To: Clerk - Court of Appeals Div. One

From: Yussuf H. Abdulle (Appellants)
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FILED
Feb 01, 2016
Court of Appeals
Division I
State of Washington

re: COA No. 72799-7-I

Dear Clerk,

under cover of this letter please find:

1 - Amended Statement Of Additional Grounds for Review.

Appellant(s) respectfully request that Your Office transmit these papers to the justices without delay. Thank You —

Respectfully submitted.

10/10/2015

(Appellant(s) - Sign)

COA No. 12799-7-I

Court Of Appeals Division One - Washington

State

Mr. Yussef Hussein Abdulle,

Appellant(s),

v.

The State of Washington,

Respondant(s).

Amended Statement Of Additional Grounds

For Review (on first Direct Appeal) Pro Se

Mr. Yussef H. Abdulle
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Identity of Appellant(s) ——

Mr. Yussuf Hussein Abdulle (Appellant(s)), is the Appellant(s) and actual party with interest and equity named herein and appearing by, and through one Mr. Eric J. Nielson (Counsel), a licensed practitioner and member, in good standing, of the Washington State Bar Association (WSBA), serving a prison term per Superior court cause No. 13-1-09114-8 (State v. Abdulle), and presently under restraint and confined at the "Coyote Ridge Corrections Center" seeks leave to appear Pro Se in behalf of the same and to set before this Court of Appeals this Statement Of Additional Grounds for Review in this first direct Appeal from the State v. Abdulle matter.

Assignments of Error ——

In addition to the errors found and raised at the trial court of first instance, and by Appellant(s) Counsel here, Appellant(s) are of the belief and opinion that several more errors raise some Additional Grounds for relief and for the purpose of judicial economy Appellant(s) seek here to correct certain statements of law made.

A.

Error 1) Appellant(s) are of the belief and opinion that the trial Judge committed plain error upon the admission into evidence of data and testimony regarding a "Universal Forensic Extraction Device" (UFED). Said objections were properly and timely submitted to the trial court.

Such objections are thus subject to all the facets of appellate review herein;

Error 2) Appellant(s) are of the belief and opinion that the continuances had in the trial court are both procedurally defective and fundamentally unfair and thus may be raised for the first time on appeal. Appellant(s) believe it to be plain error and, Appellant(s) hereby do object thereto per CrR 3.3(d)(8) and CrR 3.3(h)(2);

Error 3) Appellant(s) are of the belief and opinion that the warrantless arrest of the Appellant(s) is void of reasonable suspicion and probable cause and that no actions taken by the government may cure this fatal defect.

Issues Pertaining to Assignments of Error ——

B.

Appellant(s) are of the belief and opinion

that RCW 43.19.194(1)(2) must prevail as the predominant judicial concern when examining information or data derived from one of the tools what the government may use to target, obtain, and preserve evidence as set out by ER 401, 403, 702, and ER 901 —— Appellant(s) belief is predicated in part upon Appellant(s) right to "adequate notice" and "effectiveness of counsel" (Issue Pertaining to Error-1);

Issue Pertaining to Error-2:

Appellant(s) are of the belief and opinion that the Brady violations had at the trial court and properly, timely, and continually objected to therein, require vacating the Judgment and Sentence (J&S) on the grounds of fundamental fairness and procedural due process under CrR 3.3;

Issue Pertaining to Error-3:

Appellant(s) are of the belief and opinion that the warrantless detention and or arrest of the Appellant(s) is void of reasonable suspicion and or probable cause and that no actions taken by the government may cure this fatal defect. Such belief is predicated upon the belief that the record on review establishes the want of truthfulness and some indicia of reliability as to all of the government's primary witnesses and specifically the prejudice of the "Lead Investigating Police Officer-Detective Washington" (Det. Washington).

Decision Appealed From ——

Appellant(s) take this first Direct Appeal of right from the J&S entered by a jury in the Superior Court in and for King County, Washington State, under criminal cause No. 13-1-09114-8 (State v. Abdulle). The Honorable Theresa B.

Doyle, J., presiding. The "Prosecuting Attorney" (State) in and for King County (County), representing the People of Washington state.

Statement of the Case ——

It comes to this Court of Appeals at Division One, that on about January-March, 2012, certain persons representing themselves as Police Officers (John Doe-officers) did make actual and direct contact with one Maria del Sol Hedger (Ms. Hedger) inquiring thereafter regarding the probable criminal activity of one Ms. Amelia H. Pryor (Informant-1), who is believed to be the biological daughter of Ms. Hedger and or residing at the abode of the same. See the Verbatim Report of Proceedings (Transcripts), at 280-81.

On about March 26, 2013, Ms. Hedger did initiate contact with local law enforcement officials

under the ruse of following-up on information Ms. Hedger originally obtained from said John Doe-officers who had visited Ms. Hedger in 2012. See Transcripts, at 280-84.

