

In The Court of Appeals
Division II

FILED
COURT OF APPEALS
DIVISION II

2014 OCT 20 AM 9:04

STATE OF WASHINGTON
BY

State of Washington,
Respondent,

STATE OF
BY DEPUTY of
Additional Grounds
R.A.P. 10.10

vs.

Daryl Clay Reid,
Appellant.

Case # 13-1-01494-4
Appeal # 46137-4-II

I. Facts

The appellant now comes forth to now further argue that the following issues must now be addressed in this appeal.

II. Argument

Did The Prosecutor Commit
Misconduct During Trial?

It was clear prior to trial at a status conference that the defendant had made it clear that he had wanted this court and the prosecuting attorney to have the knowledge and understanding that he wanted his cellmate to be present as a

witness to the incident that occurred with this case, Status Report 8-9.

Since the state knew of this cellmate that was also incarcerated at this facility with this defendant on the day of this incident shows that since this defendant denied the knowledge of this unlawful possession of a controlled substance makes this a violation of the rule promulgated in Brady and its progeny which is also of this Appellant's Constitutional Due Process. Brady v. Maryland, 373 U.S. at 87.

Under this Supreme Court's current Jurisprudence this appellant in order to establish a Brady violation, he must demonstrate the existence of each of the three necessary elements: (1) The evidence at issue must be favorable to the accused, either because it is exculpatory, or because its impeachment; (2) that evidence must have been suppressed by the state, either willfully or inadvertently, and (3) Prejudice must have ensued. Strickler v. Greene, 527 U.S. 263, 281-82, 119 S.Ct. 1936, 144 L.Ed.2d 286 (1999).

Every court has the layman knowledge that when a vehicle gets pulled over with more than one occupant or if a house is raided

with more than one occupant; all of the individuals are either charged or at a minimum questioned, and the State had obviously tried to hide the fact since it would have impeached the correctional officers testimony on what happened on the day of the incident including where the bins were located and where he had been sleeping that morning, and this incident has violated the preservation of a fair criminal trial. Morris v. Y 1st, 447 F.3d. 735, 742 (9th Cir. 2006) (quoting Bagley, 473 U.S. at 670).

This also allowed the prosecutor to have the correctional officer make statements uncontested throughout the trial making it look like a complaining ~~and~~ defendant that got caught doing something wrong. (See Jury Trial - RP at 39, 40 and 79)

Prosecutorial misconduct requires a showing that the prosecutor's conduct was both improper and prejudicial in the context of the entire record and circumstances at trial. State v. Hughes, 118 Wn. App. 713, 727, 77 P.3d. 681 (2003) (citing Stenson, 132 Wn. 2d. at 718); review denied, 157 Wn. 2d. 1039 (2004).

It was stated by the state and the

attorney of record that no statements were ever made relating to the incident by the defendant and no 3.5 suppression hearing was ever needed. (See) Jury Trial-RP at 14.

But at cross-examination the prosecutor had made flagrant statements that amount to perjury stating that the defendant had made some statements and he never asked the witness about these so called statements. Jury Trial RP at 80.

It has been firmly established that it is fundamentally unfair for a prosecutor to knowingly present perjury to the jury and this is clear what had occurred here. *Id.*; (See also) *United States v. LaPage*, 231 F.3d 488, 491, 271 F.3d 909 (9th Cir. 2000).

When incidents such as this is found "Reversal" "is required" if there is any reasonable likelihood that the false testimony could have affected the judgment of the jury as this does. *Id.* at 491.

There were also such statements made in closing arguments by the State Prosecutor when he made a reference of that there was no dispute of who's bin the meth was found in since this appellant had always stated that it was not his substance and had also stated

If he did have possession it was unwitting possession. (See Jury Trial RP at 100 and 115.)

The Judge had stated to the Jury that the attorneys statements are not to be considered as evidence but these issues were never objected to or corrected and had already caused the damage. (See Jury Trial RP at 89.)

During the closing arguments the prosecutor had made reference to the weight and credibility of the officers testimony which the State knows ~~is~~ is not allowed. (See Jury Trial RP at 116.)

There was also a ~~critical~~ crucial mistake of allowing a correctional officer that was employed for this county sit on the Jury Panel which is prejudicial to the defense when the Jury is in deliberation and the Jury members know of this Jury's member place of Employment. Jury Trial RP at 126.

