

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

FILED
COURT OF APPEALS
DIVISION II

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STATE OF WASHINGTON

BY  DEPUTY

STATE OF WASHINGTON)
Respondent,)

No. 44147-1-II

v.)

Brian Wallace Buchman)
Appellant.)

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, Brian W. Buchman, have recieved and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

ADDITIONAL GROUND 1 - JURISDICTION

Defendent Mr. Brian Buckman would like to add onto his argument of Jurisdiction. If you would, please see REPORTERS VERBATIM REPORT OF PROCEEDINGS-MARCH 7, 2012.

Defence Attorney David Brown says on (page 10; lines 1-5), "I think that the statute is there for cases exactly like this. I don't think that there will ever be some one that comes before the court with perfect credentials, but Mr. Buckman fits the definition of someone who should be entitled to that alternative."

Should the defendent Mr. Brian Buckman be held accountable and charged as an adult when he is being accused of a crime that allegedly occurred when the defendent was a minor?

Defence Attorney David Brown says on (page 10; lines 10-14), "The States previously mentioned, but this crime occurred when he was a juvenile. It just wasn't reported until after he was 18. And that, thus he faces more serious consequences of being tried as an adult."

Defendent Mr. Brian Buckman is someone entitled to less harsher consequences and even dismissal of the charges the state has againsts him. If the defendent fits of the definition of someone who is entitled to any alternative, the definition properly fits in the Jurisdiction of the Juvenile Court.

Is it fair for Defendent Mr. Brian Buckman to be held accountable and charged as an adult for a crime that allegedly occurred when he was a juvenile? The defendent was a juvenile having a relationship with a juvenile with consent of the alleged victims mother and father and defendent had consent of his own family.

The alleged crime againsts Defendent is unfair and unfair to the family of the defendent and alleged victim. Is it fair that the defendent only got an adult disposition and not a juvenile? The words of the Honorable Judge Nelson Hunt on (page 10; lines 3-5), "assuming that he didn't get the Juvenile Sex Offender Disposition, alternative disposition. And that just seems inequitable to me."

The only remedy to reverse prejudice from defendent Mr. Brian

(JURISDICTION)

Buchman is to bring him back to the Adult Superior Court to withdraw his plea and be recharged in the Court of Juvenile Jurisdiction or dismiss charge againsts the defendant.

ADDITIONAL GROUND 2 - WORDS OF THE ALLEGED VICTIM AND MOTHER

In the, REPORTERS VERBATIM REPORT OF PROCEEDINGS - MARCH 7, 2012 in the words of the alleged victim and her mother you will see there was no harm done nor any "predatory behavior," which Mr. Hayes had a concern for.

In the words of the alleged victims mother Cindy Steveson (page 12; lines 20-21), "I'm well aware of the fact of the age difference between Brian and Kendall." Cindy however gets the age difference wrong. On (page 12; lines 21-22), "4 years and 7 days." The defendant is actually 11 days shy of 48 months, not 7 days over 48 months.

What the defendant wants to know is how does the state have a concern of some type of "predatory behavior" which the state mentions on (page 7; lines 3-5).

The words of Cindy Steveson (page 12; lines 22-23). "I've never felt that my daughter was in any danger when she was around him." (page 13; lines 8-9) "I was never-- I never felt that my daughter was in any harm." (page 13; lines 11), "She was never forced into any act." (page 13; lines 15-16), "I don't think that there should be a no contact order."

The defendant was a minor having a relationship with another minor, where does the seriousness of the charge take part in the alleged crime?

The words of K.B.S. the alleged victim (page 14; lines 7-11), "I just want everybody to understand that I was never in danger with Brian, like, he never forced me into anything. -- And I just wish that he can do the SSOSA program."

See words from Mr. O'Rourke, (page 6; lines 1-3), "Obviously there's a number of things to consider. One of those is that the court should

(WORDS OF THE ALLEGED VICTIM AND MOTHER.)

give great weight to the position of the victim."

With that said and the situation surrounding the case the courts should give great consideration of the fact why the alleged victim and her mother recommended the 550SA for the defendant. Did they recommend 550SA because they believed the defendant was dangerous and meant harm in sexual means? Or the fact that the defendant was going face 114 months minimum to the life sentence if he was not granted the 550SA.

In the words of the Honorable Judge Nelson Hunt (page 16, lines 7-11),
", but in this case I say no, and one of the reasons for that is that the victim here and the family of the victim not only recommend this but also apparently knew what was going on at the time and were not involved in stopping it."

Defendant Mr. Buckman was prejudiced by being charged in the Adult Superior Court where he faced more serious consequences. If the defendant was to be charged it should of been done in the jurisdiction of Juvenile Court, where he would face less punishment since the alleged crime occurred when he was a juvenile with his juvenile girlfriend. It is unfair to the defendant and alleged victim. The punishment fails to show the purpose of the alleged crime. In the letter that the alleged victim wrote to the Superior Court, she mentions how this whole situation has effected her and her family. The state caused unfairness and mental hurt to the alleged victim and the family, not the defendant.

