

To Whom it may concern,

My name is Angelino L. Petta # 46589-2-II

I'm writing to inform the courts that I do not have a type writer nor do I have access to one. So my SAG is going to be done in pen. I hope this does not cause an inconvenience to you. Thank you for your time & understanding

Sincerely

Angelino Petta

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MAY 21 2015
CLERK OF COURT OF APPEALS DIV-II
STATE OF WASHINGTON

Angelino L. Peña: Case # 46589-

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COURT OF APPEALS
DIVISION II

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STATE OF WASHINGTON
BY DM
DEPUTY

my arguments here are on "prosecutorial misconduct"

To avoid waiver of any error resulting from unobjected to prosecutorial misconduct the defendant must show on appeal that (1) no curative instruction would have eliminated the prejudicial effect, and (2) the misconduct resulted in prejudice that had a substantial likelihood of affecting the verdict.

Here are my issues

1. The prosecutor made an opening statement of "This is not a crime were the defendant Mr. Peña called the police & said it was an accident, or I would like to report a crime, but stated he was never there". Furthermore he said the same statement during closing argument.

Now I understand that if defense would've objected to this a curative instruction could have been used to let the jury know that, because I did not report a crime or call police does not mean I'm guilty of said crime. But defense failed to object to this statement not once but twice. So there is no way a curative instruction could've helped. Further more by the prosecutor making said statement infers to the jury that Mr. Peña is guilty of some kind

of crime of the ~~State~~ crime Mr. Peña was being charged with, it was a very ill intentioned statement made by the prosecutor.

2. The prosecutor made a statement "that it's obvious it does not take much to make Mr. Peña angry & want to shoot people". That is a matter of personal opinion & should've never been allowed. The prosecutor's personal opinion is not ~~is~~ relevant in the case. His job is to state fact's, Not what he feel's. I feel by that statement being made he was able to bring intent into the case which he lacked as well as motive. Further more defense failure to object hindered any possibility for a curative instruction to be given. But along with the first statement made of "Mr. Peña not reporting crime or calling police". There's no possible way a curative instruction could've fixed it. The prosecutor's words carry a very high opinion & weight for they are the representatives of the state. Any jury member is liable to believe what is said. Further more it is not the prosecutor's place to insert his own personal opinion into the matter. It is the jury's job to conclude on these matters by themselves & not have one's own personal opinion to help them come to that conclusion.

I'm asking that the courts reverse my conviction do to misconduct & to look into said matter of misconduct as thoroughly as possible for I do not wish to happen to someone else in the future. Furthermore it is the courts duty to be sure that said statements not be allowed to help prove motive, or intent when state is lacking in both. I ask that you reverse my conviction.

Thank you for your time & understanding I know you will do that right thing

Sincerely

Angelina Perez