The law is clear on these such issues; the State may not vouch for a government witnesses credibility and that is exactly what was done here. Id at 116 (see also): State v. Coleman, 155 Wash. App. 951, ~~952~~, 231 P.3d. 212 (2010); review denied, 170 Wash. 2d. 1016, 245 P.3d. 772 (2011).

Vouching occurs when the State places the prestige of the government behind the witness or indicates that information not presented to the Jury supports the witnesses testimony. State v. Smith, 162 Wash. App. 833, 849, 262 P.3d. 72 (2011); review denied, 173 Wash. 2d. 1007, 271 P.3d. 248 (2012).

A conviction that is obtained by using knowingly perjured testimony violates Due Process, even if the witnesses perjured testimony goes only to his credibility as a witness and not to the defendants guilt. Mooney, 294 U.S. at 112, 55 S.Ct. 340, Napue, 360 U.S. at 269, 79 S.Ct. 1173.

This prosecutor had knowingly permitted the introduction of false testimony through ~~the~~ his own actions. Id RP at 80. (see also) Hayes v. Brown, 399 F.3d at 978.

It has been since at least 1935 that it has been established Law of the United States that a conviction obtained through "any" testimony the prosecutor knows to be false is repugnant to the constitution. Mooney, 294 U.S. 103, 112, 55 S.Ct. 340, 79 L. Ed. 791 (1935).

The reasoning for this is because, in order to reduce the danger of false convictions, the Courts have to rely on the prosecutor not to

be simply a party in litigation whose sole object is the conviction of the defendant before him. The Prosecutor is seen as an officer of the court whose duty ~~is~~ it is to present a forceful and truthful case to the Jury, not to win at any cost attitude. See, e.g., Jenkins v. Artuz, 294 F.3d. 284, 296, n. 2 (2d. Cir. 2003).

Even though there were no proper objections at trial cannot excuse these issues due to the appellant is also raising ineffective assistance claims in this brief and this misconduct was "so flagrant and ill intentioned" that no curative instruction could have even prevented the resulting prejudice in this matter. State v. Ziegler, 114 Wn. 2d. 533, 540, 789 P.2d. 79 (1990).

This is a matter of constructive and unwitting possession and the arguments here that were used by the state and cannot now be seen as collateral or irrelevant in this case. ~~Barnard~~ Barnard v. United States, 342 F.2d. 309, 317 (9th Cir. 1965); Davis v. Alaska, 415 U.S. 308, 316-17, 94 S.Ct. 1105, 39 L.Ed.2d. 347 (1974); Johnson v. Brewer, 521 F.2d. 556, 561 (8th Cir. 1975). Those statements were in evidence and

Subject to comment Just as any other bit of evidence. United States v. Chaney, 446 F. 2d. 571, 575-76, Cert. denied, 404 U.S. 993. (3rd Cir.)

This court must now review all these improper statements within the context of the prosecutors entire argument, the issues in this case, the evidence and statements made in these arguments, and what jury instructions were given to convict this appellant. State v. Dhaliwal, 150 Wn. 2d 559, 577, 79 P. 3d 432 (2003)

The cumulative error doctrine must now be considered when several trial errors occur, which, standing alone, may not be sufficient to justify reversal, but when they are combined had clearly denied this defendant a fair trial and more errors are to follow. State v. Greiff, 141 Wn. 2d 910, 10 P. 3d 390 (2000).

Did this Appellant Receive Ineffective Assistance of Counsel at Trial in this Case?

The Federal and State constitutions guarantee a criminal defendant the right to effective assistance of counsel. U.S. Const.

Amend. VI, Wa. Const. Art. I § 22.

The law states that a defendant that claims ineffective assistance of counsel they must show deficient performance and resulting prejudice which this appellant will show. Strickland v. Washington, 466 U.S. 668, 687, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984)

To prove deficient performance he must show that counsels performance fell below an objective standard of reasonableness. Id at 688, 104 S.Ct. 2052.

