68939-8

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IN THE COURT OF APPEALS
FOR THE STATE OF WASHINGTON
Division I

Jeffery S. Beasley,
Appellant

v.

State of Washington,
Respondant

COA Case No. 68939-8-I
PRO SE STATEMENT OF ADDITIONAL GROUNDS
PURSUANT TO RAP 10.10

Jeffery S. Beasley DOC# 747382
Stafford Creek Corrections Center
191 Constantine Way, H28130
Aberdeen, WA. 98520

(Cover)

IN THE COURT OF APPEALS
FOR THE STATE OF WASHINGTON
DIVISION I.

STATE OF WASHINGTON, Respondant	
	COA No. 68939-8-I
v.	Statement of Additional Grounds
Jeffery S. Beasley, Appellant	Pursuant to RAP 10.10

I, Jeffery S. Beasley, have received 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

The right a defendant has to "Speedy Trial" and to "Due Process". Reasons for dismissal of convictions and vacation of sentence "Equal Protection".

Additional Ground #2

COURT OF APPEALS DIV I
STATE OF WASHINGTON
2014 MAY 21 AM 10:03

Violations of my right of having fundimentally fair procedures. Prosecutor misconduct in allowing knowingly false statements to be presented to the jury. Perjury. Probable cause. Untrue testimony.

Additional Ground #3

"Firearem & Deadly Weapon Enhancement". The elements of Robbery in the First Degree. Double Jeopardy.

Additional Ground #4

Violation of Right to Search & Seizure. Access prior to werrant.

Additional Ground #5

Right to a record of sufficient completeness. Missing requested documentation. Ineffective assistance of Appellate Counsel.

Additional Ground #6

Definition of "Proof". All elements necessary for conviction. Evidence.

Additional Ground #7

Preservation of the integrity of the judicial process. Justice.

Additional Ground #1

The right a defendant has to "Speedy Trial Rights" & to "Due Process."

(Citing) Washington Proactice - Book 12; Chapter 12; Criminal Practice & Procedure...

§1201. - Speedy Trial Right - In General

The right to a speedy trial operates as a control on the time limits by which most stages of a criminal proceeding must occur. The right may be asserted generally through the United States and Washington State Constitutions (or) under CrR 3.3.

There are two different situations in which the right to a speedy trial will be asserted. The first is where a defendant wishes to have a speedy trial, and the Second is where a defendant is claiming that the right to a speedy trial has been

denied in order to obtain a dismissal of the charges.

although the defendant is guaranteed the right to a speedy trial, the burden is on him to establish its violation. The evidentiary burden is much heavier in the context of a constitutional assertion than under CrR 3.3, which is invoked simply upon computation of time.

As stated, a defendant's right to a speedy trial is guaranteed by Federal and state constitutional provisions. There is no constitutional basis for holding that the right to a speedy trial can be quantified into a specified number of days (or) months. The U.S. Supreme Court has determined that deprivation of the constitutional right is to be measured by four factors including the length of the delay, the prejudice to the defendant, the reason for the delay, and whether the defendant has demanded a speedy trial.

By comparison, the individual states are left free to prescribe a reasonable period consistent with constitutional standards during which an accused must be afforded his (or) her right to a speedy trial. This is what Washington has done in CrR 3.3* which states; "A person has to be taken to trial in 60 days while in custody (or) 90 days out of custody."

The guarantee of speedy trial applies to all defendants and pertains without reference to the nature (or) seriousness of the offense. The speedy trial rule protects the public interest in the prompt administration of justice as well as the accused's right to a speedy trial. adherence of the requirements of the speedy trial rule prevents undue and oppressive incarceration prior to trial, minimizes anxiety and concern accompanying public accusation, and lessens the possibility that a long delay will impair the ability of the accused to defend himself.

§ 1202 - Sanctions for speedy trial violation.

a defendant who is denied the constitutional right to a speedy trial (or) who is not brought to trial within the time prescribed by CrR 3.3 can generally move to dismiss for failure to abide by the speedy trial rule must be made prior to trial. Dismissal of the charges against the accused is "the only possible remedy" for a deprivation of the constitutional right of a speedy trial. The sanction of dismissal of charges under CrR 3.3 is more limited.

Dismissal of the charges is a bar to subsequent prosecution whether under the same (or) a different information. Discharge forever bars prosecution for the the offense charged and for any other offense required to be joined with that offense.

§ 1202 - Constitutional Provisions

The right to speedy trial in criminal prosecutions is secured by the Sixth Amendment to the United States Constitution which provides in pertinent part: "In all criminal prosecutions, the accused shall enjoy the right to a speedy trial and public trial..."

A defendant's right to a speedy trial is a fundimental as any of the rights secured by the Sixth Amendment to the United States Constitution. The speedy trial guarantee is incorporated into the Fourteenth Amendment and is applicable to state prosecutions.

The Fifth Amendment to the United State Constitution also has application to the right to a speedy trial. A prejudicial prosecutorial delay in bringing an accused to trial may constitute a violation of Due Process under the Fifth Amendment which guarantees that an individual not "be deprived of life, liberty, (or) property, without due process of law."

The constitutional right of the accused to have a speedy trial is guaranteed by Article 1, Section 22 of the Washington State Constitution which provides in part: "in criminal

prosecutions the accused shall have the right... to have a speedy public trial."

In addition, Article 1, section 10, which declares that justice shall be administered openly, also prescribes that it shall be done without unnecessary delay.

§ 1210 - Time Limits For Arrignment and Trial:

In general, the defendant must be arraigned in Superior Court within 14 days of the filing of the information. A defendant not released from jail pending trial must be brought to trial not later than 60 days after the date of arraignement.

Where the defendant is not in custody, he must also be arraigned in Superior court within 14 days of his first Superior Court appearance following the filing of the information. A defendant released from jail pending trial must be brought to trial not later than 90 days after the date of arraignment.

§ 1212 - Excluded Periods - Continuances:

Continuances (or) other delays may be granted by the court upon written agreement of the parties which must be signed by the defendant.

