Taylor*, 237 F3d 300 (3rd Cir.)
36. *Quinn v. Shirley*, 293 F3d 315 (6th Cir.)
37. *US v. Gastelum-Almeida*, 298 F3d 1167 (9th Cir.)
38. *US v. Gomez-Orduno*, 235 F3d 453 (9th Cir.)
39. *US v. O'HARA*, 301 F3d 563 (7th Cir.)
40. *Tanner v. Westerbroke*, 174 F3d 542 (5th Cir.)
41. *US v. Arboleda*, 929 F2d 858 (1st Cir.)
42. *US v. Arthur*, 73 F3d 444 (1st Cir.)
43. *US v. Walker*, 142 F3d 103 (2nd Cir.)
44. *Eslamina v. White*, 136 F3d 1234 (9th Cir.)

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45. US v. Martin, 228 F3d (1st Cir.)

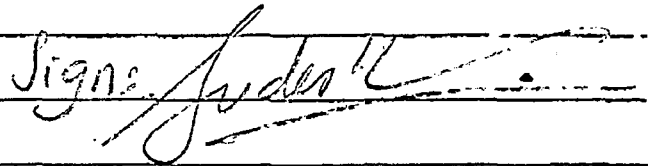
46. US v. Gee, F3d 885 (7th Cir.)

47. US v. Barnett, 197 F3d 138 (5th Cir.)

48. US v. Gaudin, 515 US 506, 132 LEd2d 411, 111 Sct 1364

49. Faretta v. State of California, 422 US 806, 45 LEd2d 562, 95 Sct 2525

Date: April 27th, 2012

Sign: 

JUDESH S. KOTHARI

KCC: 211-021-921

500 5th Avenue

Seattle, WA 98104

Case # 11-1-07116-9
Sub # 126

APPENDIX 2: 5/10/2014

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THE SUPREME COURT
STATE OF WASHINGTON

STATE OF WASHINGTON
PLAINTIFF, RESPONDENT

Appeal no. 69564-9-1
[SUPERIOR NO. 11-1-07116-9 SEA]

v.

MOTION TO 'STAY,' TO
RECONSIDER MATERIAL

SUDESHKUMAR S. KOTHARI
pro se, PETITIONER
APPELLANT

EVIDENCE THAT BETRAYS
CRIMINAL ACTS, inter alia.

Pursuant to Haines v. Kerner, 404 U.S. 519, 1972; and
RAP 1.2(a), §, Sudeshkumar S. Kothari, pro se,
the Petitioner request "LIBERAL INTERPRETATION"
and to "promote Justice... Decision of cases
on the merits.

THIS MOTION HEREBY SERVES AS NOTICE EACH IS
INFORMED.

§, the petitioner hereby respectfully request this
Court to 'STAY,' to 'Reconsider' Court of Appeals

SUDESHKUMAR S. KOTHARI
Appeal no. 69564-9-1

Opinion, filed March 17, 2014, pursuant to prior 'STAY' motion [dated March 20, 2014] and this motion; to order full forensic investigation and review of Actual Fraud, Perjury, Gross Intentional Professional Misconduct, Misrepresentation, Reckless Criminal Negligence, Manifest Corruption of the Courts, inter alia, Conspiracy to Frame, Cover-up, Conceal material evidence, facts, Criminal Acts of others - hereto collectively referred to as 'CRIMINAL ACTS', by and between persons named here-in, inter alios, as deemed appropriate.

Officers of the Courts here-in shall collectively refer to Justices Mariane Spearman, J. Grosse, J. Cox, J. Schindler; Prosecutor, ^{Mr.} Jason L. Simmons; defense attorneys Ms. LEONA A. THOMAS, Mr. GENE E. PICULELL, Mr. DILLION JOHNSON [WSBA # 38289], appeal attorney Ms. JENNIFER J. SWEIGERT, inter alios, as deemed appropriate post forensic review. These persons were well informed of all key facts and material evidence with in-depth knowledge of Criminal law with years of experience.

For reasons, addressed in prior 'Motion of March 20, 2014,' and reasons addressed here-in this 'Motion' [which shall include any and all court documents filed in Trial case no. 11-1-07116-9 SEA; in this Appeal case, inter alia, as deemed appropriate for full forensic investigation], I, the Appellant requests that Justices Grosse, Cox, Schindler, as well as Ms. Jennifer J. Sweigert are promptly recused from this case and subject to full criminal investigations for their part in CRIMINAL ACTS, and conspiracy to cover-up / conceal CRIMINAL ACTS of others, knowingly and reckless malicious intent. They as well as other named Officers of the court knew and understood pursuant to PRINGLE V. PRINGLE, 55 Wash. 93, 104 P. 135, 1909; and RAP 2.2; and Ballinger's Ann. Code and St. § 5159 including Pierce's code § 1041, that they must **FIRST** address any and all issues related to practicing of fraud upon the courts **BEFORE** any other matter or cause of action.

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FOR THE RECORD, not one of the Officers of the Court named here-in has refuted any of the charges of CRIMINAL ACTS supported by hard evidence. Because IF they did they know it would automatically constitute further CRIMINAL ACTS.

THIS IS PART II, to motion submitted on March 20, 2014, to Court of Appeals, Div. I; and subsequent "MOTION TO TAKE JUDICIAL NOTICE, AND TO 'STAY' COURT'S OPINION FILED MARCH 17, 2014" submitted APRIL 8, 2014.

1.0. FACTS / EVIDENCE IN SUPPORT OF MOTION

- 1.1. It is undisputed, Photograph evidence shows Kunjlata S. Kothari [here-in after Kunjlata] had self-inflicted injuries on day of incident [July 14, 2011]. Injuries that could NEVER have been caused by said deterrant device used in self-defense. A fact Officers of the Courts, including Police Officer Wolff and my own lawyers wilfully

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recklessly have tried to cover-up. Evidence that supports I was FRAMED by them and Kunjlata; that there is a conspiracy; inter alia that it constitutes a CRIMINAL ACT of concealing material fact; and

1.2. It is undisputed, photographic evidence shows Kunjlata self-inflicted further injuries AFTER day of incident. Again material evidence that she and Officers of the court have tried to cover-up; and

1.3. It is undisputed, Photographic evidence shows Kunjlata changed her clothes prior to running out of our home. Material evidence proving she had ample time to self-inflict numerous injuries, change clothes, and that she lied under oath time after time. A fact she and Officers of the Courts have tried to cover-up; and

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1.4. It is undisputed, photographic evidence shows Kunjlata had to remove some of her clothing to self-inflict the injuries upon her breast [a premeditated act knowing it ^{would} automatically inflame any and all persons to imply I was responsible], on July 14, 2011; Fact Officers of the Courts have tried to cover-up; and

1.5. It is undisputed, photographic evidence shows that Kunjlata, not happy with the fact the Police did NOT charge me with attempted murder, further self-inflicted injuries upon her breast to enhance the image, prior to visiting the Mercer Island Police on July 18, 2011 [4 days after the incident]; and

1.6. It is undisputed, Kunjlata's testimony under oath on day 3 of Trial [March 7, 2011] committed Actual Perjury, and lied about ^{her} reason for visiting the Mercer Island Police on July 18, 2011. A Fact

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each of the named Officer of the Courts knew was vital material evidence to corroborate Kunjlata was determined with Malicious Intent to **FRAME** me, the Appellant. A fact these Officers of the Courts continue to conspire to cover-up / conceal constitutes Manifest Corruption.; and

1.7. It is undisputed, photographic evidence shows the **ONLY** area Kunjlata had scars were on her breast, the **SAME** area she had self-inflicted. Material evidence that strictly contradicted Officer's Wolff [so-called expert] testimony under oath and her police reports alleging she [Officer Wolff] **FELT** [because there is **NO** evidence, direct or otherwise, that the said 'detrant' device caused any of the injuries, see EXHIBITS B and C.] there were a total of 25 to 30 contacts, of which 10 to 12 contacts constituted the one site on Kunjlata's lower back, and 5 to 7 contacts constituted

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one site on lower abdomen. Neither sites having any permanent scars, whereas a single contact on the breast left permanent scars. Vital, vital material evidence/facts that corroborates Kunjlata and Officers of the Courts **FRAMED** me, the Appellant, because it proves they conspired [including the Court's Opinion] to cover-up / conceal the truth, on so many levels; and proving they **LIED** by stating "evidence was overwhelming." See point 1.8 below; and

1.8. It is undisputed fact, there is **NO** evidence [direct or otherwise] to prove said 'deterant' device caused any of the injuries; and

1.9. It is undisputed, my own lawyers [Ms. Thomas, Mr. Piculell, Mr. D. Johnson, as well as Ms. Sweigert] and the Prosecutor Mr. Simmons, all made sure **NO FORENSIC** investigation were carried out on the said 'deterant' device; the superficial injuries [i.e. **NO TVE** were substantial];

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on the correlation between the two; on the correlation between the 'deterant' device and a Taser [which is million times powerful - BUT still NOT lethal, hence the 'choice' 'deterant' used by police]; inter alia.

The reasons why they deliberately, recklessly, with premeditated intent avoided the above is because the investigation would prove, inter alia:

- the 'deterant' device did not cause, if any of the superficial injuries;
- the 'deterant' device was NOT applied 25 to 30 times as Officer Wolff Felt, as the Prosecutor and Judges would like people to believe [since my own lawyers did NOTHING, a basic and fundamental violation of Criminal law 101] just so they can fraudulently assert assault and fraudulently assert ~ 2nd degree [a STRIKE];

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- the 'detrant' device is a million times safer than a Taser, and therefore it is **NOT** a Taser: a fact they knew together with the fact that the Jury and the public would automatically react unfavorably against I, the appellant with the words 'taser' and 'tased'. A fact my own lawyers knew only too well and still did **NOTHING**. Further Proof of conspiracy to cover-up their **CRIMINAL ACTS**; and

- the 'detrant' device could **NOT** have caused the 'puncture type' injuries. The injuries that Kunjilata self-inflicted upon her breast [see 1.4, 1.5, and 1.7], which left scars. A fact the Prosecutor, my own lawyers and judges all knew, **BUT** still lied to the jury, to the courts, to the public, in deliberate, cruel **CRIMINAL ACT**; and

- the 'detrant' device could **NOT** and did **NOT** cause any 'SUBSTANTIAL BODILY

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Harm' and therefore did NOT constitute Assault in the 2nd degree. A fact each Officer of the Courts knew and understood, and yet deliberately and recklessly with actual malice **FRAMED** me, the Appellant: Proof of Actual Fraud, inter alia, CRIMINAL ACTS.

A fact, all four Justices [Cox, Grosse, Schindler, and Spearman] cannot refute. Because to refute without hard evidence, would automatically constitute further manifest Actual Fraud / CRIMINAL ACT.

These are ^{few} fundamental examples of why they made sure there were no investigations. They know it was **NOT** a question of cost, Because total cost for all the investigations would have been less than \$36,376,000 dollars [at a rate of \$47,000 per annum per inmate ^{x 8 years} in Washington State Correctional Facility]. Proof any Reasonable person can deduce I was **FRAMED** with

malicious intent by each Officer of the Courts named here-in.; and

1.10.

It is undisputed as Court records shows that on the day of incident [July 14, 2011] the Police Medical Unit ruled out 'Substantial Bodily Harm' by dismissing Kunjlata after a brief examination. Kunjlata's actions and testimony to then deliberately ~~not~~ visit the Emergency Room [ER] at Bellevue Hospital, further corroborated material evidence to FRAME me, the Appellant, knowing she could simply state she had to go to the ER and people would automatically deduce it ~~was~~ must have been serious. A fact each Officer of Courts knew was Actual Fraud, because the ER dismissed Kunjlata after a brief exam, recommend^{ing} over-the-counter cream for the skin and generic pain-killers e.g. Advil. NOTING THERE WAS NO 'Substantial Bodily Harm' and proving the Proseantor Mr.

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Simmons committed serious CRIMINAL ACTS, by maliciously lying there was 'Substantial Bodily Harm' warranting the label 'TORTURE' just to falsely allege Assault in 2nd degree. Knowing that **ONLY** then he could add another Fraudulent charge of Burglary 1st degree [as opposed to Residential Burglary or Burglary 2nd degree]. Each Officer of Courts named here-in cannot refute this fact, and therefore are guilty of manifest CRIMINAL ACTS. A fact/evidence they cannot hide from FBI or the world; and

1.11. It is undisputed Prosecutor Mr. Simmons knew and understood that the 'deterant' device was **NOT** a 'LETHAL WEAPON' [Yet classed it as one] and could **NOT** cause 'Substantial Bodily Harm', and ^{as} the photograph evidence together with the medical evidence proved there was **NO**

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'Substantial Bodily Harm' other than or even counting the self-inflicted injuries.

That is WHY the Prosecutor, Mr. Simmons NEVER clearly, cogently, convincingly label each photographic event with date taken, site of injury, inter alia. Because that way each photograph would and could be implied to the jury as additional injuries, JUST to support his fraudulent posturing there were 25 to 30 ~~con~~ contacts, more importantly to sell his idea of 'TORTURE', irrespective of Actual Evidence and Facts: Proof of vicious, malicious prosecutorial misconduct, inter alia, CRIMINAL ACTS. Fact my own Lawyers, especially Mr. Piculell and Ms. L. A. Thomas [see EXHIBITS B and C] knew and understood all this and still did NOTHING to prepare and share with me this most basic and fundamental pieces of evidence. All four Justices [Cox, Grosse, Schindler, and Spearman] and Ms. J. Sweigert know these

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believe

facts, But no-one would | this reading the Court's Opinion signed by 3 Justices, as well as Ms. J. Sweigert's letter dated March 17, 2014 [see Exhibit A]; Proof of Actual Fraud [as defined by 9 elements of Fraud per Angelo v. Angelo, Wn. App. 622, 175 P.2d 1096 142, 2008; pursuant to Uniform Fraudulent Transfer Act; pursuant to Title 18 United States Code Service §1001; inter alia, as noted in my Motion to 'STAY' dated / signed March 20, 2014] with Actual Malice arising to Criminal Acts of manifest Constitutional magnitude.; and

1.12. It is undisputed, pursuant to above fact 1.11., the Prosecutor, Mr. Simmons, and my own lawyers [Ms. Thomas, Mr. Piculell, Mr. D. Johnson] made sure I NEVER got the entire 'Discovery with all the color photographs' during the entire process, hence I saw some of the Key photographic evidence on Day 3 of trial, at which time the prosecutor showed them to

the jury. I have documented all this and more in my letters to Superior Court Chief Justice, Affidavit, Appellant's Brief, inter alia, to insure the records were very clear on this fact. A fact not one of the Justices did anything, knowing it was a 'STRICT' Constitutional violation of rights to have and possess all material evidence, to be able to prove my innocence. Every Reasonable person understands that is what our Constitution means when it states fair and equitable justice for all, based on the merits of material evidence. A fact my own lawyers denied this information to me, inspite of all my pleas automatically constitutes manifest conspiracy to cover-up, conceal, inter alia, the CRIMINAL ACTS of their colleagues and their own.

Any 'Reasonable' person reviewing this case would Beg the Questions WHY? and what did the Officers of the Court have^{to} hide?

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especially when they tell the world, the jury that the "evidence is overwhelming"?

The reason why they did what can only be classed as "PURE EVIL" CRIMINAL ACTS, because they NEVER expected anyone to find out, and the Court's Opinion was suppose to be the 'final nail' to seal the case, as further exemplified by Ms. J. Sweigert's letter of March 17, 2014 [see EXHIBIT A]. A fact they can fool the public, the courts, but NOT the Federal Bureau of Investigation.; and

1.13. It is undisputed, that Mr. Dillion Johnson ONLY filed the New Trial Motion, AFTER I exposed his 'BLACKMAIL', and records are clear, cogent, convincing evidence he made ^{sure} I had NO defense to argue or defend the motion. WHICH Proves Justices Cox, Grosse, and Schindler's Court Opinion with respect to this matter is Actual Fraud with Actual Malice.

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Because their statement "The Trial Court denied the motion [for New Trial at the Sentencing hearing]" is manifest weight of evidence of gross misrepresentation to deliberately and recklessly cover-up / conceal Actual Fraud and Criminal Acts of Justice Mariane Spearman, Prosecutor J. Simmons and defense attorney Mr. Dillion Johnson in a coldly - calculated conspiracy to make sure each of the UNDISPUTED FACTS/EVIDENCE, inter alia, did NOT become public, as would have been the case if a New Trial was granted.

Their statement and their INTENT is clear, cogent, convincing evidence of CRIMINAL ACTS of Constitutional magnitude; and

1.14. It is undisputed, testimonial evidence of police officers and detectives that they collected most evidence at the scene, **BUT**

VITALLY important, forgot to collect Kunjlata's clothes, blood samples off her nails, inter alia, material evidence to prove Kunjlata changed clothes; therefore proving she lied when she testified she left our home before I, the Appellant; therefore proving she had ample time to self-inflict [supported by history of such behavior throughout our marriage as pointed out by Ms. LEONA Thomas in her November 1, 2011 motion for continuance: [see EXHIBIT B, clause 13; and EXHIBIT C] and FRAME ME, the Appellant.

FACTS the Prosecutor Simmons; my defense attorneys Ms. Thomas, Mr. G. E. Piculell, Mr. D. Johnson^{MS. J. SWEIGERT}; and Justices M. Spearman, J. Grosse, J. Cox, and J. Schindler all know and understand are manifest weight of evidence to prove my innocence and most critically to prove I was FRAMED by Kunjlata and each of them. That is why each of

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them never refuted any of the undisputed facts / evidence with hard material evidence; that is why Ms. Jennifer Sweigert NOT once, address the undisputed facts / evidence with supporting material evidence. In fact, as all her correspondences indicate she actively, with deliberate and reckless intent, did everything to ~~pass~~ pacify my efforts, ~~to~~ in order to aid her colleagues [Officers of the Court] in their coldly-calculated conspiracy to cover-up their CRIMINAL ACTS - to be lost forever in legal quarry.

That is why the Court's Opinion in itself constitutes a CRIMINAL ACT, because a third party automatically put their full faith and trust in ^a document signed by 3 Justices as opposed to an individual sitting in prison; and

1.15. It is undisputed, Ms. Leona Thomas's motion

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for continuance, dated November 1, 2011 ~~was~~ was material evidence that each of the Officers of Courts, especially Justices M. Spearman, J. Grosse, J. Cox, and J. Schindler, as experts and experienced lawyers, knew Kunjlata was "impeached on the witness stand on a number of points" [EXHIBIT B, page 4, clause 13]. Points that included in essence 3 false accusations of attempted murder over our 17⁺ years of marriage. A fact Kunjlata only confessed knowing our two children, as rebuttal witnesses in the divorce trial, would undo her treacherous lies. A fact that it took hundreds of thousands dollars [\$200,000 - 300,000] from the community funds, over a year in divorce proceedings, a divorce trial, inflicted untold mental rape and torture upon our 2 children and I, the Appellant, BEFORE the Truth [albeit in part] came out.

The above facts are critical because each of the named Officer of the Courts KNEW these were material evidence of Kunjlata's motives for

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framing-me, not once [as on July 14, 2011], BUT TWICE, at least [as on July 18, 2011].

This is supported by Ms. L. Thomas's motion [*id.*] which stated "These impeachment materials in the hands of others [i.e. Jury, and or 'Reasonable' person] have bearing on the Domestic Violence Aggravator that the State says it will allege." This statement also proves that Prosecutor Mr. Simmons actions were reckless CRIMINAL ACTS with malicious intent.