To satisfy the prejudice prong he must show that the outcome of the proceedings would have differed but for counsels deficient performance. State v. Grier, 171 Wash. 2d 17, 33, 246 P.3d 1260 (2011); 168 Wash. App. 635, 278 P.3d 225 (2012)

It was clear that at the Status conference this attorney did not have any interest in effectively representing his client since the issue of a cellmate and witness to the facts was not brought forth especially considering that the state had avoided bringing forth an eyewitness to the incident with the search, the officers comment and how the cell and bedding with the bins were

laid out. (see) Status-RP at 8-9

This testimony that this missing witness could have brought forth had related to an issue "or" issues of fundamental importance and (a) that the circumstances establish, as a matter of reasonable probability, that the State would not knowingly fail to call the witness in question unless the witnesses testimony would have been damaging to the states case and this attorney had failed to follow up on this. State v. Davis, 73 Wn. 2d 271, 438 P.2d 185 (1968).

Right after this error occurred the attorney of record that is suppose to look out to the interest of his client then allowed the presiding Judge to take possession of this appellants discovery in another related case that made the Judge now commit Judicial misconduct and also be bias and prejudicial to the defendant. ~~see~~ (see) Status-RP at 11.

It is reversible error for the trial court to belittle counsel, demonstrate outright bias, or act impartial and this is what had happened when discovery was taken in his possession. McMillian v. Castro, 405 F.3d 405, 409-10 (6th Cir 2005).

When this attorney allowed these things to happen it had taken away any confidence and ability to make any decisions about the course of his defense which is mandated by respect for his freedom as a person. State v. Jones, 99 Wash. 2d 735, 742, 664 P.2d 1216 (1983) (quoting Friendak v. United States, 408 A.2d 364, 376 (D.C. Cir. 1979)).

This appellant had no knowledge of the law and his rights and was illiterate to the process and rules of the courts when it came to these issues and he heavily relied on his attorney to have his best interest in the matter, and that was not done here, and he was taken advantage of due to this. Bolser v. Clark, 110 Wash. App. 895, 903 P.3d 62 (2002) (citing Barnes v. Cornerstone Ins., Inc., 54 Wash. App. 474, 478, 773 P.2d 884 (1989); (see also) Rodriguez v. Dept. of Labor & Indust., 85 Wash. 2d 954-55, 540 P.2d 1359 (1975)).

The following arguments are seen as manifest that affected this appellants constitutional rights pursuant to RAP 2.5(a)(3).

During the opening statements this attorney waived any statements to the jury in which cannot be seen as a factual defense.

because it does nothing ~~more~~ more than there is no defense in this case. Jury - RP at 21.

He also had failed to cross-examine the officers (Barkers) testimony about the chain of command on handling of the evidence. Jury RP at 57.

These are actions to show counsels performance was deficient and it had prejudiced him. State v. Tilton, 149 Wash. 2d 775, 783, 784, 72 P.3d 735 (2003)

There were instances when the prosecutor committed misconduct when this attorney should of objected and had failed to do so and they were central to the states case and this failure constituted incompetence of this counsel that justifies reversal. State v. Johnson, 143 Wash. App. 19, 177 P.3d 1127 (2007); (quoting State v. Madison, 53 Wash. App. 784, 763, 770 P.2d 662 (1989)).

The following are times this attorney should of objected due to the court would have had to sustain the objections: (1) The prosecutor had made statements that the defendant was suppose to of made when they were never made, (see) Jury at 14 and 80; (2) The prosecutor in closing arguments stated that there was no dispute

to who's bin the narcotics were found in, (see) Jury-RP at 100; (3) The prosecutor had misinformed the Jury of the true definition to what whittling possession really meant; (see) Jury-RP at 115; (4) The Prosecutor had testified to the credibility of the states witness which is not allowed; (see) Jury-RP at 116; (5) and when it had become known that a Jury member on this panel was a correctional officer at "this" correctional facility, (see) Jury RP at 126.

These issues presented have now established that this counsels failure to object to evidence constituted to ineffective assistance due to this Appellant has shown that (1) Counsel's failure to object fell below prevailing professional norms, (2) the trial court would have sustained the objection if counsel had made it, and (3) the result of the trial would have differed if that trial court had excluded this evidence. State v. Sexsmith, 138 Wash. App. 497, 509, 157 P.3d 901 (2007).

The acts were clearly prejudicial and does establish these errors amount to manifest. State v. Mangway, 107 Wn. App. 328, 340, 26 P.3d 1017 (2001) (citing State v. McFarland, 127 Wn. 2d

322, 333, 899 P.2d 1257 (1995), reviewed denied
145 Wn.2d 1023 (2000).