From the representations Ms. Hedger made to this local "Law Enforcement Entity" (Agency), said Agency did notify one "Investigating Police Officer" (Det. Washington), who subsequently initiated a very short, biased, and negligent investigation into the amorphous and sordid circumstances what ultimately do become the cause in fact for the Appellant(s) warrantless arrest, slip-shod prosecution, and conviction. See Transcripts, at 885; Transcripts, at 328 (1-12); Transcripts, at 306 (5-11).

Based in part upon such warrantless arrest, it appears of record that this search warrant was sought and issued for an apartment not known to the

Appellant(s). [Footnote 1.]

Absent some authority of law, such search warrant was then used as a basis from which the government did unlawfully enter into the Appellant(s) abode, and seize items what have not yet been returned to Appellant(s). See the "Seattle Police Department - Case Investigation Report" (SPD-CIR), at 11 of 26.

Footnote 1. Det. Washington(S) SPD-CIR (States-Paper(s) at 11 of 26, states under oath that Det. Washington "prepared a search warrant for 8840 Delridge Way S W #210". If this is true and said search warrant was so issued for Apartment 210, that alone will make any search of Appellant(s) dwelling unlawful and any evidence seized therefrom inadmissible. See United States v. Blue Diamond Coal Co., 667 F.2d 510, 518 (6th Cir. 1981); Accord Oliver v. Bowens, 386 F.2d 688 (9th Cir. 1967).

From the testimony at trail, the Clerk's-Papers and the Record On Review, Appellant(s) are obligated to claim a reasonable inference that neither Det. Washington, Ms. Hedger, Informant-1, nor Breanna J. Ingalls (Informant-2), were willing to or did provide a full or fundamentally fair representation of all the relevant and material information known to said individuals. Said withholding of such relevant material evidence and information did force Appellant(s) to choose between effective assistance of counsel and Appellant(s) right to a speedy trial.

Furthermore, the delays caused by such unlawful withholding, and ambush style supise introductions, of relevant material evidence and information did injure Appellant(s) in their interest to notice and the proper preparation of any defenses

thereto, thus undermining Appellant(s) presumption of innocence. The harm brought to light thereby is clear in that neither the State, "Former Defense Counsel Appearing At Trial"- Carlos A. Gonzales WSBA # 35794 (1st-Counsel), trial counsel- "Mr. Walter O. Peale WSBA # 7889" (Trial-Counsel), remain unable to articulate a single specific occurance within the charging period what establishes that Appellant(s) did obtain some exclusive enrichment/benefit from the ongoing criminal enterprises being pursued sua sponte by Informants-1 and Informants-2. See "State's Trial Memorandom" (State's-Papers), at 22.

Said State, in its State's-Papers, does not venture to claim that the "$80.00 for gas money" is the product of any criminal activity engaged in by Informant-1 or Informant-2; nor does the State

claim that said "$80.00 for gas money" is paid forward in anticipation of some future criminal act. [Footnote 2.]

The State did not allege that Informant-2 engaged in the "cell phone" transaction to pay forward some unlawful benefit, and it is clear from the record that said cell phone cannot be said to be an acquisition of some criminal act. Cert. Prob. Cause, at 5.

On about May 6, 2013, Det. Washington did initiate a warrantless arrest procedure against the Appellant(s) founded upon the intentionally incomplete and deceptive representations of Informants-1, Informants-2, Ms. Hedger, and Det. Washington. See the Record On Review.

After completion of said uneventful warrantless arrest, Det. Washington did obtain an unlawful search warrant for Apartment-210. State(s)-Papers, 11.

Footnote 2. The first instance of the State claiming that said "cell phone", or the alleged "$80.00 for gas money", are part and parcel of a payment for or from some criminal activity, is in the government's "Brief Of Respondent" (Resp. Brf). See Resp. Brf, at 4; Accord SPD-CIR; Also see Det. Washington(s) "Certification For Determination Of Probable Cause" (Cert. Prob. Cause).

Appellant(s) respectfully request that this Court of Appeals takes judicial notice of the fact that neither appellate Counsel of Record nor the State have provided Appellant(s) with the section of Transcripts (311-185) the State above refers to. Notwithstanding this fact, Appellant(s) do not recall the State previously clarifying this portion of its allegation in the main.

Upon the above presented facts and evidence, the State did institute and maintain a criminal prosecution against the Appellant(s) at the superior court (Court) in and for King County (County) Washington State. See cause No. 13-1-09114-8 (State v. Yusuf).

