

SEALED

FILED

JUL 06, 2020

Court of Appeals
Division III
State of Washington

COURT OF APPEALS, DIVISION III, STATE OF WASHINGTON

In the Matter of the Personal Restraint)	No. 37593-5-III
of:)	
)	
RALPH HOWARD BLAKELY,)	ORDER DISMISSING PERSONAL
)	RESTRAINT PETITION
)	
Petitioner.)	

Ralph Blakely seeks relief from personal restraint imposed in his 2005 Grant County jury convictions of two counts of solicitation to commit first degree murder. His judgment and sentence was affirmed on appeal and a consolidated personal restraint petition was dismissed. *See State v. Blakely*, unpub. op'n nos. 24035-5-III; 25010-5-III (Wa. Ct. App. 2006), *review denied*, 161 Wn.2d 1005 (2007). The judgment and sentence was final on the date the mandate was issued: April 17, 2008. Mr. Blakely filed a second personal restraint petition, which was dismissed as successive under RCW 10.73.140. *See In re Pers. Restraint of Blakely*, order no. 27573-6-III (Wa. Ct. App. 2008). His third, fourth, fifth, sixth, seventh, and eighth personal restraint petitions were

No. 37593-5-III
PRP of Blakely

all dismissed as time-barred, successive, or both. *See In re Pers. Restraint of Blakely*, order nos. 30566-0-III (Wa. Ct. App. 2012); 30746-8-III (Wa. Ct. App. 2012); 31536-3-III (Wa. Ct. App. 2013); 35905-1-III (Wa. Ct. App. 2018); 36503-4-III (Wa. Ct. App. 2019); and 36584-1-II (Wa. Ct. App. 2019).

Because Mr. Blakely filed this, his ninth petition,¹ more than one year after his judgment and sentence became final, his petition is barred as untimely under RCW 10.73.090(1) unless the judgment and sentence is invalid on its face, the court lacked competent jurisdiction, or the petition is based solely on one or more of the exceptions set forth in RCW 10.73.100(1)-(6). Additionally, because this is a successive petition, it must be dismissed unless Mr. Blakely certifies that he has not filed a previous petition on similar grounds and shows good cause why any new grounds were not raised in the previous petition. RCW 10.73.140; *In re Pers. Restraint of Rudolph*, 170 Wn.2d 556, 564, 243 P.3d 540 (2010).

Mr. Blakely's current petition is a rehash of issues he has raised unsuccessfully in multiple earlier petitions: actual innocence of solicitation to commit first degree murder, lack of criminal jurisdiction due to the trial court's determination in an earlier civil action that he was incapacitated, ineffective assistance of counsel, prosecutorial misconduct and retaliation, and multiple due process violations during trial proceedings and in prison. He

¹ Mr. Blakely filed this petition in Grant County Superior Court. The court transferred the matter to this court, over Mr. Blakely's objection, per CrR 7.8(c)(2).

No. 37593-5-III

PRP of Blakely

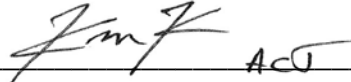
provides no new arguments or evidence and does not address the untimeliness of the petition. All of these issues were thoroughly analyzed and rejected in the prior petitions and he offers no new reliable evidence that supports reconsideration in the interests of justice.

The only part of the petition that appears new is a request for release “to obtain critically needed medical and dental treatment.” (Pet’n at 20). But, Mr. Blakely fails to provide any medical documentation supporting this claim. He further fails to explain why other remedies are inadequate (i.e. extraordinary medical placement under RCW 9.94A.728(1)(c)). “The appellate court will only grant relief by a personal restraint petition if other remedies which may be available to petitioner are inadequate under the circumstances.” RAP 16.04(d).

Because Mr. Blakely fails to raise issues that qualify as exceptions to the one-year time bar of RCW 10.73.090(1), and he provides no showing of innocence that qualifies him for equitable tolling of the time limit under the actual innocence doctrine, (*see In re Pers. Restraint of Carter*, 172 Wn.2d 917, 923, 263 P.3d 1241 (2011)), his petition must be dismissed as untimely. RCW 10.73.090(1). Because Mr. Blakely fails to document his medical claims and fails to comply with RAP 16.04(d), his request for medical release must be dismissed as frivolous. The court waives the filing fee for this petition based upon Mr. Blakely’s indigence. RAP 16.8(a).

No. 37593-5-III

PRP of Blakely

A handwritten signature in black ink, appearing to read 'Korsmo', is written over a horizontal line. To the right of the signature, the letters 'AcJ' are handwritten.

KEVIN M. KORSMO
ACTING CHIEF JUDGE