Also, under both the Washington and United States Constitutions, a criminal defendant is entitled to the assistance of effective assistance of counsel at every critical stage in the litigation. State v. Hedrick, 166 Wn.2d 898, 909-10, 215 P.3d 201 (2009) (citing U.S. Const. Amend. VI, Wash. Const. Art. I § 22); (see also) State v. Everybodytalksabout, 161 Wn.2d 702, 708, 166 P.3d 693 (2007); State v. Robinson, 153 Wn.2d 689, 694, 107 P.3d 90 (2005).

This attorney of record had engaged in conduct that involved dishonesty, deceit and misrepresentation and should be disciplined. In re disciplinary matter of Michael Robert Fletcher, No. 03-272, slip op at 5-6 (WD Mo. May 18th, 2004).

Did The Judge Commit
Misconduct by Not Re-
cusing himself when he
Acted Outside the Scope
of the Canon Rules ?

The Judge when determining issues at

The status conference had taken the defendants discovery violated canon 3(d)(1) and should of recused himself from the case due to his impartiality was reasonably questioned at that point when his interests had made him request the documents to be in his possession when it is known that his actions will influence this case by his direct or indirect actions with the other Judges in this courthouse. State v. Sherman, 128 Wn.2d 164, 206, 905 P.2d 355 (1995) (quoting In re Drexel Burnham Lambert, Inc., 861 F.2d 1307, 1313 (2d. Cir. 1988)).

It can be clearly seen how this had made the Trial Judge then avoid the obvious error of allowing a Correctional officer that was employed at this county facility be a member of this Jury when he should of been excused immediately. (See) Jury - R.P. at 126.

~~These~~ These Courts must hold that the Brecht harmless error standard applies when there has been a failure to engage in an error that is "not harmless" like this and it had a substantial and injurious effect and influence in determining this Jurys verdict. Brecht v. Abrahamson, 507 U.S. at 637, 113 S.Ct. 1710,

(quoting Kottearakos v. United States, 328 U.S. 750, 776, 66 S. Ct. 1239, 90 L. Ed. 1557 (1946))

It is now the States responsibility to show this court how this error with a "fair assurance" did not effect this verdict at all. O'Neal v. McAninch, 513 U.S. 432, 439, 115 S. Ct. 992, 130 L. Ed. 2d 947 (1995), Gray v. Klausner, 282 F.3d 633, 651 (9th Cir. 2002); United States v. Witt, 981 F.2d 422, 425 (9th Cir. 1992).

When this appellate court reviews this it must determine these issues on the basis of conduct which shows bias "or" prejudice "or" lack of impartiality by his focus on this party rather than counsel. (See Trevino v. Johnson, 168 F.3d 173, 179 (5th Cir. 1999) (quoting Davis v. Bd. of Sch. Comm'rs, 517 F.2d 1044, 1052 (5th Cir. 1975)).

Did The State Present A Case That now merits A Conviction That Should Stand?

It is known that generally an appellate court may reverse, modify or affirm the decision being reviewed and take any

other action as the merits of the case and the interest of justice may require.

R.A.P. 12.2; State v Gilbert, 68 Wn. App. 379, 384, 842 P.2d. 1029 (1993).

When the Lab Technician had testified it was shown that he broke protocol by not weighing the substance prior and after testing and was unable to state whether the evidence was ever tampered with prior to testing and caused the defense to not be able to have a fair independent testing due to now there was no way to argue if the evidence was tampered with. Jury - RP at 67.

If this court was to exclude all the errors at this trial it would also be seen that the state had not proven its case by not proving instruction 10 by the preponderance of the evidence. Jury RP at 95-96.

The courts must defer to the factfinder on issues that involve conflicting testimony, witness credibility, missing witnesses, and the persuasiveness of this evidence. (see): State v. Thomas, 150 Wn.2d 821, 874-75, 83 P.3d. 970 (2004); Camarillo, 115 Wash. 2d at 71, 794 P.2d. 850; (See also) Drake v. Portuondo, 553 F.3d. 230 (2009).

There is a lack of evidence to now support this conviction. State v. Macon, 128 Wn.2d 784, 799, 911 P.2d 1004 (1996).