§ 1214 - Extensions and Cure Period:

a new speedy trial commencement date may be set and the elapsed tiem set to zero where the defendant has waived his (or) her right to a speedy trial, the defendant has failed to appear, a new trial has been granted, there has been appellate review (or) a writ issued in a collateral proceeding, a change of venue, (or) where counsel has been disqualified CrR 3.3(g) provides that the court may continue the case beyond the respective 60 and 90 day periods on motion of the court (or) a party. Such a continuance may be granted only once in the case, and the period of delay may be for no more than 14 days for a defendant in custody (or) 28 days for a defendant not detained in jail. Thus, the court may "cure" an incorrect court date.

Speedy Trial Act - 70 - day Requirement:

L.Ed.Digest: Criminal Law § 48

See 18 U.S.C.S. § 3161 (c)(1), which provides in part: "In any case in which a plea of not guilty is entered, the trial of a defendant... shall commence within seventy days from the filing date... of the information (or) indictment, (or) from the date the defendant has appeared before a judicial officer of the court

in which such charge in pending, whichever date last occurs." (Breyer, J., joined by Kennedy, Ginsburg, Alito, and Sotomayor, JJ.)

See State v Kenyon, 167 Wn2d 130, 216 P.3d 1024 (2009)(Rev.- Kenyon signed his continuances but demanded his speedy trial rights). See aslso, State v Saunders, 153 WnApp 209, at 216-222, see also fn.11 (Div.II. 2009)(Rev. & Remand, Saunders never gave up his right to Speedy Trial (or) Due Process). Under Exhibit (A); the paperwork provided shows the time period charges were filed. Under Exhibit (B); the paperwork offered to the court gives violations to continuance time frame & objections to unwanted continuance along with expiration dates. See State v J.J. Earl, 97 WnApp 408 (Sept 10, 1999)(Speedy trial viuolation dismiss with prejudice CrR 3.3(h)).

-Webster's New Pocket Dictiionery-

ob•ject (ab-jekt') v.1. To prevent a dissenting (or) opposing argument. 2. To disapprove of something. - ob•jection n.- ob•jec'tion•a•ble adj.

An Objection also was made for the record prior to the start of trial. See Exhibit (E), (pg. 2of20) 9:42:40.

State v Chavex-Romero, 285 P.3d 195 (Wash.App.Div.3, 2012) When a

trial court denies dismissal for speedy trial purposes, the Appellate court review that decision for an abuse of discretion. CrR 3.3(c)(2)(ii). Released to Immigrations & Customs Enforcement to offset court date for 90 days. requiring CrR 8.3 violation of CrR 3.3 Remedy is dismissal. See George, 160 Wn2d 738, 158 P.3d 1169. See documentation under Exhibit (C).

-Gilbert's Law Dictionary -

Supremacy Clause• clause in Article VI., section 2 of the U.S. Constitution which establishes that the laws, treaties & actions of the Federal Government pursuant to the Constitution are Superiro to those of the state. Thus, if a Federal & State law conflict, Federal law governs. See United States v Jason Lovis Tinklenberg, 563 U.S. ___, 131 S.Ct. ___, 179 L.Ed.2d 1080 (2011)

Decision: Delay in criminal case held to violate Speedy Trial Act (18 U.S.C.S. § 3161 et seq.), as (1) § 3161(h)(1)(D) held to automatically stop clock upon filing of pretrial motion; but (2) § 3161(h)(1)(F) held to include weekends and holidays in calculating transporation portion of delay.

SUMMARY

Procedural posture: Respondent was charge with violating 18

U.S.C.S. § 922(g)(1) and 21 U.S.C.S. § 843(a)(b), and he filed a motion to dismiss the charges for violation of the Speedy Trial Act of 1974, 18 U.S.C.S. § 3161 et seq. The District Court denied the motion and convicted respondent; however, the U.S. Court of Appeals for the Sixth Circuit order the District court to dismiss the indictment. Petitioner United States ("Government") sought review.

Overview: Respondent's trial began 287 days after he was arraigned on charges alleging that he violated Federal fun and drug laws, and he filed a motion to dismiss the charges, claiming that the Government violated the Speedy Trial Act. The district court found that 216 of the 287 days that passed between arraignment and trial did not have to be counted under the Act, leaving 69 nonexcludable days, and it denied the motion. On appeal, the court of appeals concluded that none days during which three pretrial motions were pending should have been counted, and it ordered the district court to dismiss the indictment with prejudice.

The Supreme Court found the the court of Appeals misinterpreted 18 U.S.C.S. § 3161(h)(1)(D) and (F) when it counted the number of days that were excluded. However, the court of Appeals' conclusion that respondent's trial began more than 70 days after he was arraigned was correct because weekends and

holidays had to be counted under § 3161(h)(1)(F) when the court calculated the number of days that passed due to delay while respondent was being transported to and from a medical facility for a competency exam, and those days had not been counted.

Outcome: The Supreme Court disagreed with the Sixth Circuit's interpretation of 18 U.S.C.S. § 3161(h)(1)(D) and (F) but found that the Government violated respondent's rights under the Speedy Trial Act, and it affirmed the Sixth Circuit's judgement ordering the Government to dismiss the indictment. 8-0 decision; 1 concurrance.

The above information along with "exhibits" are the reasons for reversal and dismissal of conviction & vacation of sentencing. For a deprivation of constitutional rights, dismissal is "the only possible remedy." Ipso jure...

U.S.C.A Const. Amend. XIV, Sec.1

All persons born (or) naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make (or) enforce any law which shall abridge the privileges (or) immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, (or) property without due

process of laws; nor deny to any person within its jurisdiction the equal protection of the law.

-Gilbert's legal Dictionary -

Constitutional Right * Right guaranteed by the U.S. Constitution (or) by a state constitution which is not to be violated by any legislative, judical, (or) executive acts.

Balancing Test * A constitutional test wherein the court weighs the right of individuals to certain constitutionally guaranteed rights with a state's right to protect its citizens from invasion of their rights. Used in cases involving equal protection & freedom of speech.

