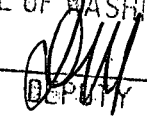


FILED
COURT OF APPEALS
DIVISION II

2014 DEC -2 PM 1:10

STATE OF WASHINGTON

~~PT~~ 
DEPUTY

COURT OF APPEALS, DIVISION
STATE OF WASHINGTON

State of Washington,
Respondant,

Appeal

No. 45582-0-11

Pierce Co.

No. 10-1-04933-1

VS.

Statement of Additional
Grounds For Review

Stephen Adam Young,
Appellant,

I, Stephen Adam Young, 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

Assignment # 1

Error: The trial court erred when it denied Mr. Young the ability to introduce relevant testimonial evidence under ER 401, ER 402, and ER 404(b) violating Mr. Young's due process and impeding his ability to present a defense which denied him a fair trial.

Under ER 401, 'Relevant Evidence' means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

Mr. Young was denied the ability to provide a defense and disprove his guilt further ~~by~~ proving third party guilt and actual innocence when the trial court abused its discretion by not allowing the defendant to establish foundational evidence that another person had motive, time, intent, knowledge, and opportunity for gang related retaliation after being beat up at a drug / gang party shortly before ^{Shooting} occurred (RP 1371-1376, 1382-1386).

By the trial court's suppression of this

relevant evidence of third party guilt and in so doing suppressing Mr. Young from providing testimonial evidence elicited on direct examination and cross-examination the trial court denied Mr. Young the opportunity to provide a defense and further prove that another person had actually committed these crimes.

The suppression of this evidence and line of defense was done in bad faith and was an abuse of discretion by the trial court.

Young argues that this evidence is very relevant and the denial of its entry into the case against him has prejudiced him as he was denied the right to sufficient counsel and a fair trial by the court when the trial court limited his ability to defend himself, thus objectively denying his right to a fair trial by suppressing relevant facts that prove another person did these crimes.

The test of whether the evidence has a tendency to make the existence of a

fact more or less probable than would be the case without the benefit of the evidence. U.S. v. Carter, 552 F.2d 666 (C.A.D.C. 1975).

What is more relevant than evidence that proves that there was a gang assault at a drug party house within a short time frame before a shooting occurred against the person that did the assault? (RP 247, 1372-1376)

Evidence tending to establish a party's theory, or to qualify or disprove the testimony of an adversary, is relevant evidence. Hayes v. Wieber Enterprises, Inc., 105 Wash. App. 611, 20 P.3d 496 (2001).

To be relevant, evidence must tend to prove or disprove the existence of a fact, and that fact must be of consequence to the outcome of the case. Davidson v. Metropolitan Seattle, 43 Wash. App. 569, 719 P.2d 569 (1986).

In Young's case the State is alleging that Mr. Young is the only person that had a motive or the ability to commit these assaults. The State also alleges that there is no nexus between this fight and

this shooting (RP 1373).

It is the jury's place to weigh the relevant facts not the prosecutor's at the misjudged discretion of the court.

The threshold to admit relevant evidence is very low; even minimally relevant evidence is admissible. State v. Briejer, 172 Wash. App. 209, 289 P.3d 698 (2012).

To be relevant, evidence must (1) tend to prove or disprove the existence of a fact and (2) the fact must be of consequence to the outcome of the case; this definition includes facts that offer direct or circumstantial evidence of any element of a claim or defense. State v. Weaville, 162 Wash. App. 801, 256 P.3d 426 (2011).

The proof of another person's motive and the circumstances leading up to the shooting in the short amount of time before the shooting were very relevant facts that would have thrown doubt on the State's case against Mr. Young, and it is believed by Young, placed a reasonable

doubt into the minds of the jurors.

Mr. Young also believes that had he been able to follow this avenue of testimonial evidence then it would have lead to further evidence of third party guilt and lead to his acquittal.

Under ER 801(d)(1) the evidence in question is relevent and is not hearsay because it is consistant to prior testimony that this witness has already given during the first trial that this witness testified at on this cause where it went to mistrial because the State purposefully elicited testimony that was not allowed and denied Young of his right to a fair trial.

(RP 247)

A trial court's ruling on the admissability of evidence is reviewed for abuse of discretion. State v. Powell, 126 Wash.2d 244, 258, 893 P.2d 615 (1995); State v. Luvene, 127 Wash.2d 690, 706-07, 903 P.2d 960 (1995). Abuse exists when the trial court's exercise of discretion is "manifestly unreasonable or based upon untenable grounds or reasons." Powell, 126

Wash. 2d at 258, 893 P.2d 615. Similarly, a court's limitation of the scope of cross-examination will not be disturbed unless it is the result of manifest abuse of discretion. State v. Campbell, 103 Wash.2d 1, 20, 691 P.2d 929 (1984).