Of the charges pressed against the Appellant(s) only two could serve jury deliberations. Thus, the Appellant(s) are of the belief and opinion that such acquittals are a strong, and or maybe even overwhelming, proof that the jury's sympathetic inclinations towards the Appellant(s) were aligned in such a way as to reject wholely what any reasonable-disinterested and Knowledg-able person could have infered to be the intentional and culpably deceptive presentation of the State(s) theory of the case absent a complete understanding

of the events what were discussed outside the jury's hearing. This chain of dialogue between the Judge and parties, only held after the removal of the jury, also could and Appellant(s) believe would have been clarified by a Bill Of Particulars. Such a Bill Of Particulars would likely and unequivically have altered the course of testimony to such a degree that confidence in the outcome must be found wanting. Transcripts, at 123-24.

Law and Arguments ——

Warrantless Arrests & Informants

Probable cause for an arrest only exists where (A) the facts and circumstances within the arresting officer's Knowledge and or (B) of which he has reasonably trustworthy information, are sufficient in themselves to warrant a man or woman of reasonable cavsion in the belief that an

offense has been, is about to be, or is occurring. See State v. Dohaine, 29 Wn. App. 842, 850, 631 P.2d 964 (1981) (Dohaine) (relying on State v. Fricks, 91 Wn.2d 391, 398, 588 P.2d 1328 (1979)).

Furthermore, "Our state constitution goes beyond the Fourth Amendment's prohibition on 'unreasonable' searches and seizures" thereby requiring "actual authority of law before the State may disturb the individual's private affairs". See State v. Day, 161 Wn.2d 889, 893-94, 168 P.3d 1265 (2007) (Day) (relying on U.S. Const. amend. IV; Wash. Const. art. I, § 7; State v. Evans, 159 Wn.2d 402, 150 P.3d 105 (2007); State v. Boland, 115 Wn.2d 571, 577-78, 800 P.2d 1112 (1990); State v. Myrick, 102 Wn.2d 506, 510, 688 P.2d 151 (1984);

Charles W. Johnson, Survey of Washington Search and Seizure Law: 2005 Update, 28 Seattle U.L. Rev. 461, 633, 650 (2005); see also State v. Hendrickson, 129 Wn.2d 61, 71, 917 P.2d 563 (1996)).

In the Duhaime court's interpretation of Aguilar v. Texas, 378 U.S. 108, 84 S.Ct. 1509, 12 L.Ed.2d 723 (1964) (Aguilar), Division One of this state's Court of Appeals identified "a two-pronged test to determine whether an informant's tip could establish probable cause" for a warrantless arrest and or the issuing of an actual warrant. Id. Duhaime, 29 Wn.App. at 850; Accord State v. Z.U.E., 178 Wn.App. 769, 779, 315 P.3d 1158 (2014) (Z.U.E.)

"A warrantless seizure is considered per se unconstitutional unless it falls within an exception to the warrant requirement." Id.

Z.U.E., 178 Wn.App. at 779.

"Generally, officers of the State must obtain a warrant before intruding into the private affairs of others, and we presume that warrantless searches violate both constitutions. That presumption can be

rebutted if the State shows a search fell within 'certain narrowly and jealously drawn exceptions to the warrant requirement.' " Id.

Day, 161 Wn.2d at 893-94 (relying on State v. Stroud, 106 Wn.2d 144, 147, 720 P.2d 436 (1986)).

In 1987 Division Three of this state's Court of Appeals recognized that under the reasoning of "Spinelli v. United States, 393 U.S. 410, 89 S.Ct. 584, 21 L.Ed.2d 637 (1969)" (Spinelli) and Aguilar (hereinafter jointly cited as "Aguilar-Spinelli), that "if the informant's tip fails under either or both of the prongs, probable cause" must not be found. See State v. Franklin, 49 Wn.App. 106, 107-08, 741 P.2d 83 (1987) (citing State v. Jackson, 102 Wn.2d 432, 433, 688 P.2d 136 (1984)) (Franklin) ("The two prongs of the Aguilar-Spinelli test have an independent status and both

are required to establish probable cause. Jackson, 102 Wn.2d at 437")).

Investigative Detentions

In State v. Sieler, 95 Wn.2d 43, 47, 621 P.2d 1272 (1980) (Sieler), Division Two of this state's Court of Appeals rightfully acknowledged that it is proper for an informant's tip to be the foundation from which a police officer may claim "a reasonable suspicion to make an investigatory stop." See State v. Hopkins, 128 Wn.App. 855, 862-63, 117 P.3d 377 (2005) (Hopkins) (citing Sieler, 95 Wn.2d at 47).

Yet the Hopkins court also acknowledges the strength of the Aguilar-Spinelli test in that it demands that the State establish both "a tip's reliability", by establishing "(1) the informant is reliable and (2) the informant's

tip contains enough objective facts to justify the pursuit and detention of the suspect or the noninnocuous details of the tip have been corroborated by the police thus suggesting that the information was obtained in a reliable fashion." Id.

Hopkins, 128 Wn.App. at 862-63.

Did Det. Washington enjoy the benefit of independently corroborating any of the "noninnocuous details" of these informant's tips? For example:

a) Did Det. Washington independently confirm the criminal activity of Informant-1 or Informant-2? [Footnote 3]

b) Did Det. Washington independently confirm the identity of the individual who is attached to the "contracts for cell phone service" (Contracts) under phone "(206) 673-0684"? ...