Record Reflection

* Original Trial Date: 06/21/2011;
* Original Commence Date: 04/20/2011;
* Original Expiration Date: 06/27/2011;
* Waiver on trial scheduling order was never filed in with agreement of new commencement date (or) they were subscribed through;
* Objections to setting trial date after expiration has been passed;

* Noted after 45 days case will be dismissed signed by all parties; filed May 3, 2011, Exhibit (B);

* Notice of Appearance/ Request for discovery filed April 26, 2011 at 9:15 am demanding trial within time limit of CrR 3.3;

* Date of trial did not start until May 3, 2012 disregarding any cure periods.

All the above "record reflection" can be review in the records of "Exhibit (B)" and "Exhibit (A)"; "Exhibit (C)" shows sign transportation order & "Exhibit (D)" shows bail charges. All paperwork/ documentation makes record that I, Jeffery S. Beasley was in - custody. Also mostly signed by the same official.

-Webster's NewPocket Dictionary-

ex•pire (ik-spir') v. -pired, -piring. 1. To die. 2. To come to and end. 3. To exhale. -ex'pi•ra'tion n.

date (dat) n.1 The time at which some-thing happens. 2. The day of the month. 3. a. An appointment to meet socially. b. A person so met. - v. dated, dating. 1. To mark with a date. 2. To determine the date of. 3. To originate (with from). 4. To make (or) have social engagements with.

The above definitions have meaning of action (verbs), "expire"

comes to only one point; the end. There is no comming back after we die ("expire") even milk has an expiration date where it is no longer any good. A trial being public makes it a "social engagement," "an appointment to meet socially" which in my case kept resurrecting after its time of death.

- Clerk's minutes dated: 12/15/2011 shows an expiration date of 2-9, labled page 50 in "Exhibit (B)". While "Exhibit (C)" show that transport orders were signed and I did not return to King County from D.O.C. custody until 2/14/12.

- Clerk's minutes dated: 2/22/2012 shows an expiration date of 4-22 labbled page 63 in "Exhibit (B)". While page 104 under "Exhibit (B)" shows on 4-25 (25th day of April 2012) a continuance was objected to; Filed April 25, 2012.

Both the above Clerk's minutes & documentation shows resurrections after time of death (expiration dates).

I respectfully submit the above "additional Ground" so that the court "shall" honor me with the prescribed remedy that has been sanctioned by law. The following "Additional Grounds" not only solidify my dismissal, but will hopefully give the court understanding why I feel 'vindictive prosecution" played a part in my conviction and judicial bias allowed it to happen.

ADDITIONAL GROUND # 2

The right to have fundamentally fair procedures during trial is protected by "Due Process" in the language of U.S.C.A. Const. Amend. XIV, and U.S.C.A. Const. Amend. V... Reference U.S.C.A. Const. Amend. XIV, under "Additional Ground #1" page (12-13).

U.S.C.A. Const. Amend. V.

No person shall be held to answer for a capital, (or) otherwise infamous crime, unless on a presentment (or) indictment of a Grand Jury, except in cases arising in the land (or) naval forces, (or) in the militia, when in actual service in time of war (or) public danger; nor shall any person be subject for the same offense twice put in jeopardy of life (or) limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, (or) property without due process of law, nor shall private property be taken for public use, without just compensation. See e.g., U.S. v. Lapage, 231 F3d 488, 491 (9th Cir 2000) Constitutional Law 257, 268(9). Due Process clause entitles defendants in criminal cases to fundamentally fair procedures, an it is fundamentally unfair for prosecutor to knowingly present perjury to jury. U.S.C.A. Const. Amend. 5.

K-9 Unit:

Refer to "Exhibit (F)" page 2, line 3 thru 6... Now I would as the Court to cross-reference, "Exhibit (H)", page 41, line 20 thru line 13 on page 42; page 89, line 17 thru 21, Page 90 line 1 thru 20. Testimony given by: Officers Brian Augestyn and Kevin Stigers.

I will as the court to cross reference also page 91 lines 9 thru 17... "Exhibit (F)" shows record made by K-9 Officer Jason Trader and K-9 Officer Boss (page 2 line 3 thru 6... Please cross-reference "Exhibit (I)", page 46 line 4 thru 9, lines 20 thru 23, page 42 line 7 thru 12.

Heliocopter Unit: (Guardian One)

Refer to "Exhibit (F)" page 1 line 22 thru 30; page 6 line 20 thru 23... Cross-reference: "Exhibit (H)" Sherriff Keith Potter's testimony page 69 line 7 thru 15, page 70 line 16 thru 25; page 71 line 1 thru 25; page 72 line 1 thru 25; page 73 line 17 thru 25; page 74 line 1 thru 13; page 75 line 11 thru 18; page 76 line 11 thru 25; page 77 line 7 thru 25... Sherriff John Pugh page 83 line 22 thru 24; page 84 line 21 thru 25; page 85 line 1 thru 19; page 86 line 2 thru 7.

Tyneaka Jones:

Refer to "Exhibit (F)" page 2 line 24 thru 25; cross-reference "Exhibit (H)" page 157 line 11 thru 25; cross-reference "Exhibit (J)"; "Exhibit (H)" page 108 line 3 thru 4; page 161 line 13 thru 24; page 149 line 22 thru 25; page 150 lines 1 thru 2; page 156 line 1 thru 5; page 158 line 17 thru 21; cross-reference "Exhibit (F)" page 4 line 19 thru 20; "Exhibit (F)" page 3 line 27 thru 30; cross-reference "Exhibit (H)" page 114 line 23 thru 25; Pg. 115 line 1 thru 1; Pg. 115 line 9 thru 13; Pg. 117 11 thru 19; Pg. 124 line 12 thru 13; page 126 line 4 thru 8; Pg. 128 line 5 thru 25; Pg. 129 line 1 thru 7; Pg. 130 line 3 thru 6; Pg. 130 line 21 thru 25; Pg. 131 line 1 thru 8; Pg.135 line 14 thru 25; Pg. 136 line 1 thru 8; Pg. 136 line 17 thru 18; Pg. 139 line 21 thru 25; Pg. 140 line 1 thru 3; Pg. 142 line 1 thru 25; Pg. 143 line 1 thru 4; Pg. 143 line 5 thru 25; Pg. 144 line 1 thru 15; Pg. 147 line 15 thru 25; Pg. 148 line 1 thru 4; Pg. 141 line 2 thru 25; Refer to "Exhibit (F)" page 3 line 3 thru 5; cross-reference "Exhibit (H)" page 146 line 16 thru 25; page 147 1 thru 14; Page 160 line 14 thru 25; Pg. 161 line 1 thru 12; Pg. 125 line 21 thru 25; Pg. 126 line 1 thru 25; Pg. 127 line 10 thru 20; "Exhibit (F)" page 3 line 18 thru 21.