However, the more essential the witness is to the ~~case~~ prosecutor's case, the more latitude the defense should be given to explore fundamental elements such as motive, bias, credibility, or foundational matters. see State v. Dickerson, 48 Wash. App. 457, 466, 740 P.2d 312 (1987).

Being as Marlon Green was alleged to be a shooting victim of Mr. Young by the State, that makes Mr. Green a very important witness to the case against Mr. Young.

Mr. Green told the court that he had no idea as to who Mr. Young was or had ever ^{heard of} of him at all besides from the police. (RP 1378)

To Mr. Green's knowledge he was not surprised at all when he had been shot at due to the altercation that he

had been into that night. ~~RP 1385~~
(RP 1385)

Evidence is 'relevant' if a logical nexus exists between the evidence and the fact to be established. State v. Briejer, 172 Wash. App. 209, 289 P.3d 689 (2012).

A perfect example for purposes of establishing a "Nexus" of motive between the fight described by Marlon Green and an unknown individual within a short time before Mr. Green was shot at (RP 246-247) (RP 1372) would be in State v. Embry, 287 P.3d 648, 664 (Wash. Div. 2 2012). Where it is described in detail that gang violence and fights can and will lead to further more serious gang violence and retaliation.

Mr. Green is a self proclaimed gang member / leader with a group he referred to as the "253 Goon Squad" (RP 1382-1383) where he organized and participated in gang activity such as robbery and gang fights (RP 1383-1384). For the State to deny Mr. Young his substantial right to prove that another

person shot these people was court error and abuse of discretion on behalf of the court.

The evidence of the fight that happened within the time before these people were shot at (RP 1374) is foundational evidence that very well would have lead to the identity of a differant suspect.

The trial court erred when it excluded Young's alternate suspect evidence. State v. Franklin, 325 P.3d 159, 162 (2014).

Young was unable to present a defense that would lead to proof of actual innocence and third party guilt when the court denied him the ability to cross-examine Mr. Green and other witnesses about the gang related fight that happened right before Mr. Green was shot. (RP 1372-1376)

"Few rights are more fundamental than that of an accused to present witnesses in his own defense."

Chambers v. Mississippi, 410 U.S. 284, 302, 93 S.Ct. 1038, 35 L.Ed.2d 297 (1973).

It is a right of constitutional magnitude.

For that reason, the United States Supreme Court has ruled that a trial court cannot exclude defense-proffered other suspect evidence because of the perceived strength of the States case.

Holmes v. South Carolina, 547 U.S. 319.
at 327-29, 126 S.Ct. 1727 (2006). In

Holmes, the court expressly distinguished cases where other suspect evidence was excluded on the basis of "well-established rules of evidence," from the case before it where "the critical inquiry concerned the strength of the prosecution's case" Id. at 326, 329, 126 S.Ct. 1727.

The Holmes court explained that the exclusion of other suspect evidence is a "specific application" of the general evidence rule permitting a judge "to exclude evidence if its probative value is outweighed by certain other factors such as unfair prejudice, confusion of the issues, or potential to mislead the jury." Id. at 327, 326, 126 S.Ct. 1727. ER 403

In Young's case this evidence was not excluded for any of these reasons, it

was excluded as an abuse of discretion inconsistent with prior rulings by this court, see State v. Franklin, 180 Wash.2d 371, ~~at 382, 325~~ P.3d 159 (2014). Where on review by the Supreme court found that it was not harmless error to exclude the other suspect evidence when taken together with the other chain of events which amounted to a chain of circumstances that tended to create a reasonable doubt as to the defendant's guilt.

In Young's case there is also a very plausible chain of circumstances that lead to another suspect committing these crimes.

This Error is of a Constitutional Magnitude.

" 'An evidentiary error [that] is not of constitutional magnitude... requires reversal only if the error, within reasonable probability materially affected the outcome' " State v. Everybodytalksabout, 145 Wash.2d 456, 468-69, 39 P.3d 294 (2002). (quoting State v. Stenson, 132 Wash.2d 668, 709, 940 P.2d 1239 (1997)).

Conversely, "[t]he error is harmless if the evidence is of minor significance compared to the evidence as a whole." Everybodytalksabout, 145 Wash. 2d at 469, 39 P.3d 294.