Appellant(s) argue that the Record On Review contains no such corroboration of any "non-

Footnote 3. The trial court Transcripts, at 129, are strikingly poignant as to this issue because of the admissions by the State which are as follows:

"Mr. Sanchez: Yes, Your Honor. I'm objecting to the Court ordering the State to provide a bill of particulars. The reason for that is the victims have both been interviewed by the State and Defense. And the issue here isn't whether or not these girls were prostituted before March 2nd, for Omar Artan who is -- and that's -- because March 2nd, is the date he was booked.

I don't see the relevance of any information where they prostituted for him before, because both girls have identified the Defendant who sits here in Court, as the individual that they prostituted for and lived with and worked for during the period of time charged.

And both victims, I will say can't, in specific, recall the date that they began working for the Defendant or the date that they moved in. But it's been clear, I will argue that it's been clear, that they've identified again, the Defendant as the individual for whom they worked for. So I don't understand the relevance or the need to --". Id. Transcripts at 129

Appellant(s) argue the intentionally misleading representations made by the State, as cited above, are

displayed by both the conflicting and contradictory testimony of Informant-2, to wit:

"B.I. claimed she worked independently, arranged her own dates, kept her earnings, and never paid rent." Id.

Resp. Brf, at 4 (citing Transcripts at 684-86).

Informant-1(s) testimony that "B.I. argued with 'Derrick' about money" in no way infers nor establishes any of the statutory prerequisites charged in this case. See State v. Clark, 170 Wn.App. 166, 183-85, 283 P.3d 1116 (2012) (Clark); State v. Johnson, 173 Wn.2d 895, 899-900, 270 P.3d 591 (2012) (Johnson).

RCW 9.94A.411(2)(b)(i) states the unambiguous standard, to wit:

"A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary

circumstances the investigation should include the following: (A) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible; (B) The completion of necessary laboratory tests; and (C) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events. If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include." Id.

RCW 9.94A.411(2)(b)(i). Also see RCW 9.94A-.411(2)(b)(ii) (Exceptions).

The affected charging periods were noted by the trial judge as "Count 2, it's actually February 1st to March 31st. Count 1, it's February 20th to March 14th." Transcripts at 124.

The State did not challenge or otherwise object to this finding of fact. Thus any objections by the State on this bill of particulars is frivolous.

innocuous details" by Det. Washington, prior to said warrantless arrest. Id.

Hopkins, supra at 862-63; Accord Z.U.E., 178 Wn. App. at 920 ("It is clear that if the Adams Court had applied the Aguilar-Spinelli test, the seizure at issue therein would not have been upheld because the officer did not have any information about the basis of the informant's knowledge. Adams, 407 U.S. at 148 (noting that the "informant's unverified tip may have been insufficient for a narcotics arrest or search warrant" under the Aguilar-Spinelli test)").

Appellant(s) further argue that according to the Record On Review it does not appear that Det. Washington independently corroborated the alleged criminal activity of Appellant(s). Id.

Day, 161 Wn.2d at 897 ("Our constitution does not tolerate pretextual stops. Ladson, 138 Wn.2d at 352.").

Appellant(s) argue that this Court of Appeals determines the "propriety of an investiga-

tive stop -- the reasonableness of the officer's suspicion -- based on the 'totality of the circumstances.' Snapp, 174 Wn.2d at 198. The focus is on what the officer Knew at the time of the stop." Id.

Z.U.E., 178 Wn. App. at 780 (relying on State v. Lee, 147 Wn. App. 912, 917, 199 P.3d 445 (2008)).

Appellant(s) argue that the numerous and seemingly endless introduction of new information and or evidence alone established the proposition of a negligent investigation. Id.

Transcripts, at 328 ("Sanchez: 'That was all new information to me that she had not previously disclosed");

Transcripts, at 817 ("although that's what she testified to, she did not end up having him stored as D or Derick");

Also see "Brief Of Respondent" (Resp-Brf), at -4- ("B.I. claimed she worked independently, arranged her own dates, kept her earnings, and

never paid rent. RP 684-86. Accord to A.P., however, B.I. argued with 'Derrick' about money and was eventually kicked-out of the apartment a couple of weeks after A.P. moved in. RP 685.")

Appellant(s) argue that, for the purpose of determing what Det. Washington independently corroborated of the noninnocuous details from the informant's tips, Det. Washington simply does not corroborate any noninnocuous details prior to said warrantless arrest to the exact degree that cell phone number "(206)613-0684" — belonging to the not yet identified "Derrick" — is still in service more than two years after said warrantless arrest of the Appellant(s) named herein. Id.

Z.U.F., 178 Wn.App. at 780 (relying on State v. Lee, 147 Wn.App. 912, 919, 199 P.3d 445 (2008)).