This court also now must ask itself, if with after viewing this evidence after the exclusion of these errors that the remaining evidence in the light most favorable to the prosecution, if any rational trier of fact could have found the essential elements of this crime beyond a reasonable doubt and the answer is no. Jackson v. Virginia, 443 U.S. at 319, 99 S.Ct. 2781.

To have an automatic abatement of the entire criminal proceeding ab initio disregards the presumptive validity of the conviction, while dismissing the appeal and leaving the judgment standing without any prospect for critical review would fail to accommodate the possibility that a conviction is subject to reversal, vacation or modification and the possibility of success should not be dismissed out of hand. Surland v. State, 392 Md. 34, 35, 895 A.2d 1034 (2006). (See also): Gollott v. State, 646 So.2d 1297 (Miss. 1994); State v. Makaila, 79 Haw. 40, 897 P.2d 967 (1995); State v. Webb,

167 Wash. 2d. 470, 219 P.3d. 695 (2009).

The State must now respond to these issues raised in this statement of additional grounds. State v. Williamson, 120 Wash. App. 1001 (Wash. App. Div. 1 2/2/2004); State v. Bragg, NO. 32776-7-77 (Div. 2, 2000).

And if the State tries to ignore these grounds raised it is still this court's responsibility to address these issues on the merits alone and see them as being true facts. Smith v. Dixon, 14 F.3d. 956 (4th Cir. 1/21/94) (citing Coleman v. Thompson, 111 S. Ct. 2546, 115 L. Ed. 2d. 640 (1991); Nickerson, 971 F.2d. at 1129).

III. Conclusion

The appellant now requests that the Court reverse this conviction and dismiss this case "or" order a new trial.

I swear under the penalty of perjury that all statements are true to the best of my knowledge and was assisted by a Pro-se Litigant Assistant.

Dated this 15th day
of October, 2014.

Alvin Jackson

Pro-se test

(19)

Daryl Day Reid
Appellant

In The Court of Appeals

For Division II

State of Washington;
Respondent;

vs.

Daryl Clay Reid;
Appellant.

Supporting Affidavit
To Statement of
Additional Grounds.
(R.A.P. 10.10)

Case # 13-1-01494-4
Appeal # ~~13-1-01494-4~~ 46137-4-II

The appellant now comes forth to further argue and state that:

There are a few things that I felt had caused me to have an unfair trial that violates the State and Federal Constitutions that I feel need to be stated:

(1) During the lunch break, Bruce Hennify; my attorney of record; was talking to Sean Brittan; the state prosecuting attorney who stated in front of Judge Hean in the courtroom that "You never trust your life with 12 strangers (Jury)" and my daughter Chelsea Reid was at the time sitting in the courtroom while I was gone. My daughter had spoken up to my attorney that had made this statement and said, "well what about my fathers innocence?" He replied "I don't care, you cut your losses and move on!"

These statements are coming from the person that is suppose to represent me and have my best interests; and this is during trial which shows bias and a conflict of interest;

(2) This same attorney has now failed to bring a Juris Prudence Strategy. Everything I wanted to do at trial, such as like have my cellmate be brought to court to testify is not done; all the Jury Selections I wanted were ignored; I felt as if I was talking to a prosecuting attorney at trial.

(3) Placards were issued to the jury panel members (two-way); to be seen from the front as well as back.

Me being trained in hazardous materials as a Commercial Truck Driver made me have keen awareness and warning lights go off in me thinking, "This is strange for a jury trial," me being a trained professional Observer Instinct Kicks in; and I looked at and observed all my surroundings, including the cameras above me monitoring this trial.

Also, Judge Hean and Pres. Atty. Britton are on cell phones texting and then E-mails start popping up on courtroom computers as well as text messages on their phones ~~and~~ watching them all looking at each other oddly while this is occurring.

I then also see someone looking through the courtroom venting system that does not look to be connected but to some other room, but I'm not 100% sure since all these other things are so strange I am completely in shock by this point because my ~~life~~ life are in these people's hands. I feel that I have no chance to win now because these people will do anything to get this conviction.

I hope that this court does not think this is just some paranoia thoughts because the statement of additional grounds will give this affidavit merit to take this into consideration and I have now filed grievances to show these injustices.

I swear under the penalty of perjury that all statements are true to the best of my knowledge.