Unlike Everybodytalksabout, Mr. Young believes that the court's error was of a constitutional magnitude violating U.S.C.A. § 6 and Wash. Const. Amend. 1, § 22 because it impeded his attorney's ability to provide a defense for him and violated his right to a fair trial.

Evidence is relevant if it has "any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." ER 401. The threshold to admit relevant evidence is very low. Even minimally relevant evidence is admissible. State v. Darden, 145 Wash. 2d 612, 621, 41 P.3d 1189 (2002). "Evidence is relevant if a logical nexus exists between the evidence and the fact to be established." State v. Burkins, 94 Wash. App. 677, 692, 973 P.2d 15 (1999). But "[a]lthough relevant, evidence may be excluded if its probative value is subsequently

outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence." ER 403.

"Few rights are more fundamental than that of an accused to present witnesses in his own defense." Chambers v. Mississippi, 410 U.S. 284, 302, 93 S.Ct. 1083, 35 L.Ed.2d 297 (1973). It is a right of constitutional magnitude.

By the trial court impeding Mr. Young's ability to follow through with this line of questioning it denied his attorney the ability to present a defense which is a right that is protected under the requirements and provisions of U.S.C.A. § 6.

In order to further the truth-seeking aim of a criminal trial and to respect individual dignity and autonomy, the sixth amendment gives the accused the right to present a defense. Consistent with this right, the sixth amendment requires deference to the defendant's strategic decisions. State v. Coristine, 177 Wn.2d 370, 300 P.3d 400 (2013).

In this matter the trial court did not respect

the strategic decisions of the defense and it violated the defendant's constitutional rights.

This violation was done in such a way that it denied him the ability to follow up a line of questioning that would have provided further more direct evidence as well as circumstantial evidence as well as the identity of the person in which the defendant would have established third party guilt and the actual innocence of the defendant as the State so graciously pointed out in their argument for the suppression of this line of questioning. (RP 1373)

ER 402 provides: All relevant evidence is admissible, except as limited by constitutional requirements or as otherwise provided by statute, by these rules, or by other rules or regulations applicable in the courts of this state. Evidence which is not relevant is not admissible.

The evidence that the court suppressed (RP 1372-1376) by way of abuse of discretion was very relevant evidence with a plausible relevant nexus that connected it with the

shooting that happened shortly thereafter.

ER 404(b) provides: Other crimes, wrongs, or acts: Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, or absence of mistake or accident.

Simply based upon the Evidence Rules of Washington State alone the trial court made a manifest error yet due to the size of this error and the rights that have been violated by the trial courts abuse of discretion this error was not harmless but substantial error and equated to a manifest constitutional error and should lead to reversal of these charges if not outright dismissal because of the prejudice that ensued from the trial courts abuse of discretion and manifest constitutional error.

Mr. Young's 5th, 6th, and 14th amendment rights were violated by the trial court in a manifest miscarriage of the law by the State. see McQuiggin v. Perkins, 133 S. Ct. 1924 (2013)

Where McQuiggin pertains to this case the law was not adhered to when Mr. Young was denied his right to present a defense with proof of actual innocence and third party guilt when the trial court abused its discretion and suppressed defense proffered evidence of third party guilt.

It is believed by the defendant that would he had been able to follow this line of defense then the jury would not have convicted him of these charges. Id., 133 S.Ct. 1924 (2013).

Wash. Const. Art. 1, § 3 States:

No person shall be deprived of life, liberty, or property, without due process of the law.

If this amendment is correct then why was Young denied his due process when ~~the~~ the court impeded his ability to present a defense on cross examination with the very first state's witness? and preceding witnesses?

Wash. Const. Art. 1, § 22 states in part:

In criminal prosecution's the acc-

used shall have the right to appear and defend in person, or by counsel.

The ability for young or his counsel to defend was taken by the courts manifest abuse of discretion and manifest miscarriage of the law.

Wash. Const. Art. 1, § 2 states:

The constitution of the United States is the supreme law of the land.

If that is the case then why did the trial court violate Young's 5th and 14th amendment rights to due process and in so doing violate Young's 6th amendment right to counsel?

Wash. Const. Art 1, § 29 states:

The provisions of this constitution are mandatory, unless by express words they are declared to be otherwise.

Nowhere in Young's case was the court given the right to go outside of the provisions of the

Washington Constitution or the United States Constitution.