Indicia of Reliability

Appellant(s) argue here that Det. Washington(s) "Certification for Determination of Probable Cause"

(Clerk's-Papers) is vacant of some indicia of reliability because both Informant-1 and Informant-2 made it clear to Det. Washington that there are facts that overlap with their ongoing criminal enterprise that they could not reveal—— as such revelations would likely terminate such sources of income. Clerk's-Papers at 5.

Furthermore, Det. Washington makes it clear that he will not and did not engage in an objectively reasonable effort to ferret-out the criminal enterprise of Informant-1 or Informant-2. Clerk's-Papers at 5; Transcripts at 322(19-25), 323-24, 325, 328-34, 338-39, 790, 884-85; Also see State v. Davila, 183 Wn.App. 154, 169-70, 333 P.3 459 (2014) (Davila).

In the Clerk's-Papers at 5-8, Det. Washington clearly chooses keeping himself "in ignorance... about different aspects of a case" when said

Informant-2 simply provides "(no further information)" about this aspect of Informant-2(s) sua sponte criminal enterprise. Id.

Davila, 183 Wn. App. at 169-70 (relying on Gartiger v. Stewart, 132 F.3d 463, 480 (9th Cir. 1997)).

Appellant(s) argue that as a matter of law, the above stated event was not the last event in this Record On Review where Det. Washington(s) conduct falls outrageously short of "proper law enforcement objectives" what includes the "prevention of crime and the apprehension of violators." See People v. Isaacson, 44 N.Y.2d 511, 406 N.Y.S.2d 714, 378 N.Ed.2d 78, 83 (1978); Accord United States v. Bogart, 783 F.2d 1428, 1438 (9th Cir. 1986).

Appellant(s) argue that these kinds of acts are extremely reflective of the circumstances under the entrapment line of cases. Here, the government's Informants-1 and Informants-2 "engineer

and direct the criminal enterprise from start to finish". Id.

Bogart, 783 F.2d at 1436 (citing United States v. Ramirez, 710 F.2d 535, 539 (9th Cir. 1983)).

Appellant(s) argue that here, as in Bogart, the government's informants "committed crimes". Id.

Bogart, 783 F.2d at 1435 n.7.

Appellant(s) argue that Det. Washington(s) subjective approach to these informant's criminal enterprise robbes the Appellant(s), and the courts, of the Appellant(s) right to confront these informant's on the specific nature of any inducements these informants may have offered Appellant(s) to allegedly aid them in said criminal activity. Id.

Bogart, 783 F.2d at 1435 n.7.

Yet, Appellant(s) argue that it is clear from the record that Det. Washington(s) "sole motive was to

obtain a conviction" against Appellant(s) at all costs. Id.

Bogart, 783 F.2d at 1435 n.1 (quoting Isaacson, 44 N.Y.2d at 521).

Furthermore, Appellant(s) argue that because of Det. Washington(s) negligent and subjective approach to these informant's representations, the Record On Review does not state how long or how aggressive Informant-1 or Informant-2 lobbied Appellant(s) in an effort to "overcome the defendant's reluctance to commit crime". Id.

Bogart, 783 F.2d at 1435 n.1; Also see Mills v. Graves, 930 F.2d 729, 731 (9th Cir. 1991).

"In the context of a police officer obtaining a warrant, immunity will be lost only where the warrant application is so lacking in indicia of probable cause as to render official belief in its existence unreasonable." Id.

Mills v. Graves, 930 F.2d at 731 (relying on Malley v. Briggs, 475 U.S. 335, 344-45, 106 S.Ct. 1092, 89 L.Ed.2d 271 (1986) (citing United States v. Leon, 468 U.S. 897, 923, 104 S.Ct. 3405, 82 L.Ed.2d 677 (1984))).

Appellant(s) argue that the only clarity on this specific point is that Informant-2 was the first informant to make actual contact with the Appellant(s). And if Informant-2 could be found to be truthful at this point, it was at some later date that some inducement from Informant-2, or those acting in Informant-2(s) behalf, would compel this Appellant(s) to agree to provide Informant-2 with the aid sought. Resp-Brf at 2.

Informant-2 and her team then applied these same machinations to Appellant(s) in behalf of Informants-1 who, at some unknown later date, was then brought to bear. Resp-Brf at 2 and 3.

Appellant(s) argue that the State provides the courts with nothing that shows or establishes that Appellant(s) were already engaged in criminal activity prior to the government's informants showing up. Id. Bogart, 783 F.2d at 1431, ("but certainly there is an enormous issue of entrapment").

Appellant(s) argue that an "objective constitutional defense based on due process" is ripe for decision as raised hereby. Id. Bogart, 783 F.2d at 1431 (relying on United States v. Russell, 411 U.S. 423, 431-32, 93 S.Ct. 1637, 36 L.Ed.2d 366 (1973)).