RCW 9A.72.080

Statement of what one does not know to be true... every

unqualified statement of that which one does not know to be true is equivalent to a statement of that which he (or) she knows to be false.

Laren Trelstad:

Refer to "Exhibit (F)" page 2 line 24 thru 25; pg. 3 line 6 thru 7; cross-referene "Exhibit (K)" page 65 line 1 thru 20; Pg. 68 line 15 thru 25; Pg. 69 line 10 thru 17; Pg. 70 line 19 thru 24; Pg. 83 line 6 thru 19; Pg. 83 line 20 thru 25; pg. 84 line 1 thru 3; Pg. 69 line 1 thru 3; Pg. 68 line 15 thru 17; Pg. 64 line 22 thru 25; Pg. 62 line 6 thru 8; Pg. 70 line 1 thru 2; Pg. 70 line 25 thru Pg. 71 line 1; Page 78 line 15 thru 18; pg.79 line 11 thru 14; pg. 79 line 15 thru 22; pg.79 line 20 thru pg.80 line 1; pg.80 line 2 thru 7; pg.86 line 9 thru 19; pg. 86 line 20 thru 21; pg.21 line 11 thru 24; pg.25 line 6 thru pg.26 line 5; "Exhibit (F)" page 3 line 22 thru 26.

Detective Cathrine Citron:

Refer to "Exhibit (K)" pg.26 line 9 thru pg.27 line 10. The above testimony by Detective Catherine citron was given to the jury about what another individual had said verbally, which the court have already stated as unexceptable to boalster what a person has stated, who is not able to verify such event.

Tremain Cholmer: (AKA Taylor Spears)

Refer to "Exhibit (H)" pg.117 line 11 thru 19; cross-reference "Exhibit (K)" pg.85 line 11 thru 17; cross-reference "Exhibit (I)" pg.123 line 21 thru pg.124 line 1; refer to "Exhibit (F)" pg.4 line 7 thru 9; cross-reference "Exhibit (I)" pg.121 line 2 thru 4; pg.121 line 5 thru 9; pg.121 line 15 thru pg.122 line 1; "Exhibit (F)" pg.5 line 17 thru 20; pg.5 line 22 thru 23; pg.5 line 23 thru 24; cross-reference "Exhibit (I)" pg.144 line 11 thru 17; pg.147 line 7 thru 9; pg.160 line 21 thru pg.161 line 6; pg.165 line 18 thru pg.166 line 8; pg.166 line 11 thru 17; pg. 166 line 18 thru 21; pg.167 line 18 thru 24; cross-reference "Exhibit (F)" pg.4 line 16 thru 18; Refer to "Exhibit (F)" pg.5 line 11 thru 12; cross-reference "Exhibit (I)" pg.148 line 19 thru pg.149 line 5; pg.165 line 18 thru pg.166 line 11; refer to "Exhibit (I)" pg.159 line 3 thru 21; pg. 159 line 22 thru pg.23 line 7; cross-reference "Exhibit (F)" pg.7 line 3 thru 10; "Exhibit (I)" pg.160 line 21 thru 26; Refer to "Exhibit (I)" pg.32 line 15 thru pg.33 line 3; pg.133 line 12 thru 15; pg. 155 line 9 thru 18; cross-reference "Exhibit (F)" pg.4 line 3 thru 6; pg.7 line 24 thru 26; "Exhibit (I)" pg.169 line 13 thru 19; "Exhibit (I)" pg.164 line 1 thru 23; pg.132 line 25 thru pg.133 line 1.

The above information is what led to my conviction to the time I have been subjected to. All the above information under this "Additional Gorund #2" is what the finding of Probable Cause was decided on & that led to what was allowed to be given to the jury. This is what the prosecutor decided to pursue charges on. All declarations were signed under penalty of perjury.

It is as much the prosecutor's duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one. See Berger v. United States, 295 U.S. 78, 88, 55 S.CT 629, 79 L.Ed 1314 (1935)(emphasis added); see also United States v O'Connell, 841 F.2d 1408, 1428 (9th Cir 1988)("The prosecutor's special duty as a Government agent is not to convict, but to secure justice"). "Prosecutors are unlike other attorney and enjoy a special status as "Quasi-judical officers." See State v. Suarez-Bravo, 72 Wn.App 359, 367, 864 P.2d 426 (1994). Along with the status, however, come responsibility, including the duty to ensure that a defendant receives a constitutionally fair trial and to seek a verdict free of prejudice, based on reason & law. See State v. Monday, 171 Wn2d 667, 257 P.3d 551 (2011); see Berger v. United States, 295 U.S. 78, 88, 55 S.Ct 629, 79 L.Ed 1314 (1935). See Stirone v. United States, 361 U.S. 212, 80 S.Ct 270, 4 L.Ed2d 252 (1960). As a result, a prosecutor "must" not act in seeking

justice instead of making himself a partisan who is trying to win a conviction at all costs. See State v. Rivers, 96 WnApp 672, 981 P.2d 16 (1999). See Napue v Illinois, 360 U.S 264 (1959)(prosecutor knowingly used perjured testimony).

Courtroom Handbook on Washington Evidence: (5D)

Rule 613. Prior Statements of Witnesses:

(a) Examining Witness concerning prior statements. in the examination of a witness concerning a proper statement made by the witness, whether written (or) not, the court may require that the statement be shown or its contents disclosed to the witness at that time and on request that same shall be shown (or) disclosed to opposing counsel.