And the fact that each of the Officer of the Court continue to ignore, neglect these facts to this date, especially the Court's Opinion is manifest proof of conspiracy and corruption; and

1.16. It is undisputed, Court's Opinion is material evidence that this case is NOT merely about Ineffective Assistance of Counsel, as Justices J. Grosse, J. Cox, and J. Schindler

the
would like, world to believe by stating
"Here, there was no such evidence", and
that it is about deliberate and reckless
CRIMINAL ACTS by each of them with Actual
Malice, because any 'Reasonable' person
can deduce from each of the stated undisputed
facts, inter alia [see Appellant's Brief], this case is
fought with my own lawyers' aiding and
abetting to cover-up CRIMINAL ACTS of the
prosecutor, the judges, and themselves.;
and

1.18. It is undisputed, a 'Reasonable' person review-
ing the materials facts and evidence in
EXHIBITS 'B' and 'C' together with statements
made by Justices J. Grosse, J. Cox, and J.
Schindler in their signed Opinion of March 17,
2014, would conclude this is manifest
corruption of constitutional magnitude, BECAUSE
If I had adequate financial resources to
retain a highly competent, honest and ethical

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accomplished
lawyer, who would/ everything Ms. L. Thomas
failed to do in 4 months. Including serving
subpoenas, interrogatories, inter alia, upon the
manufacturer of said 'deterant' device, medical
and device experts, witnesses, police, detectives,
inter alios, within the first few days of my
incarceration, pursuant to Criminal law 101
investigation. Proven beyond question of doubt
that the said 'deterant' device is a million times
safer than a taser [i.e. NOT LETHAL WEAPON];
cannot cause 'SUBSTANTIAL BODILY HARM' [i.e.
the Prosecutor Simmons LIED], just as the
3 police officers who simultaneously and repeatedly
tased a pregnant women [I believe it was King
County in 2011-2012] for 45 seconds over a traffic
infraction and were NOT charged with 'Torture'
nor for inflicting 'Substantial Bodily Harm' [a case
far worse than mine]; I act in 'self-defense';
Kunjilata self-inflicted to frame me on July 14,
2011, and then again on July 18, 2011; would
not have signed any documents prepared by
Prosecutor that waived all my rights; Proven

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Kunjilata Perjured herself on numerous counts, under oath, and in written / signed declarations, again, inter alia. All the things all 3 of my lawyers [namely Ms. Thomas, Mr. Picarello, Mr. D. Johnson] failed to do, and now includes Ms. J. Sweigert who cannot deny she did NOT know of these Fraudulent and Criminal Acts.

Within the first week, a competent lawyer would also have proven charge of Burglar and assault were Actual Fraud with Actual Malice, just based on the material fact that the Temporary Restraining Order "Mutual" (TRO) in our ongoing divorce litigation took precedent, and its violation did NOT constitute violation of any 'NO-CONTACT ORDER', did NOT constitute violation of any 'PROTECTION ORDER', because NO such orders existed in our lives [i.e. The prosecutor, lawyers and judges all LIED].

proof

A case that should have been resolved in 30 to 45 days, NOT 17 months plus

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15 months and counting; Manifest proof of depth and breadth of corruption by and between Officers of the Courts.; and

1.19. It is undisputed, Court records shows Kunjlata deliberately, recklessly with ulterior motive, PERJURED herself on several counts, yet not one of the Officers of the Courts have filed any charges, knowing it was PERJURY and knowing PERJURED testimony from a Key witness is automatic ground for retrial and charges against person committing perjury.

This is manifest weight of evidence of Actual Prejudice and 'CRIMINAL ACTS' to cover-up/ conceal their actions, and further proof of breadth and depth of corruption, because if I had lied, I would have been charged with Perjury.; and

1.20. It is undisputed, Court's Opinion of March 17,

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2014, stating "Kothari was not entitled to a self-defense instruction" or "there are numerous instances that indicate Kothari's desire to testify, to tell his side of the story", inter alia, is manifest Actual Fraud with malicious intent, Because any and all Reasonable person subjected to Mental Rape and physical tortures, day after day, week after week, month after month, confined in horrendous conditions in a King County jail only to face constant lies, coercion, blackmail from my own lawyers; facts, dates, times, inter alia, well documented in my, the Appellant, 50 pages motion to Justice Ronald Kessler, filed into court record on November 1, 2011, and 7 letters to the Chief Justice, Criminal Division, King County Superior Court [from April 2012 to October 2012], would reach out to the judge, as I did, to determine WHAT IS GOING ON?

Please note, Justice Kessler dismissed

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attorney Ms. Leona A. Thomas on November 1, 2014, after reviewing my motion.

Please note, Justice Mariane Spearman too dismissed Mr. Gene E. Piculell, after I verbalised my motion to fire him on March 5, 2012. The 1st day of trial.

Please note, I tried to fire Mr. Dillion Johnson, albeit proving far too painful after 17 months of non-stop MENTAL RAPE and physical tortures.

Therefore, statements by Justices J. Grosse, J. Cox, and J. Schindler are highly disingenuous and perpetuates Actual Fraud and their CRIMINAL ACTS. ; and

1.21. It is undisputed the contents of this document show that a 'Reasonable' person would agree it is clear, cogent, convincing evidence that

proves Justice J. Grosse, J. Cox, J. Schindler, and attorney Ms. Jennifer Sweigert, including all other aforementioned Officers of the Courts, as lawyers violated, deliberately and recklessly, 'The Bounds of Advocacy [pursuant to RPC 4.1] which states "a lawyer shall NOT KNOWINGLY (a) make a false statement of material fact or law to a third party; or (b) fail to disclose a material fact to a third person, when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client [in this case by other officers of the Court, witnesses, inter alios, judges];" and

1.22. It is undisputed with reference to 1.21. above, to a 'Reasonable' person this case is clear, cogent, convincing evidence that each of the persons named here-in violated RPC 1.2 that states "a lawyer may NOT continue assisting a client [or equally Officers

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of the Courts, witnesses, inter alios] in conduct that the lawyer originally supposes is legally proper, but then discovers is criminal or fraudulent." It is undisputed in this case that each of them conspired, even after discovering the criminal and fraudulent acts of others, to cover-up / conceal / neglect / ignore manifest CRIMINAL ACTS, to protect themselves; Because not one person named here-in has refuted the charges of CRIMINAL ACTS with clear, cogent, convincing hard evidence.

Something that was very easy to do given their statement "evidence was overwhelming," UNLESS the only overwhelming evidence was / is their CRIMINAL ACTS [as outlined in this motion and its companion motion dated March 20, 2014].; and

1.23. It is undisputed, Court's Opinion of March 17, 2014, stating "Here, there was no such evidence"

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or "Kothari's claims of prosecutorial misconduct are baseless" or "Kothari's claims of bias on the part of the trial judge [Mariane Spearman] are without merit", inter alia, represents manifest weight of evidence of Actual Fraud with Actual Malice in a conspiracy to cover-up/conceal their combined CRIMINAL ACTS.

Because any 'Reasonable' ^{prison} reviewing the material evidence, the undisputed facts/evidence outlined here-in and elsewhere will conclude something is very wrong at the very least, including manifest corruption in a case that was way relatively very simple in scope.

For example, Prosecutor Simmons's actions can only be termed CRIMINAL ACT'S, because he knew exactly what he was doing each time he refused to provide redacted discovery in full 4 months into the case. See Ms. Leona Thomas's motion of November 1, 2011, EXHIBIT B. In fact he made sure I NEVER got the full discovery with all the color photographs, even

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after 17 months, in simple case like mine. It is doubly incredulous that all 3 of my own lawyers conspired with the Prosecutor to deny my rights to have full discovery, in a timely fashion, to build a defense. The fact the judges, as adjudicator of justice did nothing to compel either, ignoring all my many pleas. Proving the Prosecutor contrived with the help of other officers of the courts to FRAME me with deliberate and reckless Actual Fraud and with Actual Malice. Here the evidence is overwhelming, that NOT even Court's Opinion can hide, cover-up; and

1.24.

It is undisputed, court record shows that the Prosecutor, in deliberate and reckless Actual Fraud with malicious intent, inter alia, CRIMINAL ACTS knowingly used Officer Wolff's police report and testimony as so-called Expert on the said 'deterant' device and to palpably insinuate it was direct cause of all marks, where clear,

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cogent, convincing evidence was Officer Wolff had little or no knowledge, let alone expertise on said 'deterrent' device, and limited knowledge on Tasers. And without a competent defense lawyer, the jury in full faith and trust, albeit actually fraud, accepted Officer's Wolff's account 100%. An act so cruel to be labeled as Pure Evil of the prosecutor to stoop so low, and equally so of my own lawyer Mr. Gene E. Piculell [whose motives were anything but to defend me] and Justice Mariane Spearman to allow the Prosecutor Simmons to get away with such Criminal Act.

Once again proving Court's Opinion belie Actual Facts and Actual Evidence, in a conspiracy to cover-up their CRIMINAL ACTS; and

1.25. It is undisputed, EXHIBIT A - 3/28/2014, Ms. Jennifer J. Sweigert's [the attorney I fired upon realizing she was part of the conspiracy to

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FRAME-ME, as evidenced by our communications
some of which are now court records, and here] letter
dated March 17, 2014 is manifest weight of
evidence of Constitutional magnitude, because
it betrays Actual Fraud with malicious
intent in a deliberate and reckless CRIMINAL
ACT, by stating, " I [Sweigert] have CAREFULLY
reviewed the Court's Opinion of March 17, 2014
..... Therefore, I will not ask the panel
of judges to reconsider its decision."

Proving this was a coldly calculated plan
starting with Mr. Dillion Johnson, Prosecutor
Simmons and Justice Mariane Spearman in
about August 2012 to insure I, the Appellant had
no follow-up what-so-ever [records validates
this] after Mr. Dillion filed the New Trial
Motion [and ONLY AFTER his BLACKMAIL was
officially documented to the Chief Justice and who
informed Justice Spearman]. Mr. D. Johnson, in a premedit-
ated act, insured there would be no

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consultations and no help with respect to the New Trial Motion. He ignored/neglected all my pleas / phone messages to him and to his supervisor Ms. Nancy Matson [% Northwest Defender's Association] for preparing a response to the Prosecutor's reply and for setting a separate date specifically for hearing of the New Trial motion. This was their intentions from the start, because each of them [Justice Spearman, Prosecutor Simmons, Mr. D. Johnson] knew they could and would summarily dismiss my New Trial Motion in couple of minutes at 'Sentencing' Hearing and then 'HELP ME' [a CRIMINAL ACT] by passing the case onto the Court of Appeals, where a panel of judges and a "stooge" appeal attorney Ms. Jennifer J. Sweigert could and did summarily dismiss the case: a highly disingenious CRIMINAL ACT. Because any and all 'Reasonable' person can readily ascertain after careful review of this document and other documents as referenced that Ms.

Sweigert's job was to keep me out of the way, to pacify me [in itself a deliberate and reckless premeditated CRIMINAL ACT]. And she would have succeeded IF I had NOT fired her and declared myself pro se [see my 'STAY' MOTION (part I) fr dated March 20, 2014].

Therefore, this EXHIBIT A, and the Court's Opinion, under Plain View doctrine and (per) according to 'Reasonable' person standard, is manifest corruption of Justice of Constitutional magnitude, by and between Officers of Courts, named here-in, because their combined actions belie a deliberate and reckless premeditated CRIMINAL Act, and because they KNOW NO one is going to listen to ^a man who is incarcerated for almost 3 years [albeit FRAMED], and who has NO funds or legal resources to prove his innocence.; and

1.26.

It is undisputed, EXHIBIT B - 3/28/2014, Ms. Leona A. Thomas's [WSBA # 16449] Motion for continuance, filed November 1, 2011 in at King County, Superior Court in front of Justice Ronald Kessler, is VITAL material evidence that each of officers of the Courts named here-in knew and understood, as did Ms. Thomas, that the said 'deterant' device would prove I acted in self-defense; Kunjlata did Frame me; it is not a taser; it cannot cause 'Substantial Bodily Harm'; it is NOT a 'Lethal Weapon'; inter alia.

A fact, each of them know constitutes 'CRIMINAL LAW 101' to conduct forensics investigation on all key material evidence to rule out false incrimination, especially in a case like mine where I am falsely alleged of Assault 2nd degree, just so they could then false charge me with Burglary in 1st degree. It is undisputed there was NO forensic

investigation of any kind in this case, because evidence was overwhelming to prove I was first FRAMED by Kujlata, and then by each of the named Officer of Courts.; and

1.27. EXHIBIT C - 3/28/2014, is material evidence that distils and collates the facts, material statements, vital information from EXHIBIT B, to fully demonstrate and validate the depth and breadth of manifest corruption of constitutional magnitude practiced upon the courts by and between named Officers of the court, in a coldly calculated conspiracy to cover-up, conceal, neglect, ignore their combined 'CRIMINAL ACTS'.

For the record, EXHIBIT C - 3/28/2014 is hereby submitted to validate and prove that Court's Opinion in its entirety constitutes a CRIMINAL ACT by Justices J. Grosse, J.

Cox, J. Schindler, and by attorney Jennifer J. Sweigert. Each of whom deliberately, recklessly and knowingly sought to close the case in grand scheme of Actual Fraud, inter alia, Conspiracy to protect themselves using every legal trick, albeit disingenuously.

For the record, Ms. Sweigert brushed aside all my efforts to subpoena the manufacturer of said 'detrant' device, Information she knew was vitally important in this case. She even refused to provide forms or any instruction, that I may, individually, subpoena the manufacturer.

1.28. It is undisputed, court records will show attorney Mr. Dillion Johnson filed NO other documents with respect to the New Trial Motion [filed in August 2012], including NO response what-so-ever to Prosecutor's Simmon's reply motion, Because he made sure there was

little or *NO* contact with me, other than to go directly to the 'Sentencing Hearing' on October 26, 2012, 2 months later.

Therefore, the Court's Opinion stating "..... the [trial] court considered oral and written arguments. The trial court denied the Motion" was highly disingenuous, arising to manifest Actual fraud with malicious intent because it grossly detracts from the Actual Truth; and

1.29. It is undisputed, these above material facts, overwhelming evidence, inter alia, proves beyond any doubt to a 'Reasonable' person that this case surpasses Extraordinary and Unusual Circumstances, and can only be summed up as causing substantial reckless damages so excessive that *NO* sig single remedy can cure the unbelievable, unconscionable, unpardonable harm to our 2 children, my mother,

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inter alios, I, the Appellant, caused by each of the Officers of the Courts, both in their individual capacity and ⁱⁿ their combined actions to cover-up, conceal in a grand conspiracy their CRIMINAL ACTS.

The reason why NOT one of them will refute these charges with hard credible material evidence is because they FABRICATED EVIDENCE in the first place.

Another reason why they will NOT refute these charges, is because it would automatically constitute further Actual Fraud, inter alia, CRIMINAL ACT.

Their crime is against all humanity because each citizen put his/her full faith and trust in each Officer of the Court; and

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1.30. It is undisputed, the Appellant had unequivocally dismissed / fired Ms. Jennifer J. Sweigert, formally on February 6, 2014 with letters to her and to each of the Justices Cox, Grosse, and Schindler.

See Appellant's "motion to 'STAY'...." file dated March²⁰, 2014, EXHIBITS B and C.; and

1.31. It is undisputed, each of the above points 1.1. to 1.30. represents separate and distinct charge of CRIMINAL ACTS, by and between named Officers of the Courts, including Ms. Kunjlata S. Kothari, inter alios.; and

1.32. It is undisputed, each of the points documented in the prior "Motion to 'STAY'...." dated March 20, 2014 represents separate and distinct charge of CRIMINAL ACTS, by and between named persons there-in, namely,

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Justices J. Grosse, J. Cox, J. Schindler,
Mariane Spearman [of King County Superior Court];
Prosecutor Jason Simmons; attorneys
Ms. LEONA A THOMAS, Mr. Gene E. Piculell,
Mr. Dillion Johnson, inter alios, Ms. Jennifer
J. Sweigert.; and

1.33. This "MOTION TO 'STAY'", and the
prior "MOTION TO 'STAY'" represents
portion of the total number of Actual Fraud,
inter alia, CRIMINAL ACTS, as any 'Reasonable'
person would deem after careful review of
the material evidence, material evidence that
was omitted or concealed, material evidence
that was not subjected to forensic investiga-
tion, inter alia, Fabricated material evidence.

Material evidence that was plainly
obvious to each of the named Officers of
the Courts, who have extensive knowledge
and understanding of criminal law, criminal

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Cases, and are considered highly experienced experts in their field, compared to I, the Appellant.

[Officers of the Courts]

Therefore their deliberate and reckless actions betrays CRIMINAL ACTS with malicious intent. Acts that they cannot hide from the Federal Bureau of Investigations.

2.0 CONCLUSIONS

This motion and the materials referenced there-in validate:

- 2.1. The Court's Opinion [filed March 17, 2014] is ^{itself} manifest weight of evidence of Actual Fraud with Actual Malice in a coldly calculated conspiracy to cover-up, conceal, neglect, inter alia, ignore the CRIMINAL ACTS by each of the Officers of the Courts, and Kunjlata S. Kothari, individually and collectively; Because it automatically forms a perception of truth in the minds of every citizens, who have no-reasons to, ^{doubt} signatures of 3 Justices of the Courts [namely Justices J. Cox, J. Grosse and J. Schindler] and indirectly the actions of appeal attorney Ms. Jennifer J. Sweigert. Truth that basic and fundamental forensic investigation shall prove the depth

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and breadth of their corruption of the courts. ; and

2.2. Justices J. Cox, J. Grosse, and J. Schindler, by way of their signed 'Opinion', are each individually and collectively guilty, if not greater, than Justice Mariane Spearman. I was UNEQUIVOCAL in representing myself, because each know there is **NO** law, **NO** RULE, **NO** Constitution, either under Federal or State, that states I, the defendant, and acting as pro-se [without an attorney, because Justice Mariane Spearman dismissed my 'stand-by attorney' without any legal basis or 'Reasonable' cause, other than the fact Prosecutor Simmons demanding I not be allowed a 'STAND-BY ATTORNEY'] MUST SIGN ANY documents prepared for and by the Prosecutor Simmons, in the middle of a Trial [day 2, March 6, 2012]; a document that lists [15 to 20] I, the defendant waive all his 'Rights'

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to a FAIR and EQUITABLE justice; a document any 'Reasonable' person would acknowledge was deliberate, reckless, premeditated **BLACKMAIL** with malicious intent; a document Justice Marian Spearman did **NOT** ask the prosecutor Simmons to sign and waive all the 'STATE'S RIGHTS'; a document I had **NEVER** seen before to obtain any legal opinion; a document that **BETRAYS** the true, premeditated intentions of Justice Mariane Spearman, prosecutor Jason Simmons, attorneys Ms. Leona A. Thomas, Mr. Gene E. Piculell, Mr. Dillion Johnson, inter alios; a document that **BETRAYED** corruption of the courts, repugnant to our United States Constitution.

A fact that makes Justice^{J.} Cox, J. Grosse, and J. Schindler, as well as Ms. Jennifer J. Sweigert highly guilty of the **ULTIMATE CRIME** against all citizens, who put their full faith and trust in them blindly; and

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2.3. Justices J. Cox, J. Grosse, J. Schindler [including Ms. Sweigert under the circumstances], by way of their signed 'Opinion', are equally if not greatly, guilty as Justice Mariane Spearman, because each of them knew it was ACTUAL PREJUDICE with malicious intent to allow defense attorney Mr. Gene E. Piculell to continue to defend me, the Appellant after having been dismissed for his CRIMINAL ACTS, per verbal motion on day one of trial [March 5, 2012].

