

FILED
COURT OF APPEALS
DIVISION II

2015 APR 13 PM 1:11

STATE OF WASHINGTON

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NO. # 46933-2-II

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DIVISION II

OF THE STATE OF WASHINGTON

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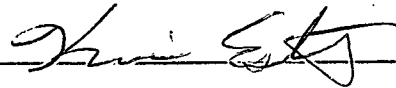
Respondent

v.

KEVIN LEE ESTES

Appellant

STATEMENT OF ADDITIONAL GROUNDS



Kevin Lee Estes

COURT OF APPEALS DIVISION II
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON	# 46933-2-II
Respondent,	STATEMENT OF
v.	ADDITIONAL
KEVIN ESTES	GROUND FOR
Appellant.	

I Kevin Estes, the Appellant having received the transcripts do here by submit this Statement of additional grounds for review. This should be addressed upon appellant councils timely or extended time frame brief that is heard.

There are 3 grounds cited for hearing.

ADDITIONAL GROUNDS #1

Attorney Derek Smith did not advise me that the weapon enhancement was a strike in its self or when attached to a Assault 3 or Felony harassment.

This being against the Wa. St. Const. Art. I Sec. 14, and the U.S. Const parallel, and the RPC's.

ADDITIONAL GROUNDS #2

The Knife in evidence was used out of context by the prosecutor, who was only aloud to use it as

Demonstrative. Instead all testimony Declared it was not the knife used.

Greg Massey Direct P-19, L-20-25.

Courts Ruling P-30, L-22-25

Mr. Lane / Mr. Smith P. 42-L-17 through

P. 43-L-22 Ashley Stoltenberg

Direct, P-86, L-20-25. P. 90, L 5-9.

Anthony Prusek - P-162, L-18-22.

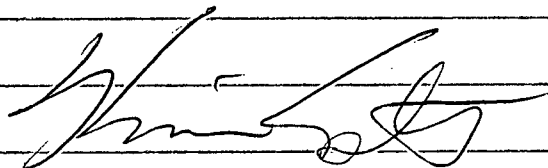
Mr. Lane P-489, L 3-5.

ADDITIONAL GROUNDS #3

The finding of guilty on the weapon enhancement is due to a breach of stipulation of the knife admitted as only demonstrative. That being in the prosecutors closing. The testimony given states clearly the exhibit knife isn't the one, and the other two were misdirected. Two released from property. Those knives should of been thrown out non admissible because of such a mistake let alone used in closing. Thus the sentence of 3rd strike being against State v. Alvin Leslie Witherspoon 2/17/14 #88118-9. 329 P3d 888, 180 W.V. 2d 875.

RELIEF

Remand back to Superior Court
for retrial as the sentence can
not be modified. There is no
Judges discretion or latitude,
this case is disproportionate per. State
v. WITHERSPOON.



Kevin Estes #915117

Appellant

4/8/15