(b) Extrinsic Evidence of Prior Inconsistent Statements of Witness. Extrinsic evidence of a prior inconsistent statement by a witness is not admissible unless the witness is afforded an opportunity to explain (or) deny the same and the opposite party is afforded an opportunity to interrogate the witness thereon, (or) the interests of justice otherwise require. This provision does not apply to admissions of a party-opponent as defined in Rule 801(d)(2).

Rule 801. Definitions:

The following definitions apply under this article:

(a) Statement. A "Statement" is (1) an oral (or) written assertion (or) (2) nonverbal conduct of a person, if it is intended by the person as an asertion.

(b) Declarant. A "declarant" os a person who makes a statement.

(c) Hearsay. "hearsay" is a statement, other than one made by the declarant while testifying at the trial (or) hearing, offered in evidence to prove the truth of the matter asserted.

(d) Statements Which Are Not Hearsay. A statement is not hearsay if - (1) Prior Statements by Witness. The declarant testifies at the trial (or) hearing and is subject to cross-examination concerning the statement, and the statement is [(A)] (i) inconsistent with the declaratnt's testimony, and was given under oath subject to the penalty of perjury at trial, hearing, (or) other proceeding, (or) in a deposition, (or) [(B)] (ii) consistent with the declarant's testimony and is offered to rebut an express (or) implied charge against the declarent of recent fabrication (or) improper influence, (or) motion, (or) [(C)] (iii) one of identification of a person made after perceiving the person; (or) (2) Admission by Party - Opponent. The statement is offered against a party and is [(A)] (i) the party's own

statement, in either an individual (or) a representative capacity, (or) [(B)] (ii) a statement of which the party has manifested an adoption (or) belief in its truth, (or) [(C)] (iii) a statement by a person authorized by the party to make a statement by the party's agent (or) servant [concerning a matter] acting within the scope of the [agency (or) employment, made during the existence of the relationship,] (or) [(E)] (V) a statement by a coconspirator of a party during the course of and in furtherance of the conspiracy. [The contents of the statement shall be considered but are not alone sufficient to establish the declarant's authority under subdivision (C), the agency (or) employment relationship and scope thereof under subdivision (D), or the existence of the conspiracy and the participation therein of the declarant and the party against who the statement is offered under subdivision (E).]

"THE TRUTHFULNESS OF TESTIMONY" 1 L.Ed.2d 72, Nesaroth v United States, 77 S.Ct 8, 352 U.S. 1 (U.S. FA. 1956)

Former Decision: 350 U.S. 922, 76 S.Ct 218; 352 U.S. 808, 77 S.Ct 14.

Facts & Opinion: D.C., 13 F.R.D. 180; D.C. 115 F.Supp 332; D.C. 116 F.Supp 345; 3 Cir. 223 F.2d 449. United States Government will not allow a conviction of a person based on tainted testimony of a witness to stand.

CrR 7.8 Also see CrR 8.3(b)

(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud; etc. On motion & upon such terms as are just, the court may relieve a party from final judgement, order, (or) proceeding for the following reasons:

(1) Mistakes, inadvertence, suprise, excusable neglect, (or) irregularity in obtaining a judgement (or) order;

(3) Fraud (whether heretofor denomineted intrinsic (or) extrinsic), misrepresentation, (or) other misconduct of an adverse party. See Berger v. United States.

RCW 9A.80.010, "Official Misconduct; (1) A public servent is guilty of official misconduct if, with intent to obtain a benefit, (or) to deprive another person of a lawful right (or) privilege (2) He intentionally commits an unauthorized act under color of law; (or) (b) He intentionally refrains from performing a duty imposed upon him by law. (2) official misconduct is a gross misdemeanor."

Relief from judgement (or) order based on recognized mistakes, inadvertence, excusable neglect, newly discovered evidence, (or) fraud is limited to extraordinary circumstances

not covered by any other section of the rule governing such relief. See State v. Smith (2011) 159 WnApp 694, 247 P.3d 775 criminal law 1450; criminal law 1536. extraordinary circumstances warranting relief from judgement or order include fundamental & Substantial irregularities in the court's proceedings (or) irregularities in the court's proceedings (or) irregularities extanious to the court's action. State v. Smith (2011) 159 WnApp 694, 247 P.3d 775 criminal law 1451 ("A single misstep on the part of the prosecutor may be so destructive of the right to a fair trail that reversal is mandated")(quoting United States v. Johnson, 968 F2d 768, 771 (8th Cir. 1992)); See United States v. Carter, 236 F.3d 777, 786-89 (6th Cir. 2001)(stating: "even a single misstep on the part of the prosecutor may be so destructive of the right of the defendant to a fair trial that reversal must follow").

-Webster's New Pocket Dictionary-

per•jure (pur'jer) v. - juring. To testify falsely under oath. - per'jurer n.- per'jury n.

U.S. v. Fawley, 137 F.3d 458 (7th Cir)

"Perjury" requires willful intent to provide false testimony, rather than confusion, mistake, (or) faulty memory.

This casse against me wes e wrongful ect... "FACINUS QUOS INQUINAT AEQUAT".

"Exhibit (G)" is e documentetion of who the prosecutions "critical" witness wes to obtain e conviction on me.

See "Exhibit (L)" page 3(K).

ADDITIONAL GROUND #3

I was convicted of two counts of Robbery in the first degree with two firearm enhancements. The elements of Robbery in the first degree consist of:

RCW 9A.56.200 Robbery In The First Degree

(1) A person is guilty of robbery in the first degree if:
(2) In the commission of a robbery (or) of immediate flight therefrom, he (or) she:
(i) Is armed with a deadly weapon; (or)
(ii) Dieplays what appears to be a firearm (or) other deadly weapon; (or)
(iii) Inflicts bodily injury; (or)
(b) He (or) she commits a robbery within and against a financial institution as defined in RCW 7.88.010 (or) 35.38.060.

(a) Robbery in the first degree is a class A felony. [2002 c 85 § 1; 1975 1st ex.S.C 260 § 9A.56.200] See "xhibit £M•" No's 16 & 17.