It was Gross CRIMINAL ACT, because Justice Mariane Spearman NEVER told the Jury the truth of such highly material fact, in all candor, a VITAL and CRUCIAL fact to insure there was a FAIR and EQUITABLE trial.

Another VITAL example of Actual Fraud, inter alia, CRIMINAL ACTS by the Justices, because each of them know that each member of the

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Jury would acknowledge Justice Mariane Spearman's action constituted 'ACTUAL PREJUDICE' with malicious intent, and understand why Mr. Gene E. Piculell failed to produce any substantial in my defense, as the court records demonstrate, and further proves this case goes beyond just Ineffective Assistance of Counsel.

Facts that support, beyond question of doubt, that the Justices J. Cox, J. Grosse, and J. Schlinder ^{grossly} LIED in their 'Opinion', knowingly. A gross LIE perpetuated by Ms. Jennifer J. Sweigert in her letter dated March 17, 2014, even though I fired her on February 6, 2014 [see "Motion To 'STAY' Court's Opinion....." dated March 20, 2014]; and

2.4. Justices J. Cox, J. Grosse, and J. Schindler, as well as Ms. Jennifer J. Sweigert, are highly guilty of coercion, **BLACKMAIL**, inter alia, Actual Fraud. Because they all knew

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I, the Appellant, pro se fired / Dismissed Ms. Jennifer J. Sweigert formally on February 6, 2014 [by way of correspondences via mail to each of them, and their acknowledgment of receipt] for her role ~~in~~ to Actually FRAME ME, in a coldly calculated conspiracy to cover-up, conceal, neglect, ignore their CRIMINAL ACTS, just to protect each other. Again I was UNEQUIVOCAL in representing myself.

CRIMINAL ACTS they cannot hide from the Federal Bureau of Investigations. ; and

2.5. Justices J. Cox, J. Grosse, and J. Schindler, as well as Ms. Jennifer J. Sweigert are highly guilty of Actual Fraud, inter alia, CRIMINAL ACT.

Because each time they denied my requests for Telephonic Appearance and Oral Argument, a gross VIOLATION OF MY CONSTITUTIONAL RIGHT to be present at all Hearings, betrayed their true, premeditated criminal intentions

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and manifest weight of evidence to cover-up their CRIMINAL ACT, to expediate the process, to insure no-one finds out how they FRAMED -ME, the Appellant.

They NEVER directly denied my requests to proceed pro se, Because they I knew it was automatic violation of my constitutional 'RIGHT' to represent myself, especially I after I had 'BLOWN-THE-WHISTLE' on Ms. Jennifer J. Sweigert, and the corruption of the courts, by each of them.

Please note, any 'Reasonable' person would beg the question where ^{any} ~~one~~ of the Justices NEVER offered any grounds, reasons, inter alia, legal basis for denying all my requests, to support that their simple statement, to correct any misapprehension. Undoubtedly because their reason would automatically betray Actual Fraud, inter alia, Criminal Act.; and

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2.6. The above are just few examples of the Criminal Acts, by and between Officers of the Courts named here-in, and Ms. Kunjlata S. Kothari.

My "MOTION TO 'STAY' Court's Opinion----" dated March 20, 2014, and this 'Motion' are timely filed so that the Court can address these crimes of Constitutional magnitude; and

2.7. This NOTICE affirms that the Court is informed, and required to act without delay to, ^{address} any and all acts of Fraud, inter alia, Criminal Acts practiced upon the Court, before addressing any other matter or cause of action. See Pringle v. Pringle, 55 Wash. 93 104, P.135 1909; pursuant to RAP ~~2.3~~ 2.2.; inter alia.

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3.0 RELIEF SOUGHT

3.1. Must order full forensic investigation of any and all matters in this case, including CRIMINAL ACTS, by and between Officers of the Courts, inter alios, Ms. Kunjlata S. Kothari, to avoid further miscarriage of Justice of Constitutional magnitude; and

3.2. To charge and serve warrant for arrest of each and every Officer of the Courts, inter alios, Ms. Kunjlata S. Kothari, and without bail to insure against further crimes, because this case, this document and materials referenced there-in support substantial Probable Causes of Constitutional Magnitude; and

3.3. To prove Actual Fraud, inter alia, CRIMINAL

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ACTS were practiced upon the courts by and between the named Officers of the Courts, inter alios, Ms. Kunjlata S. Kothari, to assure every citizen that no-one is above law, especially a crooked, corrupt Officer(s) of the Courts; and

3.4. To prove my innocence, beyond a 'Reasonable' doubt, so that I may win back my children, my mother, inter alios, my standing in the community, inter alia; and

3.5. To waive / dismiss / ^{any and} all fees, charges, inter alia, against, I the Appellant with prejudice; and

3.6. To publish the entire case, to insure against it happening again to another innocent victim, just because they lack

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sufficient funds to retain a highly competent, ethical and honest lawyer. Just as no person is ever denied medical care; and

3.7. To implement "Good Jurisprudence Practice" [GJP], analogous analogous to "Good Manufacturing Practice" overseen by the Food and Drug Administration, to protect each and every citizen from corrupt officials, and ~~or~~ manifest negligent errors, ~~or~~ and manifest negligent excuses, inter alia; and

3.8. To implement 'ZERO TOLERANCE' for any single act of fraud, inter alia, of crime, of perjury by a lawyer, a prosecutor, and a judge, under any circumstances, because manifest weight of evidence supports the fact it is number one cause of overwhelming and over burdening our Court system, destroying the truth-seeking function of any court. Such

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persons must be disbarred from practicing law, to insure against any Actual Prejudice in the future. Just as it's Actual Prejudice claim by prosecutor if a felon is allowed to be a member of the jury.

It means ONLY law is practiced in our courts, by competent lawyers, in all candor. This measure alone assures fair and equitable justice for all, and equally importantly it frees up our court system from all reckless cases.

It also means citizens and their children, and their families are protected from deliberate cruelty, inflicted by untold MENTAL RAPE, FINANCIAL RAPE, inter alia, PHYSICAL TRAUMA: Because justice delayed, corrupted, inter alia, is JUSTICE DENIED. A cost no civilized society can afford, or endure for long.; and

3.9. J. Sudeshkumar S. Kothari, pro se, the Appellant, Petitioner,

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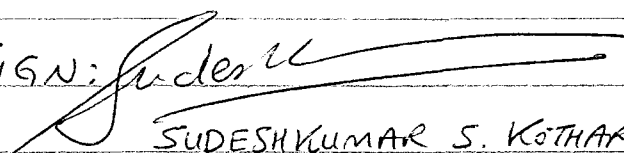
SUDESHKUMAR S. KOTHARI
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reserve any and all 'RIGHTS' to take any and all legal cause of action, at any such time and place, as deemed appropriate, against any and all persons, entity, third party, inter alios.

EXHIBIT D - 3/28/2014: "MOTION TO TAKE JUDICIAL NOTICE, AND TO 'STAY' COURT'S OPINION FILED MARCH 17, 2014," submitted April 28, 2014 to Court of Appeals, Division I.

I, hereby declare under penalty of perjury, the above is true to best of my knowledge.

DATE: April 14, 2014

SIGN: 
SUDESHKUMAR S. KOTHARI

at, COYOTE RIDGE CORRECTION CENTER

P.O. Box 769, CONNELL, WA 99326

- To: Mr. Richard D. Johnson, Court Admin., Court of Appeals-1,
- To: Chief Justice Ronald Kessler, Superior Court, King County;
- To: Honorable Ronald R. Carpenter, The Supreme Court, Washington State;
- To: Daniel Satterberg, Washington State Prosecutor's Office.

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APPEAL NO. 69564-9-1

DECLARATION OF MAILING

I, Sudeshkumar S. Kothari, pro se, the Petitioner declare I deposited the foregoing documents:

1. "MOTION TO 'STAY', TO RECONSIDER MATERIAL EVIDENCE THAT BETRAYS CRIMINAL ACTS, inter alia." ; and
2. EXHIBIT A - 3/28/2014 : Ms. Jennifer J. Sweigert's letter dated 3/17/2014 to I, the Petitioner. ; and
3. EXHIBIT B - 3/28/2014 : Attorney Ms. LEONA A. THOMAS'S [WSBA # 16449] ~~MOTION~~ MOTION FOR CONTINUANCE, filed on November 1, 2011 in Superior Court No. 11-1-07116-9 SEA; and
4. EXHIBIT C - 3/28/2014 : "MOTION TO PRESENT ANALYSIS OF FACTS THAT BETRAY ACTUAL FRAUD, inter alia, CRIMINAL ACTS, IN SUPPORT OF

Appeal no. 69564-9-1

Declaration of MAILING.

To 'STAY' TO RECONSIDER COURT'S OPINION;
Submitted herewith; and

4. EXHIBIT D - 3/28/2014 = "MOTION TO TAKE JUDICIAL NOTICE, AND TO 'STAY' COURT'S OPINION FILED MARCH 17, 2014" - submitted to Court of Appeals on April 8, 2014.

or a copy thereof, in the internal mail system of:

COYOTE RIDGE CORRECTION CENTER
P. O. Box 769
CONNELL, WA 99326

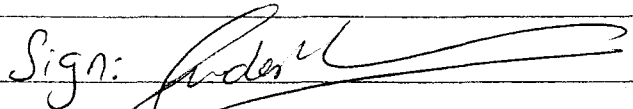
And made arrangements for postage, addressed to each of the following:

DECLARATION OF MAILING.

1. Mr. Richard D. Johnson, Court Admin., Court of Appeals, Div. I., 600 University St., Seattle, WA 98101-4170;
2. Chief Justice Ronald Kessler, Superior Court, King County, Rm C-203, 516 3rd Ave., Seattle, WA 98104-2381;
3. Hon. Ronald R. Carpenter, Clerk of Supreme Court, The Supreme Court, State of Washington, Temple of Justice, P.O. Box 40929, Olympia, WA 98504-0929;
4. Daniel Satterberg, Washington State Prosecutor's Office, King County Superior Court, W 554, 516 3rd Ave., Seattle, WA 98104-2362

I certify, under penalty of perjury, the above is true to the best of my knowledge.

Date: April 15, 2014

Sign: 

362420, CAMAS 67
COYOTE RIDGE CORRECTION CENTER
P.O. Box 789, Connell, WA 99326

LAW OFFICES OF

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OF COUNSEL
K. CAROLYN RAMAMURTI
ANDREW P. ZINNER

March 17, 2014

Sudeshkumar Kothari
Coyote Ridge Corrections Center
1301 N Ephrata Ave
PO Box 769
Connell, WA 99326

Rec'd 3/20/14

EXHIBIT A - 3/28/2014
1/7 pages

Re: State v. Kothari, No. 69564-9-I

Dear Mr. Kothari:

The Court of Appeals filed an opinion in your case on March 17. That opinion is enclosed. Unfortunately, the Court affirmed your conviction.

I have carefully reviewed the Court's opinion. First, the Court rejected the argument I made in the opening brief because in the time since I filed the brief, another decision, State v. Moore, has already decided the issue against us. Next, the Court addressed the arguments you made in your Statement of Additional Grounds for Review.

I regret to conclude that the Court of Appeals has legal and factual justifications to support its decision. Therefore, I will not ask the panel of judges to reconsider its decision. However, you may file your own motion to reconsider the court's decision, if you feel that the court has overlooked or is mistaken about an important point of fact or law. If you plan to do so, you must file the motion within 20 days of the date of the court's opinion. The motion must be filed with the Clerk of the Court of Appeals in Seattle (Division One).

Also, I do not think that the court's opinion presents grounds for review by the Washington Supreme Court. Thus, I do not plan to file a petition for review by that court. However, you may ask the Supreme Court to review your case, if you wish. If you want that court to review your case, you must file a "petition for discretionary review," stating an appropriate basis for review. The Supreme Court does not have to hear your case. Typically, the Supreme Court hears only cases where the Court of Appeals ruling conflicts with a Supreme Court ruling or a ruling of another division of the Court of Appeals, or if a unique issue of law is involved. If you wish to appeal to the Supreme Court, you must file your petition for discretionary review within 30 days of the enclosed opinion.

That petition should also be filed with the Court of Appeals in Seattle. You do not have to file a motion for reconsideration first, but can go right to the petition for discretionary review if you want. If you plan to pursue this matter to federal court, you must first file a petition for discretionary review. If you do nothing, the the Court will issue its mandate and the decision will become final.

This is a lot of information. Please call if you have questions about the process of filing a motion for reconsideration or petition for review or would like a sample form. Our toll free # is 1-877-710-5111. You will hear a beep and you must enter the authorization code (1908) to complete the call. I am usually in the office between 9 and 12 a.m. and between 1 and 4 p.m., Monday through Friday.

Sincerely,



Jennifer J. Sweigert
Attorney at Law

Enclosure: Court of Appeals Opinion

The Court of Appeals
of the
State of Washington
Seattle

RICHARD D. JOHNSON,
Court Administrator/Clerk

DIVISION I
One Union Square
600 University Street
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March 17, 2014

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CASE #: 69564-9-I

State of Washington, Respondent v. Sudeshkumar S. Kothari, Appellant
King County, Cause No. 11-1-07116-9 SEA

Counsel:

Enclosed is a copy of the opinion filed in the above-referenced appeal which states in part:

"Affirmed."

Counsel may file a motion for reconsideration within 20 days of filing this opinion pursuant to RAP 12.4(b). If counsel does not wish to file a motion for reconsideration but does wish to seek review by the Supreme Court, RAP 13.4(a) provides that if no motion for reconsideration is made, a petition for review must be filed in this court within 30 days.

In accordance with RAP 14.4(a), a claim for costs by the prevailing party must be supported by a cost bill filed and served within ten days after the filing of this opinion, or claim for costs will be deemed waived.

Should counsel desire the opinion to be published by the Reporter of Decisions, a motion to publish should be served and filed within 20 days of the date of filing the opinion, as provided by RAP 12.3 (e).

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

Enclosure

c: The Honorable Mariane Spearman
Sudeshkumar S. Kothari

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)
)
 Respondent,)
)
 v.)
)
 SUDESHKUMAR S. KOTHARI,)
)
 Appellant.)
)
 No. 69564-9-1
 DIVISION ONE
 UNPUBLISHED OPINION
 FILED: March 17, 2014

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2014 MAR 17 AM 8:52

GROSSE, J. — Sudeshkumar Kothari appeals his convictions for first degree burglary-domestic violence, second degree assault-domestic violence, and misdemeanor violation of a court order, arguing that the trial court erred in instructing the jury that it had a “duty to return a verdict of guilty” if it found all the elements of the offense beyond a reasonable doubt. This argument is contrary to controlling authority. State v. Ryan Moore, __ Wn. App. __, 318 P.3d 296 (2014) and the cases cited therein.

In his statement of additional grounds, Kothari challenges the sufficiency of the evidence. Kothari’s arguments amount to an attack on the credibility of the witnesses at trial, including the victim. But we do not disturb credibility determinations on appeal.¹

Kothari also contends that he was denied his right to represent himself and that he was coerced into accepting counsel. The federal and state constitutions guarantee a defendant the right to self-representation.² To exercise the right, the defendant must make an unequivocal, knowing, intelligent, and timely request. A trial court’s denial of a

¹ State v. Camarillo, 115 Wn.2d 60, 71, 794 P.2d 850 (1990).

² U.S. CONST. amends. VI, XIV; WASH. CONST. art. I, § 22; see also Faretta v. California, 422 U.S. 806, 828-29, 95 S. Ct. 2525, 45 L. Ed. 2d 562 (1975).

request for self-representation is reviewed for abuse of discretion.³ The court engaged Kothari in a colloquy and ultimately determined that Kothari's request was equivocal. Here, Kothari only wanted to proceed pro se if he could use the services of his counsel. The court informed Kothari that he did not have a legal right to stand-by counsel. A decision to offer stand-by counsel would be made at the court's discretion only after Kothari made his decision to proceed pro se, recognizing that he might not receive stand-by counsel. Kothari told the court that he wanted to proceed pro se but that he was doing it "under duress." This was equivocal. Under these circumstances, the trial court did not abuse its discretion in denying Kothari the right to proceed pro se.

Kothari also complains that the court erred in denying his motion for a new trial on grounds of ineffective assistance of counsel. Counsel was appointed to represent Kothari in his motion for a new trial because he challenged his trial counsel's performance. The trial court received an affidavit from Kothari's trial counsel and the court considered oral and written arguments. The trial court denied the motion.

To prevail on a claim of ineffective assistance of counsel, a defendant must show that his counsel's performance fell below an objective standard of reasonableness and that this deficient performance prejudiced his trial.⁴ Both prongs must be satisfied. There is a strong presumption of effective representation of counsel and the defendant must show that there was no legitimate strategic or tactical reason for the challenged conduct.⁵

³ State v. Breedlove, 79 Wn. App. 101, 106, 900 P.2d 586 (1995).

⁴ Strickland v. Washington, 466 U.S. 668, 687, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984); State v. McFarland, 127 Wn.2d 322, 334-35, 899 P.2d 1251 (1995).

⁵ McFarland, 127 Wn.2d at 336.

On appeal, Kothari asserts his trial counsel was ineffective because counsel failed to advise Kothari that he could not assert self-defense. A criminal defendant is entitled to have the trial court instruct upon his or her theory of the case so long as there is evidence to support that theory.⁶ Here, there was no such evidence. Moreover, prior to the trial starting, Kothari's counsel clearly stated that self-defense was not available because of the alleged unlawful entry. Kothari entered his ex-wife's home in contravention of a restraining order and committed an assault by repeatedly (some 25 to 30 times) giving the victim electric shocks from a runt (similar to a taser) device. Kothari maintained that he did this in self-defense. Kothari's teenage daughter was at home at the time of the assault and witnessed Kothari repeatedly jabbing her mother with an object that looked like a taser. The daughter witnessed several blue sparks coming from her mother as Kothari continued to shove the implement against her mother while the mother was lying on the floor. There was no evidence that supported such an instruction other than Kothari's self-serving statements.⁷ Kothari was not entitled to a self-defense instruction.

Kothari also claims that he was never informed of his right to not take the stand. Throughout the trial there are numerous instances that indicate Kothari's desire to testify, to tell his side of the story. Kothari argues here, as he did below, that had he known self-defense was not available to him, he would not have taken the stand. Whether or not Kothari testified in this instance had no bearing on the outcome of the case, as the evidence was overwhelming that Kothari entered the home in violation of a protection order and assaulted his ex-wife.

⁶ State v. Hughes, 106 Wn.2d 176, 191, 721 P.2d 902 (1986).

⁷ State v. Calvin, ___ Wn. App. ___, 316 P.3d 496 (2013).

Kothari's claims of prosecutorial misconduct are baseless. The essence of Kothari's argument seems to be that misconduct occurred because the prosecutor called the victim and witnesses to the stand knowing the statements were false. Likewise, Kothari's claims of bias on the part of the trial judge are without merit. These generalized and unsupported claims of judicial bias do not merit review.

Affirmed.

G. J.

WE CONCUR:

Schivalo, J.

COX, J.

EXHIBIT B - 3/28/2014

Leona gave me this copy at Nov 1st 2011

1/6 pages

and/or of my prior knowledge; I was shocked! hearing, without any discussion

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

STATE OF WASHINGTON,
Plaintiff,

Case No. 11-1-07116-9 SEA

DEFENSE MOTION TO CONTINUE
NOVEMBER FIRST TRIAL

v.

SUDESHKUMAR KOTHARI,
Defendant.