Additional Ground ... 2

Assignment # 2

Error:

A.) Mr. Young's counsel was ineffective when counsel failed to introduce prior inconsistent testimony at second trial as impeachment evidence from Young's first trial.

B.) Young was also denied effective counsel when the State interfered in his ability to make independent decisions about how to conduct a defense.

A.) To establish ineffective assistance of counsel the defendant must establish that his attorney's performance was deficient and the deficiency prejudiced the defendant. State v. Kyllö, 166 Wn.2d 856, 215 P.3d 177 (2009).

In State of Washington v. Stephen Adam Young, Mr. Young was awarded a mistrial on October

31st, 2012 and the State decided to go to trial again after the misconduct that the prosecution committed by eliciting improper testimony and violating Mr. Young's right to a fair trial. (RP 1146-47)

During the second trial Mr. Young noticed that several key State witnesses had substantially changed their testimony to be worse for the defense than it actually was in the first trial.

Mr. Young pointed these changes out to his trial counsel who was unprepared for them, lacking of the transcripts from the first trial in one case even, as pertains to Jacqueline Souza's sworn testimony.

Mr. Young's attorney of record was greatly ineffective in the regard that the testimony elicited by the State was completely different than it initially was to begin with and the changes were so inflammatory as to prejudice Mr. Young

in a way that cost him his life as he was sentenced to Life Without Parole. see Moffett v. Kolb, 930 F.2d 1156 (1991).

Had these inconsistencies been properly pointed out by Young's trial counsel the resulting conviction may not have occurred.

For instance during the first trial Jacqueline Souza had testified that Mr. Young was acting paranoid yet had never elaborated at all to her as to why he was acting that way. (RP 421)

She also stated that Mr. Young had never referred to shooting anyone to her or in front of her. (RP 422) That she had only seen Mr. Young with a handgun of which the description does not tie Mr. Young to this case at all. (RP 422)

In the second trial Souza states multiple times in front of the jury that Mr. Young said that he'd shot some people. (RP 1676-77, 1681, 1702, 1712)

If Young's counsel had been ready

for Souza's inconsistent testimony by having her prior sworn testimony transcribed for the second trial then the deficiency of Young's trial counsel would be nonexistent with this witness. *see Nixon v. Newsome*, 888 F.2d 112 (1989).

Young's counsel was unprepared for this witness's testimony although he had three years to prepare for it. *see Strickland*, 466 U.S. 668, 104 S.Ct. 2052.

The benchmark for judging any claim of ineffectiveness of counsel must be whether counsel's conduct so undermined proper functioning of adversarial process that trial cannot be relied on as having produced a just result. *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L. Ed. 2d 674 (1984); *State v. Thomas*, 109 Wn.2d 222, 743 P.2d 816 (1987).

U.S.C.A. § 6 and Wash. Const. Art. 1, § 22.

During the testimony of Robert Toulouse in the first trial against Mr. Young Mr. Toulouse states that he had initially learned of the shootings

that Mr. Young was accused of from the news. (RP 687)

Then went on to testify that Mr. Young had never told him that he'd shot anyone when the State tried to manipulate him into saying that Young had by asking Toulouse why Mr. Young had said he'd shot someone. (705-08) Also that he had never seen Young with the gun that the prosecution wanted to tie to him. (711-12) Which the prosecution initially gave the description of to Toulouse without first getting a proper description of the gun from this witness in the first place lacking a proper foundation to show photo's of this gun to this witness in the first place. (RP 696-97)

This witness also testified that Mr. Young had never actually told him a thing, that he was guessing in order to put the story together. (RP 716-17)

At the second trial Toulouse admits to making assumptions as in the

first trial (~~RP~~ RP 1863) yet when asked about the gun he'd seen he gives a perfect description of the gun that the State wants tied to Young (RP 1864) when in the first trial Toulouse could not give a proper description of this gun at all without first being shown a photograph of this gun by the State. (RP 696-97)

The jury had a right to know that this witness previously could not give a proper description of this gun without being shown a photograph of it first, having never seen it before.

The test for ineffective assistance of counsel has two parts: (1) the defendant must show that defense counsel's conduct was deficient, i.e., that it fell below an objective standard of reasonableness; and (2) such conduct must have prejudiced the defendant, i.e., there is a reasonable probability that, but for the deficient conduct, the outcome of the proceeding would have been different. State v. Thomas, 109 Wn.2d 222, 225-26, 743 P.2d 816 (1987). (adopted test from Strickland.) A "reasonable

probability" means a probability "sufficient to undermine confidence in the outcome." State v. Leavitt, 49 Wn. App. 348, 359, 743 P.2d 270 (1987). However, a defendant "need not show that counsel's deficient conduct more likely than not altered the outcome of the case. Strickland, 466 U.S. 668 at 693.