Merger Doctrine

Is a rule of Statutory Interpretation; it applies where legislature has clearly indicated that in order to prove a particular degree of crime the state must prove not only that defendant committed that crime but that crime was accompnied byact which is defined elsewhere in criminal statutes. Wash.App.Div.2 1998 "Merger Doctrine" prohibits prosecution and punishment for an offense which the legislature has clearly intended is not to be punished separately from the greater offense. Does not apply when offenses have an independent purpose (or) effect. See State v Taylor, 950 P.2d 526, 90 WnApp 312 - criminal law 30 - Merger counts closely related to the potential Double Jeopardy problems inherent in punishing more than once for a single act is the practice of "prosecuting attorneys" in "Pyramiding" crime. In other words in commission of a single crime prosecutors add charges in order to assure that a defendant will be given punishment commensurate with his crime. See State v. Watson, 146 pg. 947 Supreme (2002) collateral relief. Exceed Statutory Authority granted to court: U.S. Constitution, Article 1, section 23. A law that imposes punishment for an act that was

not punishable when committed (or) increased that quantum of punishment violates the ex post facto prohibition.

In order for a robbery to be considered in the first degree it has to have a firearm (or) deadly weapon, which is the main element of the crime.

Firearm & Deadly Weapon Enhancement:

Initiative 159, "Hard Time for Armed Crime," was passed during the 1995 legislative session and became effective for offenses committed after July 23, 1995. This initiative increased penalties & expanded the range of crimes eligible for weapon enhancements. For specified crimes, when a court makes a finding of fact (or) when a jury returns a special verdict finding that the accused (or) an accomplice was armed with a deadly weapon at the time of the commission of the crime, the sentence must be enhanced. The same is true if the offender (or) accomplice was armed with a firearm at the time of the crime.

Enhancements apply to all felonies Except where use of a Firearm is an Element of the Offense. These sentence enhancements also apply to anticipatory offenses, which include attempts,m conspiracies, & solicitations to commit a crime. (RCW 9.94A.533(3),(4)). Additional time under either enhancement is

added to the sentence after it has been calculated based on the particular seriousness level & the offender score (RCW 9.94A.530), and after the range adjustment for any anticipatory offense (if appropriate). If the presumptive standard range sentence exceeds the statutory maximum for the offense, the statutory maximum sentence becomes the presumptive sentence, unless the offender is a persistent offender, as defined in RCW 9.94A.030(37). The 1998 legislature required that if the firearm enhancement (or) deadly weapon enhancement increase a sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhansement may not be reduced. As a result, in such a case the underlying sentence must be reduced so that the total confinement time does not exceed the statutory maximum, this takes into effect for crimes committed on (or) after June 11, 1998. See State v. Caldwell, 591 P.2d 849, 23 WnApp 8 (Wash.App.Div.1 1979) defendant's use of firearm could be used to enhance the punishment to be meted out for offense of second-degree assult but could not be used to enhance punishment for first-degree assult, in light of fact that possession of the firearm was a necessary element of the first-degree assult but was not a necessary element of second-degree assult. RCWA 9.41.025, (A.20.020, 9A.36.010(1)(2). See State v. Berrier, 41 P.3d 1198, 110 WnApp 839 (Wash.App.Div.2 2002). See U.S. v. Jones, 16 F.3d 487; 122 F.3d 487; 122 F.3d 1058.

Firearm & Deadly Weapon Enhancements (Sentencing Enhancements)

All felony offenses, "except where the use of a firearm is an element of the offense," are eligible for firearm (RCW 9.94A.533(3)) & deadly weapon (RCW 9.94A.533(4)) enhjancements. See Adult Sentencing Guidelines (2012).

-Gilbert's Legal Dictionary-

analogy: A comparison of similarities in unlike things. E.g., comparison drawn between two different kinds of cases, each of which is governed by same general principle.

State v. Lindsay, 171 WnApp 808, 825 (2012)

Convictions: Assult & Robbery, Kidnapping & Robbery, convictions. The Court of Appeals reviews de novo Double Jeopardy claims. The legislature may coinstitutionally authorize multiple punishments for a single course of conduct U.S.C.A. Const. Amend. 5; RCWA Const. Article 1, section 9, where the legislature has provided a statutory scheme distinguishing different degrees of a crime, the Court of Appeals may determine that the legislature intended a single punishment for a higher degree of a single crime rather than multiple punishments for several, separate, lesser crimes. See State v. Womac, 160 Wn2d 643, 160 P.3d 40 (2007)(En Banc). See In re Pers. Restraint of Percer, 150 Wn2d 41, 49, 75 P.3d 488

(2003). See State v. Gocken, 127 Wn2d 95, 107, 895 P.2d 1267 (1995). See State v. Bonic, 140 Wn2d 250, 260, 996 P.2d 610 (2000). RCW 10.43.050.

ADDITITONAL GROUND #4

Search Warrant Violation:

- Search Warrant Checklists (2010 Edition)-

Search Warrant Requirements

Section 5.9 Scope: In executing a warrant, officers may not exceed its scope-

(3) "The warrant clause of the Fourth Amendment categorically prohibits the issuance of any warrant except one particularly describing the place to be searched and the persons (or) things to be seized. The manifest purpose of this particularity requirement was to prevent general searches. By limiting the authorization to search to the specific areas and things for which there is probable cause to search, the requirement ensures that the search will be carefully tailored to its justifications, and will not take on the character of the wide-ranging exploratory searches the Framers intended to prohibit." See Maynard v. Garrision, 480 U.S. 79, 84, 107 S.Ct. 1013, 94 L.Ed.2d 72 (1987).

(4) "The Fourth Amendment's requirement that a warrant particularly describe the things to be seized prevents a general, exploratory rummaging in a person's belongings and make s genal searches impossible and prevents the seizure of one thing under a warrant describing another. As to what is to be taken, nothing is left to the discretion of the officer executing the warrant. The particularity requirement also ensures that a search is confined in scope to particularly described evidence relating to a specific crime for which there is demonstrated probable cause." U.S. v. Janus Industires, 48 F.3d 1236, 1228-29 (11th Cir 1997).