DEFENSE COUNSEL'S MOTION TO CONTINUE TRIAL DATE ON 10/21/2011

COMES NOW, Leona A. Thomas, counsel for defendant, Sudeshkumar Kothari, and moves the court for an order to continue the trial date in this matter to a specified date. This motion is being made by defense counsel over the objection of defendant, Sudeshkumar Kothari.

This motion is made pursuant to Cr 3.3 (f)(2), Article I Sections 3, 9 and 22 of the Washington State Constitution, and the Fifth, Sixth and Fourteenth Amendments to the United States Constitution. This motion is made based upon the declaration of counsel and the record and

1 file herein.

2 DATED this 20th day of October, 2011.

3 Respectfully Submitted,

4
5
6 _____
7 LEONA A. THOMAS; 16449
8 Attorney for defendant

9 **DECLARATION OF DEFENSE COUNSEL**

- 10 1. I am the attorney of record for Sudeshkumar Kothari. Mr. Kothari is currently charged
11 with one count of Burglary in the First Degree, one count of Assault in the Second Degree
12 (torture) and Misdemeanor Violation of a Court Order, all with a Domestic Violence
13 designation. The Burglary in the First Degree and Assault in the Second Degree are also
14 charged as being within sight or sound of a minor child—the defendant’s daughter.
15
16 2. As currently charged, the standard range on the Burglary in the First Degree with the
17 assault in the second degree as a companion count, would be 26 to 34 months.
18
19 3. I received the case on July 20, 2011, prior to the August 2, 2011 arraignment. Mr.
20 Kothari signed a speedy trial waiver at the first casescheduling (August 17, 2011), when
21 the State gave notice that the State intended to amend to Attempted Murder. The
22 standard range for an attempted murder is obviously significantly higher than that for
23 burglary in the first degree.
24
25 4. Before the case was set for trial, I prepared an investigation referral and was able to get an
26 investigator assigned to the case.
27

- 1 5. At the second case-scheduling, September 13th, the case was set for trial within the
2 current expiration date of November 12. At the time of the trial setting on the thirteenth
3 of September, defense counsel noted that she had scheduled vacation November 7, 2011
4 through November 13, 2011. The expiration date is Sunday the 13th of November, which
5 makes the effective expiration date, Monday, the 14th of November.
6
- 7 6. The State gave notice in its omnibus application dated August 16, 2011, that it would
8 amend to Attempted Murder and add a history of Domestic Violence as an aggravator.
9
- 10 7. My investigator has contacted the manufacturing representative associated with this
11 particular model of taser.

- 12 8. My investigator has suggested that my office purchase a duplicate of the Taser already in
13 evidence. I have not applied for these purchase monies through the Office of Public
14 Defense. This would allow one or more potential experts to examine the kind of taser
15 said to have been used by Mr. Kothari "to torture" his wife.
16
- 17 9. My investigator has contacted a potential expert at the University of Washington who
18 would examine the taser in evidence or the same model of taser. The expert would assist
19 defense in determining if this taser could induce a heart arrhythmia which might induce a
20 heart attack and kill the alleged victim. This appears to be the basis for the State saying
21 that the prosecutor will amend to Attempted Murder if Mr. Kothari proceeds to trial on
22 this case. The expert might be able to assist defense counsel in determining if the taser
23 could be used to torture someone, which is how the State has alleged the Assault in the
24 Second Degree.
25
26
27

1 10. The defense investigator has attempted to contact the members of the Mercer Island
2 Police force who responded to this incident and investigated this case. The investigator
3 had some difficulty navigating the phone system and e-mail for the Mercer Island Police.
4 She was finally able to get first names for officers and to contact them. The response thus
5 far is that the Mercer Island Police officers' practice is to have the prosecutor present for
6 interviews.
7

8 11. My investigator has done other investigative tasks on this case, at my request.
9

10 12. I have met with my client's family, who live in England. I have also talked to one
11 member by telephone.

12 13. My paralegal has contacted my client's family law attorney. The divorce file consists of
13 thousands of pages. The family law attorney's firm has told my paralegal that they will
14 not photocopy the file for me. I may not need the entire file. However, I believe that I
15 may need transcripts, depositions and interrogatories which bear on Mr. Kothari never
16 having harmed his wife in the past. On information and belief, I have the impression that
17 Mrs. Kothari was impeached on the witness stand on a number of points—including the
18 fact that Mr. Kothari never harmed her in the past despite false accusations of abuse.
19 These impeachment materials in the hands of others have bearing on the Domestic
20 Violence Aggravator that the State says it will allege.
21

22 14. I have spent hours helping Mr. Kothari file and serve he dissolution appeal. This includes
23 training my paralegal in tasks basic to civil practice.
24
25
26
27

1 15. I am also given the task of reading Mr. Kothari's appeal in time for him to file it with the
2 Court of Appeals. At this point, the appeal will run two to three hundred written pages.

3 16. I have asked for legal research assistance regarding certain potential defenses. I have
4 received back resource materials but have yet to read and assimilate these materials for
5 trial.
6

7 17. I have not been able to research the issue of lesser included offenses for this set of
8 charges. I have not researched lesser included charge(s) for Attempted Murder for this
9 case.
10

11 18. My paralegal redacted discovery and sent it to assigned Deputy Prosecuting Attorney

12 Jason Simmons. We have not received back the discovery, despite my verbal reminder to
13 Mr. Simmons, to please do so.

14 19. The basis for the Felony Violation of a Court Order appears to stem from a portion of the
15 dissolution decree. I have not had an opportunity to research, and potentially to brief this
16 issue.
17

18 20. I have worked well over thirty hours on this case since I received it in August.

19 21. Due to the complexity of the legal and factual issues in the case, I cannot provide
20 effective assistance of counsel to Mr. Kothari, if forced to meet a trial date of November
21 1, 2011. I seek a continuance of the trial date over my client's objections.
22

23 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF
24 WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF
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MY KNOWLEDGE.

Seattle, Washington; October 20, 2011

DECLARANT LEONA A. THOMAS;
WSBN 16449

EXHIBIT C - 3/28/2014

PI
of
70

THE SUPREME COURT
STATE OF WASHINGTON

STATE OF WASHINGTON
PLAINTIFF, RESPONDENT

APPEAL NO. 69564-9-1
[SUPERIOR NO. 11-1-07116-9 SEA]

v.

SUDESHKUMAR S. KOTHARI
pro se, PETITIONER
APPELLANT

MOTION TO PRESENT ANALYSIS
OF FACTS THAT BETRAY
ACTUAL FRAUD, inter alia,
CRIMINAL ACTS, IN SUPPORT OF
TO 'STAY', TO RECONSIDER
COURT'S OPINION

Pursuant to Haines v. Kerner, 404 U.S. 519, 1972;
and RAP 1.2(a), 9, Sudeshkumar S. Kothari, pro se,
the Petitioner request "LIBERAL INTERPRETATION"
and to "promote Justice... Decision of cases
on the merits.

THIS MOTION SERVES AS NOTICE EACH IS
HEREBY INFORMED.

TO: RICHARD D. JOHNSON, COURT ADMIN., COURT OF APPEALS, DIV. I;
TO: CHIEF JUSTICE RONALD KESSLOR, SUPERIOR COURT, KING COUNTY;

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ANALYSIS OF FACTS

SUDESHKUMAR S. KOTHARI

Appeal no. 69564-9-1

Superior no. 11-1-07116-9 SEA

TO: DANIEL SATTERBURG, KING COUNTY, WASHINGTON STATE
PROSECUTOR'S OFFICE ;

TO: CHIEF JUSTICE, COURT OF APPEALS, DIVISION I.

Analysis of facts are based of attorney Ms. LEONA THOMAS'S MOTION filed under Superior Court no. 11-1-07116-9 SEA, on November 1, 2011. THIS MOTION, includes without limitations, all related filings in the Superior Court no. 11-1-07116-9 SEA, and in the Court of Appeals, Div. I. no. 69564-9-1.

I, Sudeshkumar S. Kothari, pro se, the Petitioner, deprived of access to law library, computer, printer, inter alia, hereby present analysis of facts based on attorney Ms. LEONA THOMAS motion [EXHIBIT B] to support criminal charges against Officers of the Courts of State of Washington Ms. KUNJLATA S. KOTHARI [MERCER ISLAND RESIDENT], inter alios, as deemed necessary, for practicing

ANALYSIS OF FACTS

SUDESHKUMAR S. KOTHARI

Appeal no. 69564-9-1

Superior Court no. 11-1-07116-9 SEA

Fraud, Perjury, Conspiracy, Gross Intentional Criminal Negligence, Misrepresentation, Misconduct, Actual Prejudice with Malicious intent, using Fabricated Evidence, inter alia, here-in after collectively referred to as "CRIMINAL ACTS."

Pursuant to facts, material evidence represented in Ms. Thomas's "Motion" for continuance, filed November 1, 2011.

Corruption of the Courts of Justice, at any and all levels, is PENULTIMATE crime against all common persons, and repugnant to the United States of America's Constitution.

'Officers of the Court' involved in this case, include without limitations, Prosecutor Mr. Jason L. Simmons; defense attorneys Ms. LEONA A. THOMAS [WSBA # 16449], Mr. Gene E. PICHELLE [private], Mr. DILLION JOHNSON [% Northwest Defenders' Association]; Justice Mariane Spearman [% Superior Court, King

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ANALYSIS OF FACTS SUDESHKUMAR S. KOTHARI
Appeal no. 69564-9-1
Superior Court no. 11-1-07116-9 SEA

County; Appeal attorney for Appellant, Ms. Jennifer J. Sweigert [% Nielsen Broman & Koch PLLC - she was asked to recuse herself]; inter alios.

This motion begs this court to order full criminal investigation to avoid gross miscarriage of justice, deliberately, recklessly.

1.0 AUTOMATIC AUTHORITY

- 1.1. Pursuant to Appellant's, pro se request for "LIBERAL INTERPRETATION," see Haines v. Kerner, 404 U.S. 519 [1972]; and
- 1.2. Pursuant to Agurs, 427 U.S. at 104, 96 Supreme Court 2392, corruption of the truth seeking function of the courts, particularly by Officers of the court, is first and foremost repugnant to the United States of America's Constitution, and

ANALYSIS OF FACTS

SUDESHKUMAR S. KOTHARI

Appeal no. 69564-9-1

Superior Court no. 11-1-07116-9 SEA

thus must take precedent above all else to stop manifest injustice; and

1.3

~~2.3.~~

Pursuant to *Fisch v. Marler*, 1 Wash. 2d 698, 97 P.2d 147 [1939], courts failure to pursue criminal prosecution arises to MANIFEST CONSPIRACY of Constitutional Magnitude; and

1.4

~~2.4.~~

Pursuant to *Hamilton v. Kiona-Benson Irr. Dist.* 45 Wash. 2d 544, 276, P.2d 583 [1954], courts must note where defects in complaint are of such nature that no presumption will make it good; and

1.5.

~~2.5.~~

Pursuant to *Robertson v. Perez*, 156 Wash. 2d 33, 123 P.3d 844 [2005], courts must ^{note} that a party may raise failure to establish facts upon which relief can be granted in the Appeal.

1.6.

~~2.~~

Pursuant to Cr. 3.3 (f) (2), Article 1 section 3, 9, and 22 of the Washington State Constitution, and 5th

To ANALYSIS OF FACTS

SUDESHKUMAR S. KOTHARI

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Superior court no. 11-1-07116-9 SEA

6th, 14th Amendments to the United States Constitution, which include without limitations, 'Right to Counsel'; 'Right to be present at every hearing'; and

1.7. The 'Uniform Fraudulent Transfer Act'; Civil Rule 60 - Fraud; inter alia; and the 9 elements of Fraud, see *Angelo v. Angelo*, Wn. App 622, 175 P.2d 1096 142 [2008]; and

1.8. The Sec. Discrimination Act;

1.9. This list is limited, since I do NOT have access to law library, I have ^{no} background education in law, and I am pro se, and I have NO legal representation [Ms. J. Sweigert was dismissed because her actions betrayed coldly calculated plan to frame me].

ANALYSIS OF FACTS

SUDESHKUMAR S. KOTHARI

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Superior Court no. 11-1-07116-9 SEA

2.0 STATEMENT OF FACT / EVIDENCE

Pursuant to attached EXHIBIT A, a motion filed by defense attorney Ms. Leona A. Thomas [hereafter 'Ms. Thomas'] on November 1, 2011 in this case [no. 11-1-07116-9 SEA: Superior Court, King County] titled "DEFENSE MOTION TO CONTINUE NOVEMBER FIRST TRIAL;" I, the Appellant, Sudesh-Kumar hereby surmise the facts as 'MANIFEST WEIGHT OF EVIDENCE' to prove Actual Fraud with reckless Actual Malice, and CRIMINAL ACTS by and between Officers of the Court, [Kunjilata S. Kothari indirectly] who FRAMED-ME, with ~~deliberate~~ deliberate cruelty, with false charges that automatically carry maximum of 2 "STRIKES" out of 3.

For sake of simplicity, I shall address Ms. Thomas's claims in same order:

ANALYSIS OF FACTS

SUDESH KUMAR S. KOTHARI

Appeal no. 69564-9-1

Superior Court no. 11-1-07116-9 SEA

- 2.1. Ms. Thomas affirms the fundamental rights due to a defendant, pursuant to Cr 3.3 (f) (2), Article 1 section 3, 9, and 22 of the Washington State Constitution, and inter alia, 5th, 6th, 14th Amendments to the United States Constitution; and
- 2.2. Ms. Thomas affirms she filed ~~this~~^{her} motion over my "OBJECTION". A fact I did NOT learn about it until 5 minutes before appearing in front of Justice Kessler, on Nov. 1, 2011. An Actual Fraud with Actual Malice, because the Courts and the public assume she had reviewed and discussed it with me prior to the hearing; and
- 2.3. Justice Kessler dismissed Ms. Thomas at the same hearing on Nov. 1, 2011, after he had reviewed my 50 pages motion [admitted into record] listing examples of Actual Fraud, Blackmail, inter alia, CRIMINAL ACTS by Ms. Thomas; and

CLAIM 1

~~In Claim 1:~~

- 2.4. Ms. Thomas affirms Prosecutor Simmon uses the term "TORTURE" as basis for Assault in 2nd degree, **WITHOUT** any evidence to prove said 'detrant' device caused any injuries. An Actual Fraud with Actual Malice because each knew basic and fundamental forensic investigation of device and ^{any} resultant injury would prove I was **FRAMED** by Kunjlata S. Kothari; it was **NOT** torture; it was self-defense; it was **NOT** 'lethal weapon' [as Prosecutor Simmons **LIED**]; it was **NOT** a Taser, and that it was a million times safer than a Taser [which is why Prosecutor Simmons **LIED**]; inter alia; and
- 2.5. Ms. Thomas, recklessly and deliberately fails to add that Prosecutor Simmons used Assault in 2nd degree just so he could add a greater charge of Burglary in 1st degree. An Actual Fraud with Actual Malice, inter alia, **CRIMINAL ACT**, because they as well as Justice Mariane Spearman knew that the "MUTUAL

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ANALYSIS OF FACTS

SUDESHKUMAR S. KOTHARI

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TEMPORARY RESTRAINING ORDER" or TRO, set precedent pursuant to ^{our} on-going divorce litigation. Entry into our home constituted a violation of the said TRO, NOT Burglary, but a ~~misdemeanor~~ misdemeanor as affirmed by Ms. Thomas, and by clear, cogent, convincing evidence that defines TRO and its violation and penalties. And nowhere does it state that the TRO is same as "NO-CONTACT" or "PROTECTION ORDER".

A CRITICAL FACT, proving each are guilty of Actual Fraud with Actual Malice, inter alia, CRIMINAL ACT for asserting [and NOT objecting] I violated a 'NO-CONTACT ORDER' or PROTECTION ORDER [in the case of J. Grosse, J. Cox, J. Schindler, [and Ms. J. Sweigert indirectly] per their Court's Opinion.].

Please note: Each of them knew that our divorce papers clearly states "PROTECTION ORDER does NOT Apply."; and

SUDESHKUMAR S. KOTHARI
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Superior Court no. 11-1-07116-9 SEA

2.6. (DV) Ms. Thomas affirms Prosecutor Simmons assigned Domestic Violence designation to each of the charges, even though he knew there was NEVER any DV history in our lives [although abundant evidence Kunjlata physically, verbally and emotionally abused me] and knowing Kunjlata was, under oath, impeached on a witness stand [see Ms. Thomas's claim no. 13] on a ~~an~~ number of points, including false accusations of abuse.

A critical material fact, each are guilty of Actual Fraud with Actual Malice, inter alia, CRIMINAL ACT because they knowingly perpetuate a false impression just to FRAME ME, the Appellant.; and

CLAIM 2:

2.7. Ms. Thomas affirms Prosecutor Simmons intent to impose a 10 years penalty by adding the exceptional sentence with aggravating factors culminated Actual Fraud with Actual Malice, inter

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ANALYSIS OF FACTS

SUDESHKUMAR S. KOTHARI

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alia, vile CRIMINAL ACT of Constitutional magnitude, Because at most my only crime was a violation of a TRO, a misdemeanor, a penalty of about 3 months, ESPECIALLY when abundant facts/evidence / circumstantial evidence from forensic investigation will prove I was FRAMED by Kunjlata, and subsequently by each officer of Courts, starting with Prosecutor Simmons.

That is WHY to this date [almost 3 years later] each of them have vehemently opposed to conduct any form of forensic investigation? A fact this COURT CAN NO LONGER IGNORE, NEGLECT, COVER-UP, inter alia, CONCEAL.

A fact, this would NEVER have occurred, IF I, the Appellant had financial resources to hire a highly competent, ethical, lawyer, and an investigator, to order full forensic investigation. ; and

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ANALYSIS OF FACTS

SUDESHKUMAR S. KOTHARI

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CLAIM 3:

2.8. Ms. Thomas affirms she received this case on July 20, 2011 NOT August as she asserts in her claim 20.; and

2.9. Ms. Thomas affirms she did 'BLACKMAIL' me by stating the Prosecutor Simmons would amend to Attempted Murder, IF I did NOT waive my "Speedy Trial Right."

This was Actual Fraud with Actual Malice, inter alia, CRIMINAL ACT to coerce me to give up my 'RIGHT', But also because they know the Prosecutor could add another charge any time He pleases, irrespective of whether I sign or do NOT sign waiver of '60 Days Speedy Trial'. They also knew there was NO Attempted Murder, because there was NO Assault, and that I was being FRAMED By Kunjlata.; and

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2.10. Ms. Thomas contradicts herself by first asserting that Attempted Murder is "~~Obviously~~" "Obviously significantly higher than Burglary," But in Claim 17, states "I [LT] have NOT researched lesser included charges for Attempted murder for this case."

This last statement and the contradictions exemplify Actual Fraud with Actual Malice, because at No Time was I aware of attempted murder charge was included. Proof of how she lied, coerced, blackmailed ^{me} for over 4 long painful months. Where I had no choice but to reach out for help in my 50 pages Motion to Justice Kessler, who entered it into record.

Proving Justice J. Grosse, J. Cox, and J. Schindler Opinion of March 17, 2014 made a fraudulent statement by asserting I used every opportunity to tell my story. Any Reasonable

ANALYSIS OF FACTS

SUDESHKUMAR S. KOTHARI

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Superior Court no. 11-1-07116-9 SEA.

person subjected to non-stop MENTAL RAPE, day after day on top of physical tortures, would CRY OUT FOR HELP.; and

2.11. It is unequivocal Ms. Thomas knew I had refused to give up my "60 Days Speedy Trial Right" from the beginning. The first time I did NOT catch onto her lie, telling me to sign the waiver because she needed more time to prepare my defense, and that my Right would get pushed out by 30 days or so.