Dated this 15th day
of October, 2014.

Daryl Clay Reid
Appellant

Appendix

COMPLAINT FORM



STATE OF WASHINGTON COMMISSION ON JUDICIAL CONDUCT

P.O. Box 1817 Olympia, WA 98507 (360) 753-4585 Fax (360) 586-2918

For Office Use Only

Inq #: _____

CONFIDENTIAL

This form is designed to provide the Commission with information required to make an initial evaluation of your complaint, and to begin an investigation of your allegations. Please read the accompanying materials on the Commission's function and procedures before you complete this form.

- ▶ Materials filed in the Commission's confidential records cannot be duplicated for you.
- ▶ If you need to maintain a record, keep a copy.
- ▶ Do not send original records you wish to keep without making prior arrangements for their loan, safe delivery and return.

PLEASE TYPE OR PRINT ALL INFORMATION

Your Name Darryl Clay Reid

Address 1313 N. 13th Ave.

City Walla Walla State WA Zip 99362

Daytime telephone: (509) 525-3610 ^{message} Evening telephone: (306) 425-8120

Name of Judge/Commissioner: Judge Haan

County: Cowhit County

Court level: Municipal District Superior Appeals Supreme

Case Name and Docket Number, if applicable 13-1-01494-4

Attorneys involved: Mr. Hannify, Mr. Brittan

If this complaint relates to a trial or other court proceeding, has it been or will it be appealed?

Yes No Not applicable

Please provide a brief summary of the unethical actions or behaviors that you believe were committed by this judge or commissioner. (If you wish, you may refer to the Code of Judicial Conduct which you can find in the Washington Court Rules or on our website at www.cjc.state.wa.us.)

Canon ~~20~~ Rule 3(d)(1), R.P.C. 84(d), 6th Amend.
Rights Violation, and 14th Amendment Rights Violation
of Equal Protection and Due Process.

Please list the dates of alleged misconduct: March 18th, 2014

SUPPORTING FACTS:

Please state specific facts to support your allegation(s) of judicial misconduct. Include all pertinent dates, and name(s) of witnesses, if known. Attach copies of any documents which may support your position. You may attach additional pages if needed.

@ March 18th, 2014. My Attorney of Record Mr. Hennify had stated while I was taken out for lunch in front of the Presiding Judge and Prosecutor that a person like my client should never trust his life with 12 strangers and should just accept his punishment and cut his losses. During this conversation my Daughter (Chelsea Reid) had heard all of this conversation and stated to this attorney "well about his innocence?" This attorney stated "I don't care you cut your losses and move on. At this point the Judge knew by these actions that my Attorney was having a conflict of interest in my decision to go to trial and had never mentioned this to me or asked if I had issues with my Atty.

Signed: Daryl Clay Reid

Date: October 15th - 2014

Send completed form to: Commission on Judicial Conduct, PO Box 1817, Olympia, WA 98507

Note: Due to confidentiality requirements complaints cannot be accepted via e-mail

[If you have a disability which requires assistance in filing a complaint or you would like this form in an alternate format, such as Braille, large print or audio tape, contact this office at (360) 753-4585 voice or TDD. We will take reasonable steps to accommodate your needs.]

COMPLAINT FORM



STATE OF WASHINGTON COMMISSION ON JUDICIAL CONDUCT

P.O. Box 1817, Olympia, WA 98507 (360) 753-4585 Fax (360) 586-2918

For Office Use Only

Inq.# _____

CONFIDENTIAL

This form is designed to provide the Commission with information required to make an initial evaluation of your complaint, and to begin an investigation of your allegations. Please read the accompanying materials on the Commission's function and procedures before you complete this form.

- ▶ Materials filed in the Commission's confidential records cannot be duplicated for you.
- ▶ If you need to maintain a record, keep a copy.
- ▶ Do not send original records you wish to keep without making prior arrangements for their loan, safe delivery and return.

PLEASE TYPE OR PRINT ALL INFORMATION

Your Name: Daryl Clay Reid

Address: 1313 N. 13th Ave.