(15) See U.S. v Wain, 88 F.3d 689, 693 (9th Cir 1996)

"Exhibit (P)" page 4 shows I requested a copy of warrant "(E)", so I may present it to the court as evidence among some other items I requested, which I will cover under "Additional Ground #5."

With testimony of officers I will show the court that the security of my home was breached prior to execution of warrant.

Refer to: "Exhibit (K)" pg.10 line 10 thru pg.11 line 23; pg.12 line 2 thru 9; pg.27 line 1 thru 2.

"Exhibit (I)" pg.60 line 19 thru pg.61 line 16; pg.62 line 4 thru 6; pg.117 line 5 thru 7.

"Exhibit (H)" pg.212 line 4 thru 22.

"Exhibit (H)" pg.181 line 15 thru 20; pg.182 line 14 thru pg.185 line 15.

WASHINGTON PROCTICE: Book (12); Chapter (24).

§ 2406 - Searches: Phgysical evidence, such as contraband, instrumentalities, (or) identification evidence, as well as verbal evidence, including confessions and admissions, are subject to suppression if derived from an illegal search. If the court finds that the police conducted an unlewful warrantless search and seizure, the primary physical evidence is automatically subject to suppression. Any derivative physical evidence which is discovered through the illegal police conduct must also be suppressed as fruit of the poisoncus tree.

Search warrant issued pursuant to CrR 2.3(b) and CrR LJ 2.3(b) may authorize search for and seizure of any evidence of a crime, contraband, the fruits of a crime, things criminally possessed, weapons (or) other things by means of which a crime has been committed, (or) certain persons.

When a criminal defendant show that evidence which the state seeks to use against him was obtained pursuent to an unlawful search warrant, the primary evidence consists of items seized pursuant to the search warrant under CrR 2.3(b) (or) evidence acquired in plain view during the execution of the warrant. Derivative evidence must also be suppressed.

As to testimony, the state has the burden of demonstrating that the witness' testimony is sufficiently independant of an illegal search so that it is not subject to the "Exclusionary Rule". Factors to be considered include the degree of direct relationship between the illegal search and the testimony of the witness, the degree of free will exercised by the witness, and whether exclusion would permanently prevent related testimony by the witness no matter how unrelated it might be to the illegal search.

§ 2409 - Arrest.

An unlawful seizure of the person does not prevent the subsequent prosecution (or) conviction of the defendant. The state may not exploit the illegal arrest, however, to obtain incriminating evidence to prove the charge. Therefore, in order to effectuate the commands of the Fourth Amendment, deter police misconduct, and safeguard the integrity of the judicial process, the

Exclusionary Rule renders inadmissible at trial any evidence derived from the violation of the defendant's right to be free from unlawful seizure (or) arrest of his person. Articles taken from the person illegally arrested and the area within his (or) her control, as well as post-arrest statements made in the course of an incidental interrogation, "must be" supressed, either for the crime for which such person has been arrested (or) for another crime charged because they are fruits of the unlawful arrest. See State v. Robinson, 171 Wn2d 292, 253 P.3d 84 (2011). See Arizona v. Gant, 556 U.S. 332, 129 S.Ct 1710, 173 L.Ed.2d 485 (2009). See State v. Patton, U.S. Const Amend. IV, Article 1, section 7 of the Washington State Constitution. See State v. Monaghan, 165 WnApp 782. The court however, is unconcerned with the reasonableness of a search but instead requires a warrant before any search, whether resonable, (or) not. This creates an almost absolute bar to warrantless arrests, searches, & seizures, with only limited exception. The distinction bwetween Wash. State Constitution Article 1 § 7, and the Fourth amendment arises because the word "reasonable" does not appear in any form in the text of Wash. State. Constitution Article 1, seciton 7, as it does the the Fourth amendment. See State v. Ortega, 2976 P.3d 57 (March 2013). See State v. Schultz, 170 Wn2d 746, 750, 248 P.3d 484 (2011). Individuals do not waiva this "constitutional right" by failing to object when the police storm into their homes. Nor do they waive their "rights" when the police enter their homes

without their consent just because they are too afraid (or) to dumbfounded by the brazeness of the action to speak up. [22] Schultz's conduct in silently stepping aside as the police walked in was insufficient evidence of consent. Our Supreme Court reversed & held that failure to object does not constitute consent for purpose of Article 1, section 7 of the Washington State Conetitution. See State v. Santiago, (2012) Wash.App. lexis 763 (Wash. Ct.App. mar. 26, 2012). See also State v. Williams, 148 WnApp 678, 687, 201 P.3d 371 (2009). There are no exception for an unlawful search, arrest, (or) seizure.

Refer to "Exhibit (N)" page marked (3of6) #36 which was not covered by particulars of warrant. Warrant also said a male suspect. All other evidence will be brought to the Court's attention under "Additional Ground #6".

ADDITIONAL GROUND #5

State v. Tilton, 72, P.3d 735, 149 Wn2c 775 (2003) cover the issue of record of sufficient completeness. See RAP 9.5(C) objections to report of proceedings.

Refer to "Exhibit (P)". I requested records that are important in my defence & statements of Additional Grounds which I have not received. Going through the record I noticed there is testimony

which was said during trial, pre-trial, closing arguments, and statements I made on the record during sentencing that is not in the record. See "Exhibit (Q)", I said Happy Juneteenth multiple times as an express of the unjust proceedings that took place, I also stated for the record that the prosecutor has an "heck of a picnic" on that day. Also an expression of my disagreement of the outcome. I asked for the audio disk which can be access at the inmate legal library, along with the warrant among other things. Supposedly my extention didn't get a response & none of the officials paid my request; need, any mind. My attorney made it clear he had gotten busy and he gave me his apology! The time I did receive, after I received the partial record was less then 30 days; noted "no further extension" as it being my first. The Sixth Amendment guarantees us the right to have "Effective Assistance" of counsel, which I don't feel that I have had it.

There also was a statement made by Sherriff Pugh of the Guardian One team that said him and his partner argued over losing the suspect which is confirmed recording of their radio communication and somewhat on written record as offered under "Additional Ground #2."

