

## Statement of additional grounds COA# 09766-8

## Grounds 1.

From the start, the underlying charge, for the reason of receiving a charge of bail jumping, had been dismissed, due to a substantial amount of evidence on my behalf. I raised this issue during trial call on December 7<sup>th</sup> 2012, page 3, lines 15-24 of Colloquy. One of the reasons for agreeing to go to trial was the assurance from the judge, that I could present these concerns to a jury. And that "that's appropriate under our system of justice". When trial came, I was not able to present the concerns I had. The judge misled me to believe that I could. A motion was filed so that I could not present them concerns. Pages 5, line 25 and page 6, lines 1-11 of Verbatim Report of Proceedings - Volume One.

Grounds 2.

I also have a concern now of Prosecutorial Vindictiveness, as set forth in *Brodentkirker v Hayes, North Carolina v. Pearce*. As soon as it was apparent to the prosecution, that the crime of possession of a stolen vehicle could not be proven beyond reasonable doubt, the prosecution

then files the more, easier to be proven charge, of Bail Jumping, while throwing out the underlying charge that got me the Bail Jumping. What other reason could there be but a retaliation for not being able to prove the main crime at hand. As seen in State v. Bonisisio, 92 Grounds 3.

On June 22<sup>nd</sup> of 2012 I failed to appear. No action was taken. In fact, the court didn't even note a failure to appear. Page 39, lines 20-25 and page 40, lines 1-3.

Clearly the court is sending a wrong message and not applying the law.

Grounds 4.

Now, I would like to bring up Ineffective Assistance of Counsel (Strickland v. Washington). The prosecution set a motion to exclude the dismissal of Possession of Stolen Vehicle. Defense counsel did not argue to exclude stolen vehicle charges from my criminal history. Or for prosecution to be able to bring them up.

The court made a point that the Stolen vehicle charge was not relevant

to the charge today. I argue that how is the stolen car charge not related? If not relevant, why was it brought up many times? Not only was it brought up as the charge that got me the Bail Jumping but also other stolen car charges from my past. But that charge, that Bail Jumping stemmed from, is not relevant? Its very well related otherwise I wouldn't have been caught in this Catch 22 situation.

Grounds 5.

Finally, at trial call I was given judge George N. Bowden to my case. I felt a prejudice here, because Bowden judged me for 2 years as a participant in Drug Court, which I self-terminated from. I was assured by counsel that it wouldn't be a problem etc. At the time of sentencing judge Bowden brought up past Drug Court sanctions and past Sentencings he judge on me. I feel a conflict there because those are not relevant to my sentencing now. I was unfairly sentenced for that matter

I feel there might have been some kind of grudge against me. For one, I was denied a DOSA sentence because he had already given me one in the past, even though a person may have it up to 2 times.

My conviction should be reversed, for many reasons, that I believe, as well as facts proven, and I should be remanded a new trial, with a new judge and proper jury instructions.

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Dated August 5<sup>th</sup> 2013

2013 AUG 13 PM 4:42  
COUNTY OF PEARL & DIV  
STATE OF WASHINGTON