City: Walla Walla State: WA Zip: 99362

Daytime telephone: WA. St. Penitentiary (509) 525-3610 Message: (360) 425-8120
Evening telephone: (360) 425-8120

Name of Judge/Commissioner: Judge Warming

County: Cowlitz County

Court level: Municipal District Superior Appeals Supreme

Case Name and Docket Number, if applicable: ~~13-1-01494-4~~ 13-1-01494-4

Attorneys involved: Mr. Baldwin, Mr. Morgan, Mr. Brittain

If this complaint relates to a trial or other court proceeding, has it been or will it be appealed?

Yes No Not applicable

2

Please provide a brief summary of the unethical actions or behaviors that you believe were committed by this judge or commissioner. (If you wish, you may refer to the Code of Judicial Conduct which you can find in the Washington Court Rules or on our website at www.cjc.state.wa.us.)

The Judge violated canon Rule 3(d)(1), my 4th Amendment Rights, my Sixth amendment Rights and my 14th Amendment Rights of Due Process and Equal Protection.

Please list the dates of alleged misconduct: March 13th, 2014

SUPPORTING FACTS:

Please state specific facts to support your allegation(s) of judicial misconduct. Include all pertinent dates, and name(s) of witnesses, if known. Attach copies of any documents which may support your position. You may attach additional pages if needed.

@ March 13th, 2014 The Presiding Judge warning had talked me into giving him my Discovery at court pertaining to case # 13-7-00948-7. The Attorney of Record that I had Mr. Baldwin told the Judge that I wanted to keep my discovery because I did not trust that all the discovery would be kept and would disappear. This Judge stated on record he would keep it in his chambers for safekeeping and I did, but I did not know that it was unethical and I realized that this Judge and my trial judge became bias and prejudicial towards me that rendered an unfair trial.

Signed: Daryl Clay Reid

Date: 10-15-2014

Send completed form to: Commission on Judicial Conduct, PO Box 1817, Olympia, WA 98507

Note: Due to confidentiality requirements complaints cannot be accepted via e-mail.

[If you have a disability which requires assistance in filing a complaint or you would like this form in an alternate format, such as Braille, large print or audio tape, contact this office at (360) 753-4585 voice or TDD. We will take reasonable steps to accommodate your needs.]

Declaration of mailing

FILED
COURT OF APPEALS
DIVISION II

2014 OCT 20 AM 9:04

STATE OF WASHINGTON

BY DEPUTY

I, ~~DARYL~~ Clay Reid, now State of Washington
declares that the following true copy of
this document was sent pursuant to case
number # 13-1-01494-4; Appeal # 46137-4-II

- (1) Statement of Additional grounds (RAP 10.10);
- (2) Supporting Affidavit To Statement of Additional Grounds.

and was sent to the following individuals:

| | | |
|------------------------------------------------------------|--------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| Lisa E. Tabbutt P.O. Box 1396 Longview, WA. 98632 | The Court of Appeals Division II 950 Broadway Suite 300 Tacoma, WA 98402 | Cowlitz Co. Pros. Sean Britton (P.A.) 312 S.W. 1st Ave. Kelso, WA. 98626 |
|------------------------------------------------------------|--------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|

and was sent by First Class mail through
the legal mail system at Washington State
Penitentiary in Walla Walla, WA. on the 15th
day of October, 2014.

I swear under the penalty of perjury that all
statements are true to the best of my knowledge.

Dated this 15th day
of October, 2014.

Daryl Clay Reid
Appellant

addendum to SAG

FILED
COURT OF APPEALS
DIVISION II

2014-OCT-20-PM 1:16

10-16-14

Tacoma Court of Appeals Division II
STATE OF WASHINGTON

~~STATE OF WASHINGTON~~

Respondant,

Cowlitz County NO. -
13-1-01494-4

v.s.

Court of Appeals
NO. 46137-4-11

DARYL CLAY REID

Appellant

Statement of
Additional -
Grounds correct-
ion Added to
Appeals Brief

Appeal Briefs send to Defense Attorney of Appeals to Lisa Tabbutt.
Appeal Brief sent to Cowlitz County Prosecutors office Sue Bauer, Sean Brittain deputy pro-secutore office. Correction made via Legal mail, - The correction is I am 100% positive who was in the Vent of the Amphitheater during trial I recognized both sets of eyes. And have made Grievance to D.O.C, cowlitz county corrections County Jail to Sgt Jeremy Erm-antraut. ON FILE

I Swear an oath this is a
True and Correct Statement
Sincerely Daryl Clay Reid 10-16-14