Appellant(s), thereby, submit that the foreseeable consequences of Det. Washington(s) subjective approach, in questioning these informants, will make themselves known mid-trial by the specific means of Informant-1, Informant-2, Ms. Hedger, and Det.-Washington presenting new information to a surprised

Trial Counsel. See Transcripts at 322-28. Also see Transcripts at 310 (11-13) ("Court: 'OKay and Mr. Sanchez is this the first that you Knew about the exact words that were used. Sanchez: 'Yes, Your Honor, yes.'").

Appellant(s) argue that the "State cannot avoid Brady 'by Keeping itself in ignorance, or compartmentalizing information about different aspects of a case! Carey v. DuckWorth, 738 F.2d 875, 878 (7th Cir. 1984)." Id.

Davila, 183 Wn. App. at 170; Accord Z.U.E., 178 Wn. App. at 918

("an informant's tip cannot constitutionally provide police with such a suspicion unless it possesses sufficient 'indicia of reliability.'" Sieler, 95 Wn.2d at 47 (quoting Adams v. Williams, 407 U.S. 143, 147, 92 S.Ct. 1921, 32 L.Ed.2d 612 (1972))).

Appellant(s) argue that "one who seeks the benefit of RCW 10.52.010 in a criminal

proceeding must (1) make a timely objection; (2) if in fact suprised, ask for a continuance; (3) show prejudice if the continuance be not granted."

See Northwester Mut. Ins. Co. v. Stromme, 4 Wn. App. 85, 479 P.2d 554, 557 n.9 (1971) (relying on Sather v. Lindahl, 43 Wn.2d 463, 466-67, 261 P.2d 682 (1953)).

Brady & CrR 3.3

"[T]he way we have our civil rules designed is that people are allowed to rely on what evidence has been presented by the discovery cutoff, through the depositions, through the interrogatories, et cetera, and they're not supposed to be ambushed, and this certainly looks like an ambush from that point of view. RP (Sept. 11, 2009) at 111."

See Jones v. City of Seattle, 179 Wn.2d 322, 344-45, 314 P.3d 380 (2013); Accord Brady v. Maryland, 373 U.S. 83, 10 L.Ed.2d 215, 83 S. Ct. 1194 (1963) ("Brady"; "Jones/2013" respectively).

Appellant(s) argue that the "rules of evidence in civil actions, so far as practicable, shall be applied to criminal prosecutions." RCW

10.58.010; Accord State v. Fields, 85 Wn.2d 126, 129, 530 P.2d 284 (1975); State v. Sears, 4 Wn.2d 200, 215, 103 P.2d 337 (1940); State v. Pavelich, 153 Wash. 379, 279 P. 1102 (1929).

Appellant(s) argue "the procedural requirements of CrR 3.3(d)(8) and CrR 3.3(h)(2) were not met because" in none of the instances where the State chose to surprise Trial-Counsel with the introduction of new evidence and or facts, in the midst of the jury hearing trial testimony, did the trial judge enter "on the record or in writing" any "express finding that a delay was necessary 'in the administration of justice' or because of 'unavoidable or unforeseen circumstances." See State v. Greene, 49 Wn.App. 49, 55, 742 P.2d 152 (1987) (Greene); Accord State v. Jones, 117 Wn.App. 121, 72 P.3d

1110 (2003) (Jones).

"A trial court may grant an extension of time for trial when unavoidable or unforeseen circumstances exist, unless the defendant will be substantially prejudiced in his or her defense. CrR 3.3 (d)(8). The reason for granting the extension must be stated on the record. CrR 3.3 (d)(8)." Id. Jones, 117 Wn. App. at 728-29.

Appellant(s) argue that in only one of the many instances were the State intentionally ambushed Trial-Counsel with new relevant material evidence and facts does the trial judge make a general allusion to the extensions actual cause. See the Pro Se "Statement Of Additional Grounds" (Add'l-Grds) at 18 (citing Transcripts at RP).

Appellant(s) argue that the judge does not declare specifically how such introduction of this "new

evidence" and or testimony was "unavoidable or" that such an introduction of this new body of evidence and information constitutes some "unforeseen circumstance" within what the meaning and intent of the "Criminal Rules" may contemplate. CrR 3.3(d), 3.3(h).

Appellant(s) argue that the plain and unambiguous language of CrR 3.3(e)(8) perfectly undermines the trial judge's reasoning, to wit:

"Unavoidable or unforeseen circumstances affecting the time for trial, beyond the control of the court or of the parties. This exclusion also applies to the core period of section (g)." Id.

CrR 3.3(e)(8); Accord Jones, 117 Wn.App. at 729.