* The audio recording of trial would have made audible Prosecutor Julie Kline clearing her throat loudly right before K-9 Officer Joe Trader changed his testimony to K-9 boss hitting the back

door from is first reports of K-9 Boss hitting the front door which is in the probable cause statement. (Also pointed out under "Additional Ground #2).

* The audio recording of voir dire would have made audible Prosecutor Julie Kline introducing herself as a Federal Prosecutor which gives the jury an impression her word is more reliable.

* The audio recording would have made audible Prosecutor Julie Kline tell the jury during closing arguments that I had a warrant for failure to appear which is given under "Exhibit (C)" marked page 75 "Order Striking Trial Date." Sway the jury to think I was on the run.

These are issues I want to bring to the attention for the court but was unable to, due to what was not given to me in time.

ADDITIONAL GROUND #6

-Webster's New Pocket Dictionary-

proof (proof) n.1. The evidence establishing the validity of an assertion. 2. The alcoholic strength of a liquor. - adj. Fully resistant.

"Gilbert's Legal Dictionary", states that there can be no "proof" without evidence.

"Exhibit (M)" No.1 states to the jury: "It is your duty to decide the facts in the case based upon the evidence presented to you at this trial."

"Exhibit (N)" is the evidence list, that states the only item, as mine #36 page 3of6 is a light bill which was submitted to the jury without legal right to possess it.

Evidence (for my conviction)

Refer to "Exhibit (K)" page 14 line 4 thru 7; page 36 line 12 thru page 37 line 2 (points); page 28 line 21 thru page 29 line 12 poker chips & money. "Exhibit (I)" page 115 line 18 thru page 116 line 25, a picture of marijuana; also see "Exhibit (N)" page 2of6 #10.

"Exhibit (J)" show record of money that was won at another casino in February that don't add up with what was presented to the jury & that didn't have anything to do in this case.

DNA testing was inconclusive after getting a physical swab, see "Exhibit (K)" page 50 line 2 thru 20, on time taken after request was made for a confirmation of DNA. Not only was ther no evidence, the element of fear was met. Identification was never given of me. I didn't get an Identification of me at the station, in the patrol car, in a line-up, etc. See Perry v New Hampshire, ___ U.S. ___, 132 S.CT 716, 728, 181 L.Ed.2d 694 (2012). The only identification that was given was by Ms. Chalmers who had a part in the case. Not only was I not involved in the case until she was not released, another person wasn't claimed to have been involved in the robbery until after multiple interviews with officers. Even at trial the victims said "no" to my identity as the other robber.

The Government must prove beyond a reasonable doubt every element of a charged offense. See In re Winship, 397 U.S. 358, 90 S.Ct 1068, 25 L.Ed.2d 368. See Estelle v. McGuire, 502 U.S. 62, 72, and n.4, 112 S.Ct 475, 482, 116 L.Ed.2d 385. The court made clear that the proper inquiry is not whether the instruction "could have" been applied unconstitutionally, but whether there is a reasonable likelihood that the jury did so apply it. P.1243. See Jackson v. Virginia, 443 U.S. 307, 315, 99 S.Ct 2781, 2786, 61 L.Ed.2d 560. See Apprendi v. New Jersey, 120 S.Ct 2348, 530 U.S. 466, 147 L.Ed.2d 435. A conviction can not stand without proof (or) evidence which in-turn is "proof". "Nothing from nothing, leaves nothing."

ADDITIONAL GROUND #2

Preservation of the Integrity of the Judicial Process: See Malik v. Brown, 65 F3d 140, 149 (9th Cir 1995). See Perkins v. Standard Oil Co., 487 F2d 672, 674 (9th Cir 1973). See Feldman v. Henaman, 815 F.2d 1318, 1322 (9th Cir 1987)

-Gilbert's Legal Dictionary-

Justice * Title given to judges, particularly those that sit on the United States & State Supreme Courts. A standard of conduct that requires persons to fulfill their social, legal, & moral obligations to society. To do that which is right (or) equitable. Proper administration of laws.
"Potentia Non Est Nisi Ad Bonum"

Stare decisis * Lat. To abide by decided cases. Judicial doctrine that hold that legal precedent will not be set aside unless there is good cause to do so.

Gomillion v. Lightfoot, 364 U.S. 339, 5 L.Ed.2d 110, 81 S.Ct. 125. "One must be ever aware that constitution forbids sophisticated as well as simple minded modes of discrimination."

I thank the court for the time it is taken to review my case. i hope that I made it a little bit easier by including records, although not all of them I would have liked to include. I also hope my including of reference poin also assisted in making your job easier. These statements of Additional Grounds were submitted with the upmost respect and I pray that they will be view in the same respect.

I, Jeffery Stuart Beasley, am over the age of majority and am also a U.S. citizen competent to testify and herein attest under penalty of perjury, that this affidavit pursuant to 28 U.S.C. Sec. 1746 & Dickenson v. Wainwright, 626 F.2d 1134 (1980) sworn as true and correct & signed under the penalty of perjury.

Respectfully Submitted on the 19th day of May, 2014.

Jeffery Stuart Beasley DOC# 747382
Stafford creek Corrections Center
191 Constantine Way, H2B130
Aberdeen, WA. 98520

DECLARATION OF SERVICE BY MAIL
GR 3.1

I, Jeffrey Stuart Beasley, declare and say:

That on the 19th day of May, 2014, I deposited the following documents in the Stafford Creek Correction Center Legal Mail system, by First Class Mail pre-paid postage, under cause No. 68939-8-I:

addressed to the following:

The Court of Appeals of the State of Washington
Division I
One Union Square
600 University Street
Seattle, WA 98101-4170
U.S.A.

FILED
COURT OF APPEALS DIV I
STATE OF WASHINGTON
2014 MAY 21 AM 10:03

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

DATED THIS 19th day of May, 2014, in the City of Aberdeen, County of Grays Harbor, State of Washington.

Signature

Jeffrey Stuart Beasley
Print Name

DOC 747382 UNIT H2/B130
STAFFORD CREEK CORRECTIONS CENTER
191 CONSTANTINE WAY
ABERDEEN WA 98520