When Young's counsel failed to point out these very pertinent inconsistencies in the sworn testimony of these as well as other key State witnesses, Young's defense counsel denied Mr. Young of the assistance of counsel that is guaranteed in the Washington and United States Constitutions under Wash. Const. Art. I, § 22 and U.S.C.A. § 6.

Actual or constructive denial of assistance of counsel altogether is legally presumed to result in prejudice. Strickland, 466 U.S. 668, 104 S.Ct. 2052.

B.) The trial court denied Mr. Young the ability to present a defense by abuse of discretion (see Assignment of Error # 1) which denied Mr. Young effective assistance of counsel.

Government violates right to effective assistance of counsel when it interferes in certain ways with ability of counsel to make independent decisions about how to conduct defense.

Strickland, 466 U.S. 668, 104 U.S. 2052.

Denial of effective assistance of counsel is manifest error affecting a constitutional right, reviewable for the first time on appeal. State v. Hunley, 161 Wash. App. 919, 253 P.3d 448 (2011).

Mr. Young's trial counsel was manifestly deficient in this case and this deficiency prejudiced Mr. Young by violating his right to a fair trial because his counsel was ineffective.

Counsel's neglect with testimonial evidence and not being allowed to present a defense were not legitimate trial tactics they were a severe deficiency in performance that denied Young his right to counsel and violated his constitutional rights.

Effective assistance of counsel is guaranteed by both the United States and Washington State Constitutions. U.S.

Const. Amend. VI; Wash. Const. Art. 1, § 22 (amend X); Strickland v. Washington, 466 U.S. 668, 686, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984); State v. Mierz, 127 Wn.2d 460, 471, 901 P.2d 286 (1995).

A brief summary of any further additional grounds are as follows;

Additional Ground # 3

The trial court erred when it allowed improperly admitted cellphone evidence by the State and information from a cellphone in which no cellphone records had previously been submitted for discovery.

1) Defense was given no discoverable proof as to who the cellphone belonged to or any of the on phone records that the State wished to use as evidence against Young at trial. This is a CrR 4.7 discovery violation a 404 (b) evidence violation and Prosecutor misconduct.

2.) The prosecution was desperate to tie the 4141 phone records to Mr. Young and on Colloquy found out that their avenue for this was tainted (RP ~~2353~~ 2353) as the only witness that they allegedly wanted to supply this evidence through was on suspension for several acts of misconduct and on the job untruthfulness. (Det. Sgt. Wood)

3.) The prosecutor committed misconduct and brought in the previously spoken of charged cellphone to Branch who has no memory of his own regarding this case as he was told ninety nine percent of what he knows about this case from Detective Sergeant Wood and Brandon Crowe. (RP 2399-2401 cellphone) (RP 2407-2419 memory) (RP 2387-88 where Cellphone Misconduct and objection initially occurred.)

4.) Prosecuting attorney's are quasi-judicial officers who have a duty to ensure that defendants receive a fair trial. State v. Boehning, 127 Wash. App. 511, 518, 111 P.3d 899 (2005). Prosecutorial

misconduct violates this duty and can constitute reversible error. Boehning, 127 Wash. App. at 518, 11 P.3d 899.

5.) This prosecutorial misconduct was so flagrant that no curative instruction could or would have obviated any of the prejudicial effect that it had on the jury.

6.) The discovery violation by the admittance of this evidence was incurable.

7.) The prosecutor's misconduct makes a mockery of the Rules of Evidence. The prosecutor put before the jury evidence that was not subject to the crucible of our adversarial system. This court should make clear that it is improper for parties to effectively sneak in "evidence" through electronics, bags, backpacks, packages, purses, or other containers. In accordance with the Rules of Evidence and fundamental fairness as mandated due process, this

court should hold that before an exhibit that could hold other items such as electronic documentation and other items as admitted, the other party must disclose whether there inside it. see Giles v. Maryland, 386 U.S. 66, 100, 87 S.Ct. 793, 17 L.Ed.2d 737 (1967)

Additional Ground # 4

The prosecution made an improper statement in closing arguments that placed the burden of proof on the defense when the prosecutor told the jury that what the defense counsel said was a "Red Herring" and "not to fall for it" implying that defense counsel was lying to them. (RP 2635)

Additional Ground # 5

Mr. Young has had to bring up these obvious constitutional assignments of error on his own in this Statement of Additional Grounds for Review. Although

Mr. Young agrees that the issues that his appellate counsel brought in her appellate brief are good issues and well written he believes that the constitutional violations that occurred in his trial are far stronger issues that should have been brought by appellate counsel.