I had made similar statement to Mr. Gene E. Piatell, who also played the same games.

An Actual Fraud with Actual Malice.; and

2.12. Court records prove Ms. Thomas refused to provide any explanation when question^{ed} by Justice Kessler with respect to "Blackmail" on Nov. 1, 2014.; and

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2.13. Court records prove Prosecutor Simmons too stated to Justice Kessler on the issue of BLACKMAIL, affirming the State could always amend charges and were still investigating as of Nov. 1, 2011, which contradicted his prior claim they were ready to go to trial, BUT would allow Ms. Thomas to file continuance once again.

An Actual Fraud with Actual Malice, inter alia, CRIMINAL ACT, Because 4 months into the case Mr. Simmons and Ms. Thomas both knew I had acted in self-defense, that Kunjlata had FRAMED me, that I had NEVER harmed Kunjlata in any way over 17+ year of marriage, even she had physically, verbally and emotionally abused our children and I. As Ms. Thomas affirms in her own claim # 13.; and

2.14. To my knowledge the State NEVER amended the

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Charges to include attempted murder and therefore Ms. Thomas to cite such a statement in her motion was deliberate, reckless coldly calculated plan of conspiracy to FRAME ME.; and NO intentions of proving my innocence.; and

CLAIM 4 :

2.15.

Ms. Thomas affirms she did get an investigator assigned to a serious case as this, BUT any 'reasonable' person would beg the question why the investigator and Ms. Thomas accomplished nothing of value in 4 months?

An Actual Fraud with Actual Malice, inter alia, CRIMINAL ACT, Because someone as experienced as Ms. Thomas [with over 20 years in Criminal Law practice] can and did NOT offer any explanations for, pursuant to Criminal Law 101:

2.15.1.

Why she simply did NOT serve subpoenas, interrogatories, inter alia, upon the manufacturers of said 'detrant' device, witnesses, experts in medical field, experts on device, inter alios,

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within first week of case assignment?;

2.15.2. Why she did NOT forward research reports on device, or type of injury, if any, or photographic evidence to respective experts for their sworn affidavits, as part of forensic investigation towards proving my innocence, that I did act only in self-defense, inter alia,?;

2.15.3. Why she did NOT subpoena, inter alia, depose police officers with their own lawyer if needed, inter alia, knowing that prosecutor are not required since they are Officers of the Court and 2nd in every deposition, there are court reporter assigned to record the conversation. Proving there is NO logical sense as to why they must wait for Prosecutor to present also. ?;

2.15.4. Why she NEVER submitted each piece of evidence for forensic investigation, including why police majically failed to collect vital pieces of evidence, e.g. Kunjlata's clothes, samples of blood under nails, inter alia, ~~sh~~ since she was

repeatedly reminded I was innocent?;

some

2.15.5. These are just ^{some} of the basic and fundamental questions that Betrayed Actual Fraud with Actual Malice, inter alia, CRIMINAL ACTS.; and by and between each officer of the courts; and

2.16.

2.16. Ms. Thomas did NOT need an investigator to review in less than a day [with over 20 years of practicing criminal law] relevant case studies to prove that the TRO took precedent in this case, pursuant to on-going divorce case; to prove Burglary 1st degree with Assault 2nd degree was Actual Fraud with malicious intent [a fact Mr. Piculell, Mr. Dillion Johnson, Justice Mariane Spearman, Prosecutor Simmons all knew too well, because Mr. Piculell in his closing statement said as much as "prosecutor can charge anything he liked"]; to prove I NEVER violated a "NO-CONTACT ORDER" and NEVER violated a "PROTECTION ORDER" and therefore each of

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them knowingly committed 'ACTUAL FRAUD with Actual Malice, *inter alia*, CRIMINAL ACTS: The Court's Opinion of March 17, 2014 is further material evidence in support.; and

CLAIM 5:

2.17.

Ms. Thomas's statement affirms she had accomplished nothing of value by September 13, 2011 [almost 2 months into the case] and none of things mentioned above, other than proof she had used coercion, blackmail, *inter alia*, to make me sign the '60 Days Speedy Trial' document in August.

Any 'Reasonable' person 'Mentally Raped', 'Physically Tortured', *inter alia*, sitting in a King County jail with 20 other inmates as days, weeks, months go by, whilst their own lawyer can't even do the basics, and being lied to or coerced by their own Lawyer, WOULD CRY FOR HELP!

Please note, Ms. Thomas, as did the

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Prosecutor Simmons knew I was NEVER a threat to society, I was NEVER a threat to Kunjlata [as I always professed my innocence], I handed myself into Mercer Island Police Dept., inter alia, yet Ms. Thomas did absolutely NOTHING to waive my bail [an amount that NEVER made any sense, other than prove the ulterior motive of Prosecutor Simmons, inter alios, Ms. Thomas to FRAME ME by any means whilst inflicted reckless Mental Rape, Physical Tortures, inter alia.] and nothing to get me out on PR so I could save what ~~the~~ little assets I had, help with the investment of time to prepare our defense, BUT critically to prove Kunjlata, and then Prosecutor Simmons were trying to FRAME ME.

A VITAL FACT none of them can now hide from the world, as these documents supported by full forensic report will prove, and

The Only thing Ms. Thomas could offer the court and I, ~~was~~ after 4 months into the case,

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was a statement "we have not received back the Discovery, despite my verbal reminder to Mr. Simmons, to please do so" [see claim 18], because neither had any intentions for me to see the full discovery with all color photographs for real fear it would prove my innocence, and worse prove Kunjlata and they FRAMED ME.

This was NO accident, because my 2nd paid attorney Mr. Gene E. Piculell did the same thing [as court record will show].

This was NO accident, because my 3rd lawyer Mr. Dillion Johnson tried to do the same thing, until I told him he was fired if he did NOT. And having let the cat out of the bag, said he would help me file a New Trial Motion. A motion he then tried to Blackmail me, etc. [as court records, and letters to Chief Justice show]; and

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CLAIM 6:

2.18.

FOR the RECORD, I, the Appellant NEVER at any time that the State had amended charges to include 'ATTEMPTED MURDER'.

Ms. THOMAS's statement was manifest weight of evidence of Constitutional magnitude in a conspiracy fraught with Actual Fraud, Actual Malice, inter alia, CRIMINAL ACTS, no courts can conceal, ignore, neglect, inter alia, cover-up, although that is exactly ^{what} Justice Mariane Spearman did, and now, Justices J. Grosse, J. Cox, J. Schindler, as well as Jennifer J. Sweigert aimed to do so with their Court Opinion signed on March 17, 2014.

A fact, Ms. Thomas makes such a statement 4 months into the case, with full knowledge that this was NOT the first time Kunjlata had tried to FRAME ME, pursuant Ms. Thomas's own claim no. 13, and full knowledge Prosecutor's Simmon's goal was to FRAME ME, is clear, cogent, convincing evidence of their grand scheme that can only be termed or summed up as 'PURE EVIL'. ; and

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2.19.

Ms. Thomas' again affirms stating "and add a history of Domestic Violence as an aggravator" Knowingly full well Prosecutor Simmon's had LIED to the Court repeatedly, pursuant to argument above in 2.18. and Ms. Thomas's claim no. 13, Knowing she would NOT order said 'detrant' device [pursuant to her claim no. 8, despite confessing that her own Investigator told it was vital in my case, is clear, cogent, convincing evidence of their grand scheme of Constitutional magnitude to ensure I had NO defense, as months went by and people or any 'reasonable' person would automatically assign "guilt".

Again, None of it makes sense, when Ms. Thomas an expert veteran of Criminal law, should have consolidated majority of the material evidence to prove my innocence within first 2 weeks.

A fact Justices Mariane, Spearman, J. Grosse, J. Cox, and J. Schindler cannot refute, without automatically incriminating themselves of further

manifest CRIMINAL ACTS. That is why the Court's Opinion is carefully worded to dismiss the entire case, with the help of Jennifer J. Sweigert to fool every citizen, EXCEPT They CANNOT fool the Federal Bureau of Investigation.

Again, I remind the reader, this Court, the domestic violence aggravator was deliberately and recklessly, for reasons noted above and elsewhere, added, used by the Prosecutor Simmons to posture Assault in 2nd degree, which in turn was used, added to posture Burglary in 1st degree, just to FRAME ME, and against clear, cogent, convincing evidence that the TRO set precedent in any event I entered our home during the on-going divorce, where property division was NOT FINAL! Therefore I cannot be stealing our own things that we worked for over 17 years to gather, and certainly NOT our Tax Records that I prepared; and

CLAIM 7 :

2.19.

Ms. Thomas affirms her investigator had contacted the manufacturer of said 'deterant' device. Evidence she knew it was NOT a TASER, that it was million times safer than a TASER [Proof it is NOT 'LETHAL WEAPON' and Prosecutor Simmon LIED, committed Actual Fraud, inter alia], and that is why said 'deterant' device is available as an 'app' for cell phones.

Please note, said 'deterant' is sold mainly to women and It is my belief that NO woman has been charged with Assault in 2nd degree for its use, and NEVER charged with torture.

Which makes this clear, cogent, convincing evidence of Actual Prejudice, Sex Discrimination, inter alia, manifest CRIMINAL ACTS.

as reported in Seattle Times in 2012,

PLEASE NOTE, a pregnant woman was tasered for 45 seconds by 3 separate police officers for a minor traffic infraction, and courts and the prosecutor in that case 'NEVER' invoked TORTURE, NEVER invoked Assault in 2nd degree [a STRIKE]

against an unarmed, non-violent person. It was NOT classed as "deliberate cruelty." Proof there is 'SPECIAL' law for Officers of the Courts, even though each officer of the court is a CITIZEN of United States of America FIRST and FOREMOST.

A fact Ms. Thomas, Justice Mariane Spearman, Mr. Jason Simmons, inter alios, and especially Justices J. Cox, J. Grosse, and J. Schindler and Ms. Jennifer J. Sweigert all knew, YET not one them found this incredulous from both the legal basis, ethical, moral, inter alia, the standard of 'Reasonable' person.

It was no accident they vehemently charted a course away from any forensic investigation, because they knew they could get away by fraudulently asserting "TASER" and 'Tased', words that 'Jury' and 'Reasonable' person associate with 'TORTURE' and 'deliberate cruelty', and because they knew I had insufficient funds to hire a highly competent lawyer to represent me.

Therefore, it was Actual Prejudice with Actual Malice, inter alia, by Ms. Thomas to refer to the said 'deterant' device as Taser in her motion, four months into the case.

Therefore, it was Actual Fraud, inter alia, CRIMINAL Acts by Prosecutor Simmons, Mr. Piculell, Mr. D. Johnson, inter alios, to call it Taser after 7 months and beyond to deliberately prejudice the jury, the courts, the public, who had a Constitutional Rights to hear the truth based on Actual material evidence and facts, and NOTHING BUT the TRUTH.

A TRUTH that matters to our 2 children, my mother, I, inter alios.

CLAIM 8:

2.20. Ms. Thomas affirms she has NOT applied to purchase said 'deterant' device [ignoring my pleas and offers to pay], EVEN AFTER 4 months have elapsed. Manifest material fact, evidence of Actual Fraud, inter alia, Criminal Act,

to FRAME ME in a coldly calculated Conspiracy of Constitutional magnitude.

The above statement is further supported by Ms. Thomas's own confession that ^{her} own investigator too had recommended the need to purchase said 'deterant'; VITAL material evidence to prove my innocence, to prove I was Framed by Kunjlata, inter alia, in quote "My [IT] investigator has suggested that my office purchase duplicate of.... already in Evidence" and quote "This would allow one or more potential experts to examine the kind of taser said to have been used by Mr. Kothari "to torture" his wife."

Another example of Actual Fraud, inter alia, 'Criminal Acts', Because above statements acknowledge she knew an expert would ^{have} proven beyond question it was NO Ta taser; Kunjlata had indeed self-inflicted injuries to FRAME ME; it was self-defense; there was NO 'torture'; NO assault in 2nd degree and therefore NO Burglary; Prosecutor Simmon¹ deliberately and recklessly, 4 months into the

coldly calculated
case, plans to FRAME ME; inter alia.

Material Facts that Justices Mariane Spearman, J. Cox, J. GROSSE, J. Schindler, and attorneys Mr. Gene E. Piculell, Mr. Dillion Johnson, Ms. Jennifer J. Sweigert, inter alios, deliberately and recklessly conspired to cover-up, conceal, ignore, inter alia, neglect. Criminal Acts of Constitutional magnitude because it aims to fool, cheated, defraud every citizen of the United States.

Each of them knew that cost of said device, experts opinion, inter alia, forensic investigation would have been a fraction of cost of incarceration [in excess of \$300,000], Trial, inter alia, the UNTOLD MENTAL RAPE, PHYSICAL TORTURES, pain recklessly inflicted day after day to this present date [over 1000 days]. Pain that extends to our² children, my mother, inter alios, in a CRIME of PURE EVIL.

I don't understand, WHY?, and why 3 Justices of Court of Appeals, as well as Ms. Sweigert did

what they did, UNLESS to protect their fellow colleagues and Officers of the Courts? Itself manifest material evidence constituting CRIMINAL ACTS, by each of them. EVIDENCE THAT IS IRREFUTABLE; and

CLAIM 9:

2.21. Another VITAL material evidence, of CRIMINAL ACTS, because Ms. Thomas's statements affirms in clear, cogent, convincing evidence that the Prosecutor Simmons and she [4 months into the case] used BLACKMAIL, coercion, inter alia, to strongly dissuade me from going to trial, to prove my innocence, to prove I was FRAMED, inter alia.

They did NOT want anyone to find out that the said 'deterrant' could 'NEVER' induce heart arrhythmia, etc.

Again, Ms. Thomas affirms in her statements that she knew it was VITAL, CRUCIAL to

get experts testimonies and prove it was NOT 'LETHAL WEAPON', there was NO Torture, etc., as mentioned above.

A manifest material fact that would prove Prosecutor Simmons's premeditated INTENT of Actual Fraud, inter alia, CRIMINAL ACTS, quote as Ms. Thomas put it quote "The expert might be able to assist defense counsel in determining if the taser [falsely calling it a taser, to reinforce the false perception] could be used to torture someone, which is how the State has alleged the Assault in the Second Degree." The same perception [without any EVIDENCE] Prosecutor Simmons sold to the court [in his filed statements], and to the Jury, and got away with it, Because Mr. Gene E. Piculell and Justice Mariane Spearman [an Expert Criminal lawyer] made sure no-one would bother to ask them why they neglected/ignored Ms. Thomas's motion, statements, inter alia, facts described here-in.

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They knew what they were doing, it was **NO** accident, just as Justices J. Grosse, J. Cox, J. Schindler, as well as attorneys Ms. J. Sweigert and Mr. Dillion Johnson knew throughout the Appeal process, each a Criminal law Expert.

It is undisputed, each of them know there is **NO** evidence that said 'detrant' device caused any of injuries, and therefore **NO** evidence to support 'TORTURE', BUT evidence to support the truth I was set-up by Kunjlata, and subsequently by them.

That is why this Court MUST order full forensic investigation to prove I am innocent, and MORE CRITICALLY prove and charge each Officer of the Courts and Ms. Kunjlata S. Kothari for each and every CRIMINAL ACTS.; and

It was **NO** accident how Prosecutor Simmons manufactured Officer's Wolff's report and

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and her testimony on the witness stand as an expert on tasers, resultant injuries, inter alia, to DEFRAUD the Jury of the Truth, material evidence and material facts [a fact Justice Mariane Spearman, Mr. Gene Piculell knew ONLY too well] that would prove my innocence.

A fact any competent lawyer with basic understanding of Criminal Law 101 would beg then the question WHY they conspired? and how they can expect to get away with the ULTIMATE CRIME against every citizen of the United States? ; and

CLAIM 10:

2.22. Ms. Thomas's statement is vital proof of Actual Fraud with malicious intent, BECAUSE it is very hard, if NOT impossible to believe that defense lawyer Ms. Thomas, with over 25 years experience in Criminal Law Practice,

was struggling to figure out how to subpoena, serve interrogatories, inter alia, depose Mercer Island Police with their own lawyer or Chief [an Officer of the Court] and without the prosecutor, 4 months into the case.

It is INCREDULOUS that Ms. Thomas was struggling to get first names of the police officers, again, 4 months into the case, in an era of super-fast global communication system and Washington State having one of the best.

Now, the reader can understand my MENTAL RAPE, Physical tortures of being confined under horrid conditions with 20 other inmates, day after day, month after month, wondering what my lawyer is doing, and what is going on?

Pursuant to above, any 'Reasonable' person would beg the question who is lying to who? Because, Ms. Thomas should have served

each police officer, detectives, witnesses with interrogatories, inter alia, subpoenas WITHIN the first week, WHICH REQUIRES NO investigator.

Therefore, Ms. Thomas to tell the Court 4 months later quote "The response thus far is that the Mercer Island Police Officers' practice is to have the prosecutor present for interviews" would boggle the minds of every 'Reasonable' person, only to conclude it is Actual Fraud, inter alia, with Actual Malice in a grand conspiracy to cover-up their CRIMINAL ACTS.; and

2.23.

CLAIM II.

Ms. Thomas's statement, if true, then it patently becomes apparent that Ms. Thomas knew was going on, BUT chose to continue to perpetuate coldly-calculated conspiracy of Actual Fraud with Actual Malice in cohort

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with Prosecutor Simmons. ~~F~~

For example, Ms. Thomas knew that Mr. Simmons ~~is~~ knew there was **NO** Actual violation of a 'NO-CONTACT ORDER' in our lives, BUT that did not matter ^{to} them. Only that the Judge, the court, the jury, inter alios, would automatically deemed the worse, a perception once formed was all that mattered. A LIE to raise the BAIL, a lie to posture 'Violent crime', inter alia, a lie to add a false charge with greater penalties.

Again, Ms. Thomas, with over 25 years of criminal law practice did **NOT** need an investigator for this, and should have deduced the fact within 72 hours, to squash the 'NO-CONTACT' order. A fact Justices J. Cox, J. Grosse, J. Schindler, as well as Ms. J. Sweigert, inter alios, all knew too well, BUT chose to perpetuate the coldly-calculated conspiracy of Actual Fraud

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with Actual Malice, inter alia, hoping NO-ONE would find out.

2.24. It is apparent Ms. Thomas and her investigator knew that material evidence showed Ms. Kunjlata S. Kothari had FRAMED ME, upon reviewing the photographs taken on July 14, 2011 and July 18, 2011, inter alia, showing Kunjlata had self-inflicted injuries.

That is why Ms. Thomas states in Claim 8, quote "I have not applied for these purchase monies through the Office of Public Defense;" to obtain a duplicate said 'deterant' device. EVIDENCE their motives were clear, to aid and abet Mr. Simmons in their Criminal Acts, as 4 months went by; and

CLAIM 12.

2.25. It is evident from Ms. Thomas's statement that my family trusted her blindly and

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implicitly, and had NO REASONS to doubt her words, which ultimately led to their ignoring my pleas for help, by making sure they believed I was guilty.

An EVIL, CRUEL premeditated Act beyond any words. Ms. Thomas's actions BETRAY a crime against all citizens of the United States.; and

CLAIM 13.