There's a few remedy's surrounding this type of case and they are to bring the defendant back to be recharged in the proper jurisdiction of the Juvenile courts or ask the alleged victim what she wishes for the defendant. The defendant asks the courts to consider the circumstances surrounding the position of the alleged victim that she may have thought 550SA or prison was the only choices she thought she had.

ADDITIONAL GROUND 3 - INSUFFICIENT LEGAL RECORDS

On May 15, 2013 defendant Brian Buckman was sent insufficient

(INSUFFICIENT LEGAL TRANSCRIPTS)

legal records of the defendant's case. The transcripts and documentation was to help the defendant to be able to write his Statement of Additional Grounds.

The defendant is missing a probable cause prior to the incident in the Affidavit Regarding Probable Cause. The Affidavit Regarding Probable Cause is an incident that took place on October 25, 2011, where Social Worker Roni Jensen and Chief Terry Williams of the Winlock Police Department, met with the alleged victim at the Winlock High School to discuss her relationship with defendant Brian Buckman. The alleged victim disclosed that her and the defendant had sex in the past in June, 2010. The alleged victim would have been 13 years of age and the defendant 3 years and 11 months older (11 days 5 hr of 48 months).

With that the state believes that probable cause exists for the charge of Rape of a Child in the Second Degree.

The inefficiency of records is the police incident that took place only a few days before Social Worker Roni Jensen and Chief Williams went to the Winlock High School to discuss the relationship between Kendall Brianna Steveson and Brian Wallace Buckman. The incident where the defendant Brian Buckman got out of bed because of the two Deputy's standing in the bedroom. The deputies were at the Steveson Residence for the defendant because the defendant had a misdemeanor warrant from District Court.

The defendant was arrested at the residence he was staying at which is the residence of K.B.S. One of the arresting Deputy's was the cousin of which would soon be the alleged victim. While Deputy McKnight was in the kitchen talking to his aunt and uncle, the other ~~deputy~~ deputy had taken the defendant Brian Buckman outside where he began asking questions about his relationship with K.B.S. Questions that have no relations to why he was arrested, which was for a misdemeanor warrant.

The defendant asks why this incident was not submitted in his legal records? The defendant also asks what triggered the incident on October 25, 2011. Was the defendant sent insufficient records because the incident prior to October 25, 2011 was gathered by unlawful investigation, something similar to a Terry Stop, which the relative of the alleged victim was involved?

(INSUFFICIENT LEGAL RECORDS)

The only remedy is to give the defendant Brian Buckman complete legal transcripts so that the defendant can have a fair fight in his case without any information withholding benefit to the defendant.

ADDITIONAL GROUND 4 - CONFLICT OF INTEREST

Is Deputy Matt McKnight of the Lewis County Sheriffs Department a conflict of interest in any involvement in a case that pertains to the defendant Brian Buckman who is accused of allegedly Rape of a child in the Second Degree against the alleged victim K.B.S., who's the cousin of Deputy McKnight?

Defendant Brian Buckman (D.O.B. 11/19/92) was the boyfriend of Kendall Brienne Steveson (D.O.B. 11/8/96). The defendant was a minor when he began his relationship with K.B.S. When the defendant had become 18 years of age he had consent from the mother and father of K.B.S. to continue their relationship. Cindy Steveson allowed the defendant Brian Buckman to stay at her house since he had no where else to stay except occasionally at his grandparents home.

Cindy Steveson is the aunt of Deputy Matt McKnight. When the defendant was arrested at the Steveson Residence for a misdemeanor warrant out of District Court, Deputy McKnight was one of the Deputy's present.

The reason for conflict of interest is the cousin being involved in arrest for a misdemeanor warrant with intentions of investigating that makes the situation unlawful and tainted.

Why was the defendant arrested for a misdemeanor warrant, but was only asked personal questions about his relationship with Deputy McKnight's cousin?

A few days after the arrest at the Steveson Residence the probable cause existed for the Social Worker Roni Jensen and Chief Terry Williams to discuss the relationship between K.B.S. and the defendant Brian Buckman.

Another incident which causes Deputy McKnight to be a Conflict of Interest is the insufficient police report # 12C10918 where Deputy Brown fails to mention Deputy McKnight's presence when they went to 180 Herriford Rd in Toledo, Washington

in attempt to locate the defendant Brian Buckman at his mothers residence. The defendant had an outstanding felony warrant which is related to the case that Deputy McKnight's cousin is the alleged victim. The defendant's mother wouldn't of recognized Deputy McKnight if he wouldn't of asked Amy Wallin a question. The defendant's mother wasn't aware of the fact that Deputy McKnight was with Deputy Brown looking for the defendant until Deputy McKnight, which is a conflict of interest asked the defendant's mother Amy Wallin a question.

On the grounds that Deputy Matt McKnight of the Lewis County Sheriffs Department was a conflict of interest, the only remedy is to suppress any information obtained by Deputy McKnight or Deputy McKnight present with any of the investigating officers. Any involvement or presence with Deputy McKnight is unlawful and taints all investigations in which his involvement to defendant Brian Buckmans case.