Counsel had a copy of the transcripts as well, and obviously can read. Yet further on this issue Mr. Young informed counsel beforehand of these obviously appealable constitutional issues only for counsel to ignore these issues and go only for the issues written by young's trial counsel in the motion and order of indigency for this case.

The same standards from Strickland apply in assessing the effectiveness of appellate counsel. United States v. Cook, 45 F.3d at 392. "When a defendant alleges his appellate counsel rendered ineffective assistance by failing to raise an issue on appeal, we examine the merits of the

omitted issue." *Id.* (citation omitted)

Defendant is entitled to relief only if his appellate lawyer's performance was "unreasonable deficient" and "this inadequacy prejudiced him in the sense that there is a reasonable probability... that the decision of the trial court would have been otherwise modified on appeal." *Howard v. Gramley*, 225 F.3d 784, 790 (7th Cir. 2000); see also *Schaff v. Snyder*, 190 F.3d 513 (7th Cir. 1999).

Where a defendant claims that counsel failed to raise the correct issue on appeal, the question is whether appellate counsel failed to raise a significant and obvious issue without a legitimate strategic purpose. *Franklin v. Gilmore*, 188 F.3d 877, 884 (7th Cir. 1999). Thus, we must examine the "trial court record to determine whether appellate counsel failed to present significant and obvious issues on appeal. Significant issues which could have been raised should then be compared to those which were raised. Generally, only when ignored issues are clearly stronger than those presented, will the

presumption of effective assistance of counsel be overcome." Mason v. Hanks, 97 F.3d 887, 893 (7th Cir. 1996).

A criminal defendant's right to effective assistance of counsel continues through a direct appeal. see Evitts v. Lucey, 469 U.S. 387, 105 S.Ct. 830, 83 L.Ed.2d 821 (1985). Ineffective assistance of appellate counsel may be shown if the petitioner can prove that counsel omitted obvious and strong issues while pursuing significantly weaker issues. Mayo v. Henderson, 13 F.3d 528 (2nd Cir. 1994).

The appellate counsel obviously omitted the clear and obvious stronger issue where Young was denied his ability to present a defense of actual innocence and third party guilt by an abuse of discretion by the trial court and a suppression of evidence that denied Young the ability to present this defense through the rest of the trial.

These issues brought in this Statement of Additional Grounds for Review are of a Constitutional nature.

Conclusion

Evidence of actual innocence and third party guilt is relevant under ER 401 especially when there is a chain of events such as a gang fight at a drug house shortly before a shooting involving the gang member that won that fight. Creating the nexus between that fight and the preceding shooting.

If this evidence was not suppressed and counsel for the defendant was effective in pointing out the major changes and inconsistencies on key points of sworn testimony and properly impeaching key witnesses for their changed testimony and blatant lies, then there is no way that Young would have been convicted of these charges as a reasonable doubt would have been in the minds of the jurors.

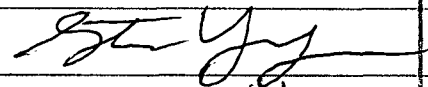
The only reasonable cure for these errors besides dismissal due to the prejudice involved against Mr.

Young and the violation of his
Constitutional Rights, is for this
Court to Reverse and Remand.

Dated: 11-28-2014.

November 28, 2014.

Presented by:



Stephen Young

#824846

1830 Eagle Crest Way

Clallam Bay, WA.

98326

DECLARATION OF SERVICE BY MAIL

GR 3.1(c)

I, Stephen Adam Young, declare that, on 2014 DEC -2 PM 1:10
this 30 day of November, 2014. I deposited the forgoing STATE OF WASHINGTON documents.

Statement of Additional Grounds
for Review (34 pages)

or a copy thereof, in the internal legal mail system of

C.B.C.C.
1830 Eagle Crest Way
Clallam Bay, WA.
98326

And made arrangements for postage, addressed to: (name & address of court or other party.)

Div. II Court of Appeals
950 Broadway, Suite 300
Tacoma, WA. 98402

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

Dated at Clallam Bay, WA. on 11-30-2014
(City & State.) (Date)

SA Young
Signature

Stephen A. Young
Type / Print Name