2.26. Ms. Thomas's statements affirms she knew I, the Appellant, NEVER Harmed Kunjlata in our 17⁺ years of marriage [even though the same could NOT be said for Kunjlata and the untold harm she inflicted on our 2 children and I]; affirmed Prosecutor Simmons knew this fact, BUT still premeditatively added a history of Domestic Violence aggravator and words such as 'Taliban' to enforce his LIE, Actual Fraud with malicious intent;

[a fact Justice Mariane Spearman, Mr. Gere E. Piculell, inter alios, NEVER objected to nor cry foul of racial discrimination, knowing it was a 'SLAM DUNK' because every 'White' Jury would automatically deemed it obvious, since Kunjlata and I are of East Indian decent. A fact Justices J. Cox, J. Grosse, J. Schindler, as well as Ms. J. Sweigert, inter alios, hoped NO-ONE would find out.]; Affirmed they knew history of Kunjlata's ^{PERTURBY} ~~that~~ quote "On information and belief, I have the impression that Mrs. Kothari was impeached on the witness stand on a number of points - including the fact that Mr. Kothari [I, the Appellant] never harmed her in the past despite false accusations of abuse.";

Affirmed they knew [especially Prosecutor Simmons, Mr. Piculell, Mr. Dillion Johnson, Justice Mariane Spearman, inter alios,] quote "These impeachment materials in the hands of others have a bearing on the Domestic

Violence Aggravator that the State [Prosecutor Simmons] says it will allege." Vital fact proves Mr. Simmons FRAMED ME, as did Mr. Picutell and Justice Mariane Spearman. A FACT they CANNOT refute, conceal, cover-up, ignore, inter alia, neglected;

~~I~~ Affirms, If I, the Appellant had committed similar Perjury, Prosecutor Simmons would have jumped on it; - Example of Actual Prejudice;

Affirms, Mr. Simmons deliberately and recklessly LIED about Domestic Violence, Lied about Kunjilata's impeachment, Lied to the jury, Lied to the Court, inter alia, committed manifest Criminal Acts to insure, I, the Appellant had NO chance of meaningful defense.

Any 'Reasonable' person would beg the question why Justice Mariane Spearman, and Mr. Picutell, Mr. D. Johnson, besides Ms. Thomas DID NOTHING such? - The answer is they NEVER wanted the world to find

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out the depth and breadth of manifest corruption of the courts. A fact Justices J. Cox, J. Grosse, J. Schindler, as well as Mr. Sweigert, deliberately and recklessly hoped to cover-up.

Another reason why this Court must order full forensic investigations, including alerting the Federal Bureau of Investigation. No society can afford or tolerate corrupt Officers of the Court, whose actions destroy so many lives.; and

CLAIM 14:

2.27. Ms. Thomas's statement quote "I have spent hours helping Mr. Kothari... dissolution appeal" is highly disingenuous. I prepared the Appellant's Brief ^{without any help} and she did NOT file it. Court had requested she review it to insure it did NOT violate present 'NO-CONTACT' order with Kunjlata and the fact copies of

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the Brief would ~~be~~ be served only upon Court of Appeals and Kunjlata's lawyer Ms. Sheri M. Anderson. That is there was NEVER any contact with Kunjlata.

What is relevant to this Court, is that Ms. Thomas, having reviewed the dissolution case, was fully cognizant of Kunjlata's motives to frame me with Assault and Attempted Murder, since she failed to do in the dissolution case. Ms. Thomas was cognizant there was never any 'NO-CONTACT' order or 'Protection Order'. Ms. Thomas was cognizant Kunjlata committed perjury on numerous courts, including attempts of suicides and self-inflicting injuries upon herself, inter alia.

FACTS, Mr. Simmons knew, Mr. D. Johnson, Mr. Piwelle, and Justice Mariare Spearman knew and yet they chose to cover-up. The REASON why they did NOT want the Jury

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clear or anyone to find out, was they knew the Jury would readily buy their fraudulent and fabricated evidence without question since **NO** 'Reasonable' person or victim would self-inflict harm without motive. Thereby automatically creating a powerful perception that I, the Appellant, am guilty as charged, albeit Actual Fraud with Actual Malice.

Please note, Ms. Thomas was cognizant pursuant to the Dissolution case, that the TRO took precedent in this case no. ~~695~~ 11-1-07116-9 SEA, and that Charges of Burglary and Assault were Actual Fraud with Actual Malice. The TRO language is clear, cogent, convincing evidence that each Officer of the Courts is guilty of Actual Fraud, inter alia, Criminal Acts in this case; and

2.28. CLAIM 15: see point 2.27. above; and

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CLAIM 16.

2.29.
quote

Ms. Thomas affirms there are number of "potential defenses". She did NOT discuss any with me.

Mr. Gene E. Piculell NEVER discussed any "potential defenses" with me.

Mr. Dillion Johnson NEVER discussed any with me.

Ms. Thomas statement affirms that after 4 months, she still needed help to "read and assimilate" resource materials, when 99.99% or greater of 'Discovery' file remained unchanged from week 1 of the case to present date. She knew I was innocent. She knew the worst case scenario was a violation of TRO, pursuant to the Dissolution. She knew Prosecutor Simmons knew these facts too. Proving their motives were not about justice, BUT how they could FRAME me and get away with it, especially as

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they knew I was determined to go to trial to prove my innocence.

Again, I remind this Court, as mentioned previously, **IF** Ms. Thomas had subpoenaed, served interrogatories on the manufacturers, witnesses, experts, inter alios, in the 1st week of this case, as any 'Reasonable' person would have expected from a highly experienced [over 25 years] criminal lawyer, inter alia, this case should have been resolved within my 60 Days Speedy Trial Right.

Equally IMPORTANT, this also proves Mr. Gene E. Piculell and Mr. Dillion Johnson, both cognizant of these "potential defenses," deliberately and recklessly with malicious intent corroborated with Prosecutor Simmons to insure I had NO DEFENSE, other than cursory appearances to fool the jury, the world, the courts, in a coldly-calculated conspiracy to cover-up, ignore, neglect, inter alia,

conceal their CRIMINAL ACTS. Crimes they cannot hide from the Federal Bureau Investigator and other agencies.

Crimes perpetrated by Justices J. Cox, J. Grosse, J. Schindler, as well as Ms. J. Sweigert, pursuant to their Court's Opinion filed on March 17, 2014, inter alia, and denying 'STAY' and 'Reconsideration' filed on March 31, 2014, WITHOUT any legal basis, reasons, inter alia. Because they know the Supreme Court will too deny any and all motions I submit, and without sufficient funds, without highly competent lawyer, I too will just be another number. UNTIL the world finds out what they did, not just to me, BUT to every citizen of United States.; and

CLAIM 17.

2.30. Ms. Thomas affirms, that after 4 months,

she still had not "been able to research the issue of lesser included offenses [presumably the TRO] for this set of charges". This is Actual Fraud with Actual Malice, because a "reasonable" person would expect a highly experienced criminal lawyer with over 25 years practice, like Ms. Thomas should know without further research, the BASIC differences between a "NO-CONTACT" order, a "PROTECTION" order, and a "TEMPORARY RESTRAINING ORDER" [mutually applicable to Kunjlata in this case, proving there NEVER was any domestic violence history with respect to I, the Appellant], and to know from day 1 of this case, that Prosecutor Simmons, inter alios, LIED to the Court, to the jury, under oath, inter alia, by falsely charging me with violation of a "NO-CONTACT" order.

A fact Justices Mariane Spearman, J. Cox, J. Grosse, J. Schindler, as well as

attornies Mr. G. Piculell, Mr. D. Johnson, and Ms. J. Sweigert **CANNOT** refute.

A manifest weight of evidence of Actual Fraud, with Actual Malice, inter alia, Conspiracy to cover-up their CRIMINAL ACTS of Constitutional Magnitude; and

2.31. Ms. Thomas's statement quote "I have not researched lesser included charge(s) for Attempted Murder for this case" is Actual Fraud with Actual Malice of Constitutional magnitude, Because she NEVER told me I was charged with Attempted Murder, and ^{HOW} it can be deemed a 'lesser charge'.

Another example of an act so CRUEL, EVIL that Betrayed their true intent, to use BLACKMAIL, COERCION, or any means to FRAME me of crimes I did NOT commit. They

Knew EXACTLY what they were doing, was deliberate, reckless, manifest injustice, inter alia, CRIMINAL ACT against every citizen, because they NEVER imagined getting caught.

inter alia, Ms. Thomas's statements [are] constitutes Gross Criminal Negligence, Because the Judge, our 2 children, my family, inter alios, all would blindly put their faith and trust in her, whilst penalizing me guilty as charged. NO lawyer should be allowed to get away with such hideous, cruel, evil, acts. Acts this Court can no longer ignore, neglect, conceal, inter alia, cover-up.

Ms. Thomas's statements, after 4 months into the case, is clear, cogent, convincing evidence, Beyond a shadow of doubt, deliberate and reckless 'Ineffective Assistance of Counsel', arising to manifest

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CRIMINAL ACTS with Actual Malice.

2.32. It is undisputed each of the Justices Mariane Spearman, J. Cox, J. Grosse, J. Schindler, *inter alios*, had reviewed the materials in this case, including Ms. Thomas's November 1, 2011 motion.

of the
Therefore, each highly experienced Justice in my case clearly knew and understood these material evidence/facts, BUT wilfully, and recklessly allowed such Gross manifest Criminal Acts go unpunished, are guilty of Corruption of the Courts, and itself Actual Criminal Act.

The damages are so excessive to my family and I that NO single remedy can cure such reckless crime with malicious intent, Because ultimately each Citizen, the Washington State Bar Association, *inter alia*, Commission on Judicial Conduct

believe there is **NOTHING** wrong unless the Justices proclaims any such matter.

2.33. It is undisputed, each of the lawyers, Mr. Jason Simmons [the Prosecutor], Ms. Leona Thomas, Mr. Gene E. Piculell, Mr. Dillion Johnson, inter alios, Ms. Jennifer J. Sweigert, clearly knew and understood the facts stated under ~~to~~ 2.30., 2.31., and 2.32. above are equally guilty of manifest corruption of the courts, and itself a Criminal Act with Malicious intent; and

CLAIM 18.

2.34. This statement by Ms. Thomas is clear, cogent, convincing evidence of coldly calculated conspiracy, inter alia, to delay, obfuscate, coerce, **BLACKMAIL**, to insure, the Appellant did NOT get the full 'discovery', 4 ~~moth~~ months into the case,

for REAL FEAR, I would prove what they knew back in August 2011. That I was innocent, and equally critical that Kunjlata had FRAMED ME.

Every 'Reasonable' person would agree that an highly experienced [with over 25 years of 'Criminal law practice'] lawyer like Ms. Thomas knew how the prosecutor's office works; knew that TIME was of the essence [knowing the enormous mental, inter alia, financial stresses, anguish, untold pain my children, my family and I were under, because with each day passing people naturally assume the worst]; knew I had been requesting the full 'Discovery' for over months; inter alia, Ms. Thomas knew she should have had it turnaround within 48 hours, because the Actual file was relatively very small and had NOT changed, in any significant ~~man~~ manner over the last 4 months; and THEREFORE, clear, cogent, convincing

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evidence of coldly-calculated conspiracy to FRAME me of hideous crimes, to conceal what Kunjlata had done, inter alia, to protect their Criminal Acts from others finding out.; and

2.35.

Pursuant to 2.34. above, Prosecutor Simmon is equally guilty of the same Criminal Acts, Because it was NO accident, that he deliberately and recklessly withheld the full Discovery, material evidence and facts that would prove to every member of the jury, the courts, inter alios, that I was innocent, that Kunjlata did FRAME me, and that after 4 months it was TOO LATE for him and Ms. Thomas to do the Right Thing. Because it would automatically implicate them of Criminal Acts. A fact that remains to this date.

A fact Mr. Gene E. Pwellell, Mr. Dillion Johnson, inter alios, Ms. Jennifer Sweigert,

each in their turn, deliberately and recklessly conspired to ignore, neglect, conceal, inter alia, cover-up; itself a grand CRIMINAL ACTS.

A fact, Justices Mariane Spearman, J. Cox, J. Grosse, and J. Schindler, each in their turn, deliberately and recklessly conspired to ignore, neglect, conceal, cover-up; itself manifest CRIMINAL ACTS.

2.36. Pursuant to 2.34. and 2.35. above, Mr. Gene E. Piculell, Mr. Simmons [the prosecutor] and Justice Mariane Spearman had OVER 4 months from November 1, 2011 to March 5, 2012 [1st day of trial] to review these facts / material evidence [including the 50 pages Motion to dismiss Ms. Thomas as my counsel, that Justice Ronald Kessler approved and admitted into the court records on November 1, 2011.], and still I was refused or did NOT get the full discovery, especially

the color digital photographs, material evidence that proved my innocence, that proved Kunjata Framed me, inter alia, that proved I was FRAMED by each of them as Officers of the Court.

2.37. Pursuant to 2.34., 2.35., and 2.36. above, it was NO ACCIDENT, as they desperately hoped I would sign the "ALFORD'S PLEA" at the last minute, in a coldly-calculated design to avert the trial on day 2 of trial [March 6, 2012].

Their subsequent actions prove their Criminal Acts were deliberate, with reckless malice just to protect themselves from being caught.

It was no accident, that Mr. Piculell offered no legitimate defense, inter alia; and

It was no accident that Mr. Dillion

Johnson resorted to BLACKMAIL, and NO legitimate defense to procure a New Trial, and willingness to file notice of Appeal; and

It was no accident Justice Mariane Spearman denied the motion for New Trial, without any substantial arguments, inter alia, even though she confessed she had reviewed all 7 of letters to the Chief Justice of Superior Court dating from April 2012 to October 2012, including this motion by Ms. Thomas filed Nov. 1st, 2011; and

It was no accident, that my appeal attorney Ms. Jennifer Sweigert told me from the get-go that she was NOT interested in discussing my case, nor in my input, inter alia, that she has been doing this for years and therefore I will NOT get a draft of her brief for review, only a copy AFTER she had submitted her brief to Court of Appeals. The

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records of our communication speak for themselves. Any 'Reasonable' person would conclude it was a 'SET-UP,' in a coldy-calculated conspiracy to ignore, neglect, cover-up, inter alia, conceal their Criminal Acts from Superior Court through the Court of Appeals; and

It was no accident, Justices J. Cox, J. Grosse, and J. Schindler, summarily dismissed the entire case with a highly disingenious, Court's Opinion of March 17, 2014, as evident from this document and references therein. And no accident they denied all 3 requests for oral arguments, telephonic appearance WITHOUT any legal basis, evidence, or facts to support their snap decision.

And it was no accident, they promptly denied my "MOTION TO 'STAY', TO RECONSIDER COURT'S OPINION DATED MARCH 17, 2014 THAT

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BETRAYS ACTUAL FRAUD WITH MALICIOUS INTENT, inter alia, "again WITHOUT any grounds, legal basis, evidence and or facts to support their snap decision.

Every 'Reasonable' person's conclusion from all these instances of material facts and evidence will be that it was a Grand 'SET-UP' in a coldly-calculated conspiracy to ignore, neglect, cover-up, inter alia, conceal their Criminal Acts from beginning to end [i.e. Superior Court to Supreme Court], because they know it is guaranteed that the Supreme Court, for the State of Washington will deny review, to close the case, and because they expect no-one to challenge their decisions, inter alia. However, they cannot fool the Federal Bureau of Investigations, and such other agencies.

The world must know the full scope of deliberate cruelty, reckless mental rape [pain beyond words that drive 99.99% to give-up],

relentless physical tortures, inter alia, untold damages exacted by each Officers of the Courts named here-in, inter alios, with such orchestrated evil upon my children, my mother, I, inter alios; and

CLAIM 19.

2.38.

Ms. Thomas's statement quote "I have not had an opportunity to research, and potentially to brief this issue" with respect to the 'Mutually Temporary Restraint Order [mTRO]' stemming from the dissolution case no. 09-3-06940-2 SEA, is HIGHLY DISINGENUOUS and Actual Fraud with Actual Malice, inter alia, CRIMINAL ACT.

Because any 'Reasonable' person, including my mother of 74 years, without formal education, understands the plain language of the mTRO and understands the penalties if violated, as pertaining to our divorce case; understands

that 'NO-CONTACT' order did NOT Apply in our case; understands that 'PROTECTION ORDER' does NOT Apply, when the divorce papers explicitly state in writing that "Protection Order does not apply"; understands the reasons why the divorce court NEVER issued any 'NO-CONTACT ORDER' and NEVER issued any 'PROTECTION ORDER' in our case, because I had NEVER harmed Kunjata at any time in our 17⁺ years of marriage despite relentless abuse from her, inter alia, and subsequently impeached [see above, CLAIM 13., 2-26. above]; understands if above facts are true, then a highly experienced lawyer with over 25 years of criminal law, like Ms. Thomas to 'claim' AFTER 4 months into the case that she does NOT know what the mTRO means, or that it takes precedent in this case because of on-going divorce litigation specifically with respect to division of all community assets, including our home, or any other excuse, under PLAIN-VIEW-DOCTRINE,

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was clear, cogent, convincing manifest evidence of deliberate cruelty, evil, reckless CRIMINAL ACT of Constitutional magnitude. A LIE NO COURT can ignore, BUT Justices Mariane Spearman, J. Cox, J. Grosse, J. Schindler, as well as Prosecutor Simmons, attorneys Mr. G. Piculell, Mr. D. Johnson, inter alios, Ms. Jennifer Sweigert did everything to insure NO-one would find out, 'if had NOT BLOWN-THE WHISTLE!'

The reader should note, to this date, almost 3 years later, each of the Officer of Courts named here-in continue to deny this charge, and prove to every citizen of United States with hard evidence to support Prosecutor's & Simon's fraudulent charge of violation a 'NO-CONTACT' order. Because they knew exactly what he was doing and why. Motives that betray their premeditated intent to color the minds of the jury, the courts, inter alios, the public just to make the false charges stick.

Please note, Kunjlata walks free to this day without any charges, even after being impeached on number of points, for Perjury on numerous counts, under oath, in a court of law, inter alia, Because each Officer of the Court failed to do their duty, failed to act knowing crimes were committed, crimes that carry severe penalties, especially when caught red-handed during a trial of coldly-calculated perjury, inter alia, that violates the first and foremost function of the Court.

It means it is OK to lie in a Court if you are woman, or if the judge likes you, or if the lawyer or prosecutor likes you. Proof of SEX DISCRIMINATION, ACTUAL PREJUDICE, ACTUAL MALICE, ACTUAL FRAUD, inter alia, repugnant Criminal Acts.

indirectly, Please note, This again proves Justices J. Cox, J. Grosse, and J. Schindler, [as well as attorney Ms. J. Sweigert] LIED, committed Actual Fraud, by stating in the Court's

Opinion, quote "in violation of a protection order": a undisputed fact, as shown above. It is manifest Criminal Act when Justices take material evidence / facts and fabricate the truth to defraud the public.; and

CLAIM 20.

2.39.

Ms. Thomas affirms she worked over 30 hours on this case in 4 months, and yet failed to ^{do} even the minimum as exemplified in this document, and references there-in. There is NO excuse for a highly experienced criminal lawyer with over 25 years in practice, like Ms. Thomas to do what she did.

A fact Justice Ronald Kessler concluded after reading my 50 pages motion filed on November 1, 2011, and dismissing Ms. Thomas from my case.; and

2.40.