Appellant(s) argue that none of the sample circumstances of Jones or Jones/2013 are in evidence anywhere within this Record On Review. Furthermore, Appellant(s) argue that those sample circumstances within Jones and Jones/2013 are sufficiently and

reasonably broad enough that a strong suggestion of judicial prejudice against the accused is raised by the trial judge's refusal to articulate on record or in writing the probable prejudice to the defense in presenting its theory of the matter at bar. CrR 3.3(e)(8); Accord Jones, 117 Wn.App. at 729.

In Jones, everything from "counsel" being "sick" to accommodating "the arresting officer's mandatory training" to a "defense attorney's pre-scheduled vacation" were found to be "an adequate basis to justify a continuance under CrR 3.3(d)(8)." Id. Jones, 117 Wn.App. at 729.

Appellant(s) argue that testimony and or evidence held by the government or the government's witnesses is not within the ambit of the CrR(s) or the prevailing case law. Id. Greene, 49 Wn.App. at 56-57; Accord Jones/2013, supra at 344;

State v. Grenning, 169 Wn.2d 47, 57-58, 234 P.3d 169 (2009) (Grenning) [As corrected by 171 Wn.2d errata.].

"The City first offered Powell's testimony three days after the start of trial. In the colloquy that followed, the court framed the problem before it as a contest between the defendant's interest in presenting relevant evidence and the plaintiff's right to rely on pretrial disclosures in preparing his case." Id.

Jones/2013, 179 Wn.2d at 344.

In Jones/2013, Appellant(s) argue that, the trial court judge did go on the record in its duty to fulfil the specifics of CrR 3.3(e)(3)'s probability of "prejudicial effect" examination, to wit:

"When the court ultimately ruled on Powell's

testimony, she emphasized that Powell's sudden introduction, 'post-jury selection, just before opening statements,' has been 'a complete surprise,' whose 'prejudicial effect is dramatic.' 12-A RP (Sept. 29, 2009) at 22-23, 25. This finding satisfied Burnet's prejudice prong." Id.

Jones/2013, 179 Wn.2d at 345 (relying on Burnet v. Spokane Ambulance, 131 Wn.2d 484, 493-94, 933 P.2d 1036 (1997)).

"CrR 4.7 is procedural rather than substantive. It provides for the accelerated disclosure of information which ultimately must be revealed at trial and its purpose is to prevent last-minute surprise, trial disruption and continuances." See State v. Hutchinson, 111 Wn.2d 872, 877-78, 766 P.2d 447 (1989) (Hutchinson).

Appellant(s) argue that the several Divisions of the appellate courts "review trial court evidentiary decisions, including decisions on discovery, for abuse of discretion." Id.

Grening, 169 Wn.2d at 58.

"Among other things, discretion is abused if exercised on untenable grounds or for untenable reasons." Id.

Grenning, 169 Wn.2d at 58 (citing T.S. v. Boy Scouts of Am., 157 Wn.2d 416, 423, 424, 138 P.3d 1053 (2006)).

Appellant(s) argue that in none of the numerous events where the State interjected new facts and evidence did the trial judge determine for the record or in writing why the State refused to provide these new facts and evidence to the Appellant(s) prior to or at the Omnibus Hearing. CrR 4.7(a)(1)(i); CrR 4.7(a)(2)(iii).

Appellant(s) argue that judicial prejudice against the Appellant(s) is further established in the fact that the trial judge does not even state for the record which party is culpable of said Brady violations. Id. Greene, 49 Wn.App. at 56-57.

Appellant(s) shall set forth and argue that the trial judge's evidentiary decisions and Det. Washington(s) negligent and clearly prejudicial approach to the issues in this case did deprive the Appellant(s) of the fundamentally fair proceeding guaranteed by both the state and federal constitutions." Under the analysis set forth in Price, the defendant bears the burden of proving "by a preponderance of the evidence that interjection of new facts into the case when the State has not acted with due diligence will compell him to choose between prejudicing either of these rights." Id. Greene, 49 Wn. App. at 57-58 (citing State v. Price, 94 Wn.2d 810, 814, 620 P.2d 994 (1980)).

Appellant(s) argue that the trial judge's refusal to state, for the record or in writing, the true nature and potential prejudicial effect of the

State injecting new information and evidence into the case, mid-trial and while the jury was taking trial-testimony, did unconstitutionally and in the face of positive law prevent Trial-Counsel from arguing before that jury—— both the duplicitous and perjurous substance of the testimonial representations made by Informant-1, Informant-2, Ms. Hedges and Det. Washington; and, the trial judge's decisions on these issues prevented Trial-Counsel from offering the Appellant(s) reasonable advise on the outrageous government conduct defense, the entrapment defense, or any possible defenses based upon mitigation and or explanations what the jury may have also been sympathetic to under these individual circumstances. See Dodd v. Harrison, 51 Wn.2d 446, 447-48, 319 P.2d 558 (1957); Accord State v. Robbins, 35 Wn.2d 389, 397, 213 P.2d 310 (1950); Alston v. Blythe, 88 Wn.App. 26, 943 P.2d

692, 700 (1997).