Any 'Reasonable' person reviewing Ms. Thomas's statement should conclude that an expert criminal lawyer working on serious charges of Burglary 1st degree, Assault 2nd degree, alleging 'Lethal Weapon', 'torture', inter alia, could not even manage to serve basic subpoenas, interrogatories to the manufacturers, the witnesses, expert witnesses, police, detectives, inter alios, and obtain basic, fundamental to show Kunjlata had self-inflicted injuries to FRAME me, not once, but at least twice, pursuant to photographic evidence taken on July 14, 2011 and then again on July 18, 2011, prior or simultaneously working on case citations, inter alia.

The reason, why Ms. Thomas did NOT accomplish anything of merit after 4 months, was because her true intent was to ignore, neglect, cover-up, inter alia, conceal their Criminal Acts and to

SET-ME UP / FRAME ME of crimes I did NOT committ, for reasons unbeknownst to me, or any 'Reasonable' person.

It is undisputed, given the numerous examples, that both Prosecutor Simmons and Ms. Thomas knew exactly what each was doing; that is no one should discover what Kunjata had done, and hence what they had done. It means there is NO excuse for what Justice Mariane Spearman, Mr. Gene E. Piculell, Mr. Dillion Johnson, and subsequently Justices J. Cox, J. Grosse, J. Schindler, and attorney Ms. Jennifer Sweigert, for what they did.; and

CLAIM 21.

2.41. Ms. Thomas affirms by stating quote, "I seek a continuance of the trial date over my client's objections" because she knew I would no longer tolerates lies,

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BLACKMAIL, COERCION, inter alia, being setup by her. She also knew I was under tremendous strain, pain caused by endless mental Rape, physical tortures, caged like an animal with 20 other inmates in horrid conditions and her deliberate, reckless, cruel acts to set-me up, whilst pretending to all she cared. She also knew this was how most all [greater than 99.99% of inmates, innocent until proven guilty beyond reasonable doubt] inmates in King County jail are driven to submission to take any plea, because the Mental Rape becomes unbearable, and short of falling prey to mental insanity.

It is abundantly clear to any and all 'Reasonable' person, Ms. Thomas was not going to accomplish anymore in the next 4 months, just as she planned in the 1st 4 months.

3.0. CONCLUSION / RELIEF

I, Sudeshkumar S. Kothari, pro-se, the Appellant, respectfully plead to this Court to order and impeach / try each Officer of the Courts [namely, Justices Mariane Spearman, J. Cox, J. Grosse, J. Schindler; attorneys Ms. LEONA A. THOMAS, Mr. GENE E. PICULELL, Mr. DILLION JOHNSON, Ms. JENNIFER J. SWEIGERT, Prosecutor Jason L. Simmons, inter alios]; and Ms. KUNJLATA S. KOTHARI; and

To order full forensic investigation into this case, by notifying all appropriate agencies, including the Federal Bureau of Investigation, because corruption of the courts by and between Officers of the Courts is of Constitutional magnitude.; and

To order remedy, relief, inter alia, restore on behalf of the Appellant in any and all forms

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to restore, repair, inter alia, damages so excessive that no single remedy can cure; and

To implement "GOOD JURISPRUDENCE PRACTICES [GJP]" analogous to "GOOD MANUFACTURING PRACTICES [GMP]" enforced by the Food and Drug Agency [FDA], to protect every citizen of United States from corrupt officials, BECAUSE, just as it is not acceptable for corrupt priests to bugger children, it is NOT ACCEPTABLE for corrupt lawyers, prosecutors, judges to mentally RAPE / torture innocent citizens, just because they are poor; and

To order any and all other remedies / relief it deems appropriate and meritable to this case, including in reference to "MOTION TO TAKE JUDICIAL NOTICE, AND TO 'STAY' COURT'S OPINION FILED MARCH 17, 2014" - submitted on April 8, 2014 to Court of Appeals, Div. 1.

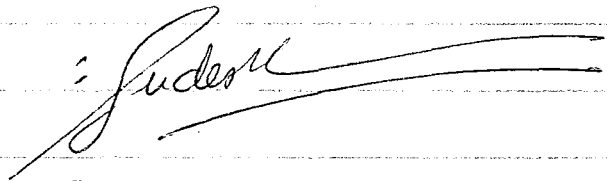
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I, declare under penalty of perjury, the foregoing is true and correct, to the best of my knowledge.

Date: April 11, 2014



at,

SUDESHKUMAR S. KOTHARI
COYOTE RIDGE CORRECTION CENTER
P.O. BOX 769, CAMAS 6-7
DOC: 362420
CONNELL, WA 99326

COURT OF APPEALS, DIVISION I
STATE OF WASHINGTON

STATE OF WASHINGTON
Respondent,

No. 69564-9-1

[SUPERIOR no. 11-1-07116-9 SEA]

vs.

MOTION TO TAKE

JUDICIAL NOTICE, AND

SUDESHKUMAR S. KOTHARI

TO 'STAY' COURT'S OPINION

pro se, Appellant

FILED MARCH 17, 2014

Pursuant to Haines v. Kerner, 404 U.S. 519, 1972; and RAP 1.2(a), 9, Sudeshkumar S. Kothari, pro se, the Appellant respectfully requests "LIBERAL INTERPRETATION" and to "promote Justice..... Decision of cases on the merits."

1.0 IDENTITY OF MOVING PARTY

Sudeshkumar S. Kothari

I, pro se, the Appellant requests Relief stated in Part 2.0, and to 'STAY' COURT'S OPINION filed on March 17, 2014.

EXHIBIT D - 3/28/2014

2.0 STATEMENT OF RELIEF SOUGHT / FACTS

Specifically, I, the Appellant, pro se ask this Court to take Judicial Notice of the following:

2.1. Ms. Jennifer J. Sweigert [% Nielsen Broman Koch PLLC] was UNEQUIVOCALLY and formally dismissed as my appeal attorney for Actual Fraud, inter alia, Criminal Acts [as defined in attached Exhibit] as cited in my February 6, 2014 correspondence to her and to Justices J. Cox, J. Grosse, J. Schindler and Mr. Richard D. Johnson [Court of Appeals Administrator], as well as the attached EXHIBIT, titled "MOTION TO 'STAY' TO RECONSIDER COURT'S OPINION DATED MARCH 17, 2014 THAT BETRAY'S ACTUAL FRAUD, WITH MALICIOUS INTENT, inter alia." and references there-in.

Any 'reasonable' person, after careful review of my case, should agree she is unfit to continue to representing me. Pursuant to Appellant's 6th

AMENDMENT RIGHT to effective assistance of counsel, I have shown, in addition to actual conflict of interest, her actions have adversely affected her performance, inter alia, arising to Actual Fraud with Actual Malice in a Conspiracy to cover-up, conceal, neglect, inter alia, ignore CRIMINAL ACTS by and between Officers of the Courts; and I will NEVER TRUST her again; and she is dismissed.

2.2. I, the Appellant, pro se, UNEQUIVOCALLY and formally requested that Justices J. Grosse, J. Cox, and J. Schindler be dismissed / recused from this case for Actual Fraud with Actual Malice, inter alia, CRIMINAL ACTS, individually and collectively, as cited in the Attached EXHIBIT [as referenced under 2.1.]. I, the Appellant shall re-cite few examples:

[filed March 17, 2014, in court records]
2.2.1. Court's Opinion / cites "...Kothari entered the home in violation of protection order..." is Actual Fraud with Actual Malice, because our divorce

papers [Superior no. in Dissolution case 09-3-06940-2 SEA] shows in clear, cogent, convincing evidence that "PROTECTION ORDER DOES NOT APPLY"; and

2.2.2. Each of them know, that NO person, especially the defendant, and acting pro se, is required to sign any document prepared by and for the benefit solely for the Prosecutor, in middle of a trial. A document Prosecutor Simmons thrust upon me on day 2 of trial [March 6, 2012]; a document forcing me to waive 15 to 20 RIGHTS due to a defendant in any fair and equitable trial; a document Prosecutor Simmons and Justice Mariane Spearman used to BLACKMAIL, coerce, intimidate, inter alia, to sign; a document they said If I did NOT sign then I could NOT represent myself; a document they used to fraudulently, inter alia, "repugnant Criminal Act, charge I was "UNEQUIVOCAL".

TRUTH, I was UNEQUIVOCAL in representing

myself, even without a 'STAND-BY ATTORNEY'.
The latter being denied to me after Justice Mariane Spearman had approved of one day before, all Because Prosecutor Simmons demanded it, like everything else [e.g. I could have no-one, not even family in the court-room, in a so-called PUBLIC TRIAL!].

This was NO ACCIDENT; any 'Reasonable' person could see this was a coldly calculated plan to cover-up, conceal, ignore, inter alia, neglect their CRIMINAL ACTS just to FRAME ME.

A fact they hoped to fool the Courts, every citizen of United States, BUT they can't fool the Federal Bureau of Investigation.

A fact Court's Opinion signed by Justice J. Cox, J. Grosse, J. Schindler, and a view supported by Ms. Jennifer Sweigert therefore constitutes Manifest evidence their collective Criminal Acts; and Gross violation of my Constitutional Rights; and

2.2.3. Court's Opinion states "... Here, there was no such evidence." with respect "ineffective assistance of trial counsel" and their supporting statements is Actual Fraud with Actual Malice, inter alia, manifest Criminal Acts because no 3rd party is going to challenge the word /opinion of 3 Justices, inter alia.

A fact each of them know [including Ms. Sweigert, Justice Mariane Spearman, Prosecutor Simmons, Mr. Dillion Johnson, inter alios] that trial attorney, Mr. Gene E. Piculell's [who was ~~re-inst~~ reinstated, after I was BLACKMAILED and forcibly denied my Right' to proceed pro se [as noted in 2.2.2 and et see attachment] anger over my firing /dismissing him on 1st day of Trial [March 5, 2012], prevented him from serving my interests. That cannot be characterised as Trial Strategy. In sum, Piculell's representation was so deficient that it falls below even the minimal standard for professional [conduct] competent assistance, established by Strickland and its progeny, and it thus satisfies the first

half of the 'Strickland test'.

Piculell's conduct and failure to present a coherent argument, failure to conduct any investigation in such a serious case, failure to present any expert witnesses's testimonies with respect to device or it causing any injuries, inter alia, that there was enough evidence of Prosecutor and police fabrication to raise a 'Reasonable Doubt' in jury's mind as to my guilt, took the question away from the jury and deprived me of my ONLY defense.

Therefore Piculell's inadequate performance created sufficient prejudice to satisfy Strickland's second requirement as well, not including manifest evidence of Actual Fraud with Actual Malice, inter alia, Criminal Acts by Gene E. Piculell. A Constitutional Violation. His abdication of attorney's role as advocate shows Actual Conflict of Interests.

A fact this Court cannot ignore, conceal, cover-up, inter alia, neglect without automatically constituting manifest Criminal Act in itself; and

see *Tejeda v. Dubois*, 142 F.3d 18 (1st Cir. 1998).

Therefore it is Actual Prejudice, *inter alia*, to allow Justices Cox, Grosse, and Schindler to continue to review and/or cast judgement in this case, and must be recused / dismissed.

2.2.4. They denied my Constitutional Right to be present at all hearings [including Ms. Sweigert], for fear of committing further acts of Actual Fraud on the record. A Right I UNEQUIVOCALLY did not waive.

Any 'Reasonable' person would beg the question what did they have to fear?, IF they did nothing wrong? and IF they proclaimed having overwhelming evidence?, *inter alia*, UNLESS the opposite was true.; and

2.3. Pursuant to above, the Court of Appeals need

to appoint a New panel, Cognizant of the facts, material evidence, fabricated evidence involving this case, particularly any and all instances of Actual Fraud, inter alia, Criminal Acts by and between Officers of the Courts.; and

2.4. Pursuant to above Court of Appeals must first and foremost question the practice of fraud and/or Criminal acts upon the Courts, especially by and between Officers of the Courts, as well as Ms. Kunjilata S. Kothari. Therefore 'STAY' Court's Opinion filed 03/17/2014.

A Constitutional Right guaranteed to each and every citizen of the United States.; and

2.5. Pursuant to above and references contained here-in this entire document [including all the attachments, and references there-in], this Court must notify any and all authorities to

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to investigate each and every acts of fraud, inter alia, CRIMINAL ACTS by and between Officers of the Courts, including without limitation, notifying the Federal Bureau of Investigation.

Because any and all acts of fraud, inter alia, CRIMINAL ACTS by and between Officers of the Courts is the ULTIMATE crime against all citizen of United States, especially when it involves highly trained, highly experienced, and highly educated Judges, lawyers and prosecutors, who know, understand and practice law each day, and onto whom each citizen put their full faith and trust BLINDLY.

2.6. This Court must take Judicial notice of the fact the law is CLEAR that the prosecution must not withhold impeachment evidence, Constitutionally guaranteed when its possession. They knew Kunjlata Kothari was impeached on several points, especially false alleging abuse and vital in defense against false charge of "HISTORY OF DOMESTIC VIOLENCE" aggravator."

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3.0. ARGUMENT AND GROUNDS FOR RELIEF

Judicial notice of a fact is appropriate where the fact is "not subject to reasonable dispute in that it is... capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned" ER 201(b).

The leading commentator on Washington's evidence rules has reasoned that Judicial Notice is appropriate on appeal under ER 201. See Tegland, 5 Wash. Pract. Evidence, § 201.17 [4th Edition 1999], citing, *inter alia*, ~~CLEA~~ CLEAN v. State, 130 Wn.2d 782, 928 P.2d 1054, 1996. The court in CLEAN took Judicial Notice on appeal of facts to support a legislative declaration of emergency.

The Supreme Court has taken Judicial Notice of a file in another appeal. See State v. Perkins, 32 Wn.2d 810, 872, 204 P.2d 207, 1949, where the court distinguished a prior

case based on facts apparently not discussed in prior opinion.

RCW 10.58.040 - INTENT TO DEFRAUD states, "whenever an intent to defraud shall be made an element of an offense, it shall be sufficient if intent appears to defraud any person". For example in my case, it was VITAL to trial outcome, if Justice Mariane Spearman, in all and under rules of CANDOR, had told the jury upfront, fully, of all the circumstances leading to Mr. Gene E. Piculell forcibly representing me, after being fired ON THE RECORD via verbal motion.

In Hamilton v. Kiona-Benton, Irr. Dist 45 Wash. 2d 544, 276 P.2d 583, it states "where defects in complaint are of such nature that no presumption will make it good, a STATUTE providing that Sufficiency of Complaint may be questioned for the 1st time in the Supreme Court must be applied." My case, the Complaint arises to practice of Actual Fraud, inter alia,

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CRIMINAL ACTS by and between Officers of the Courts, including being FRAMED by Ms. Kunjlata S. Kothari.

Pursuant to U.S. v. Frady, 456 U.S. 152, 1982, Acts of fraud, inter alia, Criminal Acts are manifest errors of constitutional magnitude were preserved by objection and raised on appeal, to show I was FRAMED of crimes based on FABRICATED EVIDENCE, and worse by a coldly-calculated conspiracy to cover-up, conceal, ignore, inter alia, neglect CRIMINAL ACTS by and between Officers of the Courts named here-in.

Pursuant to U.S. v. Cronin, 466 U.S. 648, 104 S. Ct. 2039, 80 L.Ed. 2d 657 3, 1984, states "If a counsel entirely fails to subject the prosecution's case to meaningful adversarial testing, than there has been a denial of 6th Amendment Rights that makes

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the adversary process itself presumptively unreliable."

Pursuant to defendant's 14th Amendment 'DUE PROCESS RIGHTS', the Supreme Court Constitutionally guaranteed that the prosecutor is under a duty to disclose ~~to~~ material impeachment evidence, especially in my case the jury had a right to know that Kunjlata Kothari was impeached on a witness stand [material evidence Prosecutor Simmons included into ^{Court} records] for similar false allegations of assault, and as her motive to FRAME ME in this case. A fact Justice Mariane Spearman, Ms. Thomas, Mr. Gene E. Piculell, and Mr. Dillion Johnson knew and understood, BUT COVERED-UP, ignored, neglected, inter alia, concealed hoping NO one would find out. A fact Court's Opinion and Ms. Sweigert's actions betray their true intent.

Claims of Actual Fraud against Prosecutor

Simmons, Justice Mariane Spearman, trial attorney Mr. Gene E. Piculell, and others named here-in, were supported by clear, cogent, convincing evidence of or findings on nine elements of fraud. See *Angelo v. Angelo*, Wn. App 622, 175 P.2d 1096 142, 2008; and Uniform ~~Fraud~~ Fraudulent Transfer Act [UFTA]. They violated their fiduciary duties of material disclosure and violated the Standard of Constitutional Materiality by covering-up, ignoring, neglecting, inter alia, concealing what they had done, hoping no one would find out. Therefore, this Court must 'STAY' Court's Opinion of 3/17/2014.

Pursuant to *State v. Rice*, 110 Wash. 2d 577, 613, 757 P.2d 889 (1988), inter alia, a defendant has a Constitutional Right to be present at all stages of the proceedings, the error was Constitutional in my case, Because Officers of the Courts were aware I had 'BLOWN-THE-WHISTLE' on their efforts to FRAME ME.

Pursuant to 14th Amendment, NO STATE

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shall make or enforce any law which shall abridge the privileges or immunities of citizens of United States. A clear, cogent, convincing evidence that Justice Mariane Spearman, Prosecutor Simmons, inter alios, violated on 2nd day of Trial [March 6, 2012] by forcibly demanding I sign a document prepared by and for the Prosecutor Simmons, waiving 15 to 20 Rights, in an Actual BLACKMAIL demanding only then I could continue to represent myself and NOT otherwise.

— A document no 'reasonable' person should sign, just to represent themselves. An Ultimate Crime against every citizen of the United States.

Stare Decisis rules apply in this instance. An Appellate Court must follow Supreme Court precedent and may not overrule that authority. See State v. Williams, 93 Wn. App 340, 1988.

The Court of Appeals has no authority to

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overrule decisions of the Supreme Court and is bound by such decisions until the Supreme Court changes them. See *Queen City Farms v. Central National Ins.*, 64 Wn. App. 838, 1992.

Please note, I, the Appellant, pro se do NOT have access to a law library, internet, computer or printer. I terminated Ms. Sweigert as of February 6, 2014.

Pursuant to *Pringle v. Pringle*, 55 Wash. 93, 104 P.135, 2 1909, inter alia, RAP 2.2, the first question for the Court is NOT whether there is a cause of action, BUT whether FRAUD has been practiced upon the Court.

THIS MOTION SERVES AS NOTICE EACH IS INFORMED.

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of
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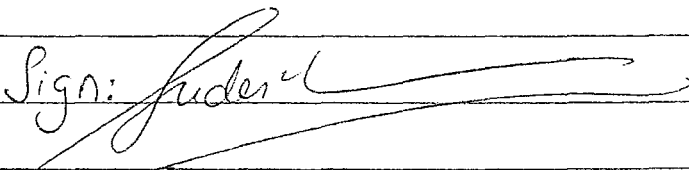
SUDESHKUMAR S. KOTHARI
Appeal no. 69564-9-1
Superior no. 11-1-07116-9 SEA

4.0. CONCLUSION

This Court must grant the Relief Sought, inter alia, and any other relief it deems appropriate, necessary to prove I am innocent, I was FRAMED by Kunjalata S. Kothari, inter alia, and ^{by} Officers of the Courts involved in this case. To waive any and all costs in both cases, including without limitation, attorney fees, court costs, with global prejudice.

I declare under penalty of perjury, the foregoing is true and correct, to best of my knowledge.

Date: April 4, 2014

Sign: 

The Appellant,

SUDESH S. KOTHARI, PRO SE

DOC: 362420, CAMAS G10

COYOTE RIDGE CORRECTION CENTER

P.O. Box 769, Connell, WA 99326

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DECLARATION OF MAILING

I, Sudeshkumar S. Kothari, pro se, the Appellant declare that on March 8th, 2014, I deposited the foregoing [List of documents]:

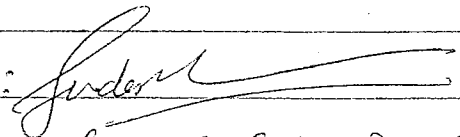
1. MOTION TO TAKE JUDICIAL NOTICE.
2. Attachment: "MOTION TO 'STAY', TO RECONSIDER COURT'S OPINION DATED MARCH 17, 2014 THAT BETRAYS ACTUAL FRAUD WITH MALICIOUS INTENT, inter alia," and Exhibits "A to D - 3/20/2014."

or a copy thereof, in the internal mail system of COYOTE RIDGE CORRECTION CENTER, CONNELL, WA 99326, and made arrangements for postage, addressed to each of the following [see additional attachment, if any]:

- * 1. Justices J. Cox, J. Grosse, J. Schindler, Court of Appeals Div. I, ^{address} Below.
2. Mr. Richard D. Johnson, Court Administrator, Court of Appeals, Div. I, 1 Union Sq., 600 University St., Seattle, WA 98101-4170
3. Mr. Dan Satterberg, King County Prosecutor's Office, 516 3rd Ave, Ste W554, Seattle, WA 98104-2362.
- * 4. Ms. J. Sweigert, ^{Seattle} ²⁸⁴² Nielsen Broman Koch, 1908 E. Madison St., WA 98122-

I declare under penalty of perjury, the foregoing is true and correct to best of my knowledge.

Date: March 8th, 2014

Sign: 

-without attachment

362420, CAMAS G-10, P.O. Box 769

2. COYOTE RIDGE CORRECTION CENTER, CONNELL WA 99326

RICHARD D. JOHNSON,
Court Administrator/Clerk

*The Court of Appeals
of the
State of Washington*

DIVISION I
One Union Square
600 University Street
Seattle, WA
98101-4170
(206) 464-7750
TDD: (206) 587-5505

March 31, 2014

Jennifer J Sweigert
Nielsen Broman & Koch PLLC
1908 E Madison St
Seattle, WA, 98122-2842
SweigertJ@nwattorney.net

Sudeshkumar S. Kothari
DOC# 362420
Coyote Ridge Corr Center
PO Box 769
Connell, WA, 99326

Rec'd
4/4/14

Dennis John McCurdy
King County Prosecutor's Office
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Nielsen Broman Koch PLLC
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Prosecuting Atty King County
King Co Pros/App Unit Supervisor
W554 King County Courthouse
516 Third Avenue
Seattle, WA, 98104
paoappellateunitmail@kingcounty.gov

CASE #: 69564-9-1

State of Washington, Respondent v. Sudeshkumar S. Kothari, Appellant

Counsel:

Enclosed please find a copy of the Order Denying Motion For Reconsideration entered in the above case.

Within 30 days after the order is filed, the opinion of the Court of Appeals will become final unless, in accordance with RAP 13.4, counsel files a petition for review in this court. The content of a petition should contain a "direct and concise statement of the reason why review should be accepted under one or more of the tests established in [RAP 13.4](b), with argument." RAP 13.4(c)(7).

In the event a petition for review is filed, opposing counsel may file with the Clerk of the Supreme Court an answer to the petition within 30 days after the petition is served.

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

LAM

Enclosure

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON,)
)
 Respondent,)
)
 v.)
)
 SUDESHKUMAR S. KOTHARI,)
)
 Appellant.)

No. 69564-9-1

ORDER DENYING MOTION
FOR RECONSIDERATION

The appellant, Sudeshkumar Kothari, has filed a motion for reconsideration herein. The court has taken the matter under consideration and has determined that the motion for reconsideration should be denied.

Now, therefore, it is hereby

ORDERED that the motion for reconsideration is denied.

Done this 31st day of March, 2014.

FOR THE COURT:

Grosse, J

Judge

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2014 MAR 31 PM 4:48

RICHARD D. JOHNSON,
Court Administrator/Clerk

The Court of Appeals
of the
State of Washington

DIVISION I
One Union Square
600 University Street
Seattle, WA
98101-4170
(206) 464-7750
TDD: (206) 587-5505

March 31, 2014

Jennifer J Sweigert
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SweigertJ@nwattorney.net

Sudeshkumar S. Kothari
DOC# 362420
Coyote Ridge Corr Center
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Prosecuting Atty King County
King Co Pros/App Unit Supervisor
W554 King County Courthouse
516 Third Avenue
Seattle, WA, 98104
paoappellateunitmail@kingcounty.gov

Rec'd
4/4/14

CASE #: 69564-9-I
State of Washington, Respondent v. Sudeshkumar S. Kothari, Appellant

Counsel:

Enclosed please find a copy of the Order Denying Motion For Clarification Of Court Rulings entered by this court in the above case today.

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

LAM

enclosure

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON,)
)
 Respondent,)
)
 v.)
)
 SUDESHKUMAR S. KOTHARI,)
)
 Appellant.)

No. 69564-9-1

ORDER DENYING MOTION
FOR CLARIFICATION OF
COURT RULINGS

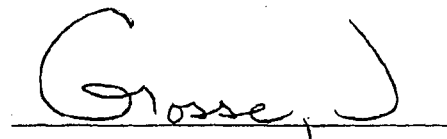
The appellant, Sudeshkumar Kothari, has filed a motion requesting clarification of this court's rulings dated February 20, 2014 and March 7, 2014. The court has taken the matter under consideration and has determined that the motion should be denied.

Now, therefore, it is hereby

ORDERED that the motion requesting clarification of this court's rulings is denied.

Done this 31st day of March, 2014.

FOR THE COURT:



Judge

FILED
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STATE OF WASHINGTON
2014 MAR 31 PM 4:48

APPENDIX 3: 5/10/2014

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THE COURT OF APPEALS, DIVISION I
STATE OF WASHINGTON

STATE OF WASHINGTON Respondent	No. 69564-9-1 [Superior Court no. 11-1-07116-9SEA]
V.	MOTION TO 'STAY', TO RECONSIDER COURT'S OPINION DATED MARCH 17, 2014 THAT BETRAYS ACTUAL FRAUD WITH MALICIOUS INTENT, <u>inter alia</u> .
SUDESHKUMAR S. KOTHARI Appellant, <u>pro se</u>	

Pursuant to *Haines v. Kerner*, 404 U.S. 519, 1972, and RAP 1.2 (a), I, Sudeshkumar S. Kothari, the Appellant, pro se respectfully requests "LIBERAL INTERPRETATION" and to "promote Justice Decision of cases on the merits."

I, Sudeshkumar S. Kothari, Appellant and pro se, respectfully requests this court to 'STAY', to 'Reconsider' the Court's Opinion

SUDESHKUMAR S. KOTHARI
Appeal no. 69564-9-1

dated March 17, 2014 that betrays Actual Fraud with malicious intent, by and between Justices Cox, Grosse, Schindler, and Ms. Jennifer J. Sweigert, attorney [see EXHIBIT A - 3/20/2014, 1.2. below].

The Appellant hereby requests this court to grant him thirty [30] days from receipt of this motion, to file a reply with respect to Court's Opinion dated March 17, 2014.

FACTS RELEVANT TO MOTION

1. The following EXHIBITS are submitted into record in support of this motion:

1.1. EXHIBIT A - 3/20/2014: MOTION TO STRICTLY REQUEST THIS COURT FOR ALL GROUNDS

SUDESHKUMAR S. KOTHARI

Appeal no. 69564-9-1

DENYING APPELLANT'S MOTION DATED ~~FEBRUARY~~
26, 2014, signed March 14, 2014; and

1.2. EXHIBIT B - 3/20/2014: Appellant's letter
signed February 6, 2014, sent to Justice Cox,
Schindler, Grosse, Mr. R. D. Johnson, and Ms. J.
Sweigert.; and

1.3. EXHIBIT C - 3/20/2014: An attachment to
1.2. above, Appellant's letter to appeal
attorney Ms. Jennifer Sweigert signed February
6, 2014 with all its attachments.; and

1.4. EXHIBIT D - 3/20/2014: Appellant's letter
signed/dated January 16, 2014 to Ms. Jennifer
Sweigert.

1.5. I, the Appellant hereby consent to Ms. Jennifer

SUDESHKUMAR S. KOTHARI

Appeal no. 69564-9-1

Sweigert to release any and all other correspondences to aid this court in its investigation; and

2. The Court Opinion, on page 2 states "The Court [Superior] engaged Kothari in a colloquy and ultimately determined..... recognizing," that he might not receive stand-by counsel" is Manifest weight of evidence of Actual Fraud with Actual malice of Constitutional Magnitude. Because that statement perpetuates the conspiracy, in a coldly calculated plan to deceive and mislead any and all third parties as defined by the 9 elements of FRAUD [see Angelo v. Angelo, Wn App 622, 175 P.2d 1096 142, 2008; and pursuant to UNIFORM FRAUDULENT TRANSFER ACT; and pursuant to TITLE 18 UNITED STATES CODE SERVICE §1001; inter alia] as follows:

SUDESHKUMAR S. KOTHARI
Appeal no. 69564-9-1

2.1. Representing of existing fact; and

2.2. Materiality of the fact; and

2.3. Falsity of the fact; and

2.4. The speaker's knowledge of the falsity of the fact; and

2.5. The speaker's intent that the fact should be acted upon by the person to whom the fact was represented; and

2.6. Ignorance of fact's falsity; and

2.7. Reliance on the truth of the factual representation; and

2.8. The right of person to rely on the factual representation; and

2.9. The person's substantial damage from the

SUDESHKUMAR S. KOTHARI
Appeal no. 69564-9-1

false factual representation.

As careful examination of court records will prove, I was unequivocal in defending/representing myself, even after Justice Mariane Spearman first granting me a 'standby-counsel', and then less than 18 hours later instructing me that IF I did NOT sign a document prepared by the Prosecutor Jason Simmons [a document, ^{neither} my 'stand-by attorney nor I had ever seen before'] and presented to me on Day 2 of Trial [March 6, 2012] with a list of waivers ranging from 15 to 20 rights due to a defendant. Any 'Reasonable Person' would question such excessive extreme [Proof Actual Prejudice with malicious intent] ~~of~~ use of coercion, BLACKMAIL, inter alia, by Prosecutor Simmons and Justice Spearman [noted my "standby-counsel" Mr. GENE E. PICULELL, whom I fired on day 1 of Trial [March 5, 2012] by way of verbal motion, made NO comments whatsoever]

SUDESHKUMAR S. KOTHARI
Appeal no. 69564-9-1

whilst loudly claiming there is overwhelming evidence against me, and whilst knowing Justice Spearman denied any and all request for access to Law library or any help from anyone. BEGGING THE QUESTION what did they fear against a defendant who was only ^{allowed} paper, pencil and a his own voice, facing the Full FORCE AND MIGHT of the Washington State Prosecutor's Office?

Any 'Reasonable Person' would question how an experienced Justice Spearman one moment in good faith appoints a 'STAND-BY' - counsel [albeit the lawyer I fired, Mr. Gene Piculell - a fact NO JURY knew] and then simply less than 18 hours later uses Blackmail to change and reverse her decision without providing solid grounds/reasons, KNOWING full well I had every right to refuse to sign any documents prepared by the Prosecutor and

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SUDESHKUMAR S. KOTHARI

Appeal no. 69564-9-1

and still represent myself UNEQUIVOCALLY. Justice Spearman, Prosecutor Simmons, Mr. G. Picaulell, Justices Cox, Schindler, Grosse, attorneys Mr. Dillion Johnson and Jennifer Sweigert all knew IT IS Actual Prejudice with malicious intent because the Prosecutor was NOT required to sign any such document waiving 15 to 20 RIGHTS. A FACT they have tried to conceal, a fact no-one would find out IF I had NOT responded [just as many people give-up].

And yet this court deliberately and recklessly makes a false statement of material fact/evidence. Hoping the matter disappears: arising to manifest misconduct that is prejudicial to the administration of Justice in a conspiracy to conceal criminal acts of aforementioned persons by engaging to perpetuate dishonesty, fraud, deceit, misrepresentation, inter alia.

SUPESHKUMAR S. KOTHARI
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LET THE RECORD BE CLEAR, as it was then as now, I was UNEQUIVOCAL in exercising my rights to represent myself, even without a 'STAND-BY-COUNSEL' [afterall I was only loosing an attorney I had fired day before on Day 1 of Trial]. A fact that was twisted / converted then by Justice Spearman to make it look like I was not "unequivocal" and now by Justices Cox, Schindler and Grosse, in their statement, hoping no-one is going to check the records least they ~~a~~ accuse 4 JUSTICES OF FRAUD. TRUTH they can NEVER HIDE! ; and

3. The Court's Opinion, on page 2 states "Kothari told the court that he wanted to proceed pro se but that he was doing it "under duress." This ~~was~~ was equivocal," is Manifest weight of evidence of Actual

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of
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SUDESHKUMAR S. KOTHARI
Appeal no. 69564-9-1

Fraud with Actual Malice, because the intent clearly referred to the use of "under duress" to Blackmail of signing a document I had every right to refuse to sign, as stated in 2, above. And that I wanted the records to show it was PURE, ACTUAL BLACKMAIL and NOTHING to do whatsoever with my representing / defending myself.

The reason why the Prosecutor Simmons, even Justice Spearman and possibly Mr. Gene Piculell did NOT want me to defend myself was because the evidence presented at trial would prove I was first FRAMED by Kunjlata S. Kothari, and then by Officers of the Court. EVIDENCE NOT ONE OF THEM HAVE REFUTED TO THIS DATE: that is why Kunjlata self-inflicted injuries upon herself on July 14, 2011, and then again after July 14, 2011, and then why she lied under oath, on day 3 of Trial [March 7, 2011]

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SUDESHKUMAR S. KOTHARI
Appeal No. 69564-9-1

about visiting the Mercer Island Police Department on July 18, 2011 [4 days after incident].

Therefore, for these Justices Cox, Grosse and Schindler to assert that the Superior Court did NOT err, is deliberate and reckless Actual Fraud. They know as well as Justice Spearman, Prosecutor Simmons, Mr. Piculell, Mr. Dillion Johnson, Ms. Jennifer J. Sweigert, inter alios, there is NO constitution, NO LAW, NO Rule that a defendant MUST sign away all his rights because a Prosecutor, a judge, a lawyer demands it, especially when they claim there is overwhelming evidence against defendant. That is why we have 'DUE PROCESS' to protect every citizen against corrupt Officers of the courts.; and

4. For reasons stated above; in the Appellant's

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SUDESHKUMAR S. KOTHARI

Appeal no. 69564-9-1

Brief; in the Exhibit attached; in the seven letters to the Chief Justice of the Superior Court [King County], Criminal Division spanning from ~~April~~ November 2010 to December 2012; in the Motion for New Trial; inter alia, each of the aforementioned person deliberately and recklessly ignored / neglected / concealed these most fundamental facts / evidence, because they knew they could get away with it. And because they NEVER expected ~~to~~ to fight for TRUTH [just as 99.9% of citizens without financial means give up].

I want my daughter Sumedhaa-Priya S. Kothari, my son -Szu-Raj S. Kothari, my mother Mrs. Ranjanbala S. Kothari especially, to know I was telling the truth and equally importantly what is going on.

^{the}
In interest to file this motion timely, I have only addressed couple of the Actual

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SUDESHKUMAR S. KOTHARI
Appeal no. 69564-9-1

Fraudulent statements contained in the Court's Opinion dated March 17, 2014; and

5. This Court knows that Justices Cox, Grosse, Schindler, and Ms. Sweigert [as did Justice Mariane Spearman, Mr. Gene Piculell, Mr. Dillion Johnson, inter alios, of King County Superior Court] wilfully and recklessly chose to ignore / neglect / conceal the fundamental and foremost question before this court was to ask and investigate IF Fraud was committed before addressing any other matter or cause of action. See Pringle v. Pringle, 55 Wash. 93 104 P.135, 1909; and pursuant to RAP 2.2; and pursuant to Ballinger's Ann. Code and St. §5159 including Pierce's Code §1041.

This is material evidence of Actual Fraud with Malicious Intent, that NO court can

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SUDESHKUMAR S. KOTHARI

Appeal no. 69564-9-1

ignore, neglect, conceal, inter alia, because it is repugnant to our Constitution.; and

6. I, the Appellant hereby request that Justices Cox, Grosse and Schindler recuse themselves from this case. That Court grant and appoint another panel to investigate, review de novo facts, evidence, inter alia, Conspiracy, corruption and Criminal Acts by aforementioned persons, by compelling them to address [via subpoena, interrogatories, affidavits] each of the criminal charges raised here and elsewhere in this case.

I strongly urge this Court to notify the Federal Bureau of Investigation, and any other authorities deemed appropriate, because any and all corruption of the Courts, **ESPECIALLY** by and between Officers of the Courts constitutes the **ULTIMATE**

P. 5
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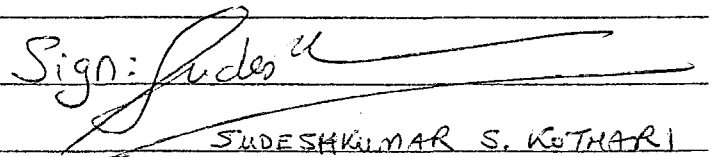
SUDESHKUMAR S. KOTHARI

Appeal no. 69564-9-1

CRIME, no civilized society can endure
or must endure.

I declare the above is true and correct,
under penalty of perjury, to best of my knowledge.

Date: March 20, 2014

Sign: 

SUDESHKUMAR S. KOTHARI

at. COYOTE RIDGE CORRECTION CENTER

P.O. Box 769, DOC: 362420

CONNELL, WA 99326

APPEALS COURT, DIVISION
STATE OF WASHINGTON

STATE OF WASHINGTON
Respondent ~~Petitioner~~

Case No. 69564-9-1

v.
SUDESHKUMAR S. KOTHARI
Appellant ~~Defendant~~

DECLARATION OF MAILING

I, Sudesh S. Kothari [name], declare that, on 3/20/14 [date], I deposited the foregoing [list document/s]:

'MOTION TO STAY, TO RECONSIDER COURT'S OPINION
DATED MARCH 17, 2014 THAT BETRAYS ACTUAL FRAUD INTENT,
or a copy thereof, in the internal mail system of WA 99326 ^{malicious} ^{inter alia.}

COYOTE RIDGE CORRECTION CENTER, CONNELL, [name of institution]
and made arrangements for postage, addressed to each of the following:

Mr. R. D. Johnson and Justice Grosse
Court of Appeals, Div. 1, 600
University St., Seattle WA 98161-
4170

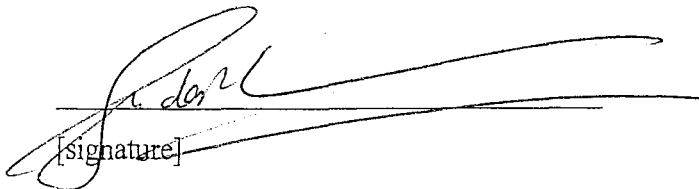
Ms. J. Sweigert
% Nielsen Braman Kech
1908 E Madison St.
Seattle, WA 98122-
2842

King Co Pros/App Unit
Supervisor
King County Prosecutor's Office
W554, 576 3rd Ave.
Seattle, WA 98104
-2362

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED at CONNELL, WASHINGTON [city, STATE]

on this 20 day of March, 2014.


[signature]