Appellant(s) argue that Trial-Counsel did "make a timely objection" to the numerous incidents where the State injected new evidence and information into these proceedings mid-trial. Id.

Sather v. Lindahl, 43 Wn.2d at 466-67.

Appellant(s) Trial-Counsel did "ask for a continuance". Id. Sather v. Lindahl, supra at 466-67.

Appellant(s) also argue that although the trial judge did grant most of the continuances sought, the defense was entitled to an accurate and correct judicial statement of the causes thereof per CrR 3.3(e)(8) and Brady. Id. CrR 4.7(a)(1)(i); and CrR 4.7(a)(2)(i)(iii).

Bill of Particulars

"A bill of particulars is provided to the defendant in a criminal action to aid in the prepa-

ration of a proper defense. The furnishing of a bill of particulars is discretionary with the trial court, whose ruling will not be disturbed absent an abuse of discretion." See State v. Brown, 45 Wn. App. 571, 578, 726 P.2d 60 (1986) (relying on State v. Dictado, 102 Wn.2d 277, 286, 687 P.2d 172 (1984); State v. Devine, 84 Wn.2d 467, 471, 527 P.2d 72 (1974))).

"The function of such a bill is to amplify or clarify particular matters considered essential to the defense." See State v. Noltie, 116 Wn.2d 831, 845 n. 21, 809 P.2d 190 (1991) (Noltie); Accord State v. Holt, 104 Wn.2d 315, 321, 704 P.2d 1189 (1985).

Appellant(s) Trial-Counsel sought "a bill of particulars to specify the acts committed during the period of between February and March 2nd... to have the State specify -- or to state with greater specificity what dates they will seek to prove

conduct occurred that supports the statute that is the basis for the charge filed in Counts 1 and 2." Transcripts at 124.

Appellant(s) first argument to the trial judge's denial of Appellant(s) request for a bill of particulars rests in the government's objection thereto, which objections Appellant(s) believe to be frivilous, non-specific, and ambiguous. Transcripts at 129.

"Objections in criminal causes shall be taken as in civil causes." CrR 8.1; Also see CR 12(e)(f).

"If a pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading, or if more particularity in that pleading will further the efficient economical disposition of the action, the party may move for a more definite statement before interposing a responsive pleading." CR 12(e).

Appellant(s) argue, and the record on review establishes, that the State alleged two individual so-called victims —— Informant-1 and Informant-2. See Footnote 3 herein; Accord Transcripts at 124.

Appellant(s) argue, and the record on review establishes, that the State alleged two distinct charging periods as to Count 1, with some overlap as to Count 2. Transcripts 124.

Appellant(s) argue, and the record establishes, that at least one of the so-called victims "recalled that the Defendant had a brother who lived in the apartment which but she didn't know his name." Transcripts at 131.

Appellant(s) shall also argue that the SPD-CIR at 16 of 26 establishes the unequivical need for a bill of particulars or at a minimum it demonstrates the need for a more indepth investiga-

tion before reasonable suspicion or probable cause may be found as a matter of law. Id. RCW 9.94A.411(2)(b)(ii).

Appellant(s) argue that the plain language of RCW 9.94A.411(2)(b)(ii) states the only relevant exception material hereto, to wit:

"In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if: (A) Probable cause exists to believe the suspect is guilty; and (B) The suspect presents a danger to the community or is likely to flee if not apprehended; or (C) The arrest of the suspect is necessary to complete the investigation of the crime." Id. RCW 9.94A.411(2)(b)(ii)(A)(B)(C).

Appellant(s) argue, and are of the belief that the record within the SPD-CIR establishes want of probable cause, to wit:

"Amelia said that after she had been in the apartment with Brianna and Abdulle for a week, Brianna decided to leave the apartment and go work as a prostitute for another male she called her boyfriend named Michael." Id.

SPD-CIR, at 16 of 26.

Yet a more germain issue as to the bill of particulars is that the above testimony by Informant-1 could reasonably be inferred by a jury as a strong suggestion of some other suspect evidence or that Informant-2 simply did not act as a prostitute for Appellant(s). Id.

Johnson, 173 Wn.2d at 899-900 (citing RCW 9.68A-.101(3)(a)).

Appellant(s) further argue that the record on review establishes both a want of "essential facts" under the Chapter 9.68A RCW standard and, that the objection by the State against said bill of particulars is not supported by the

plain language of the law. See ER 801; Accord RCW 9A.44.120.

The government's argument against the Appellant(s) motion for the bill of particulars reads as follows:

"Mr. Sanchez: Your Honor, I have not asked them -- well, I have not pressed them for specific dates. I know that Detective Washington did during his initial investigation, which is why he was trying to, again, tighten up the alleged dates of when Ms. Ingals met the Defendant and when she ended or left the Defendant's apartment. The same goes for Ms. Pryor.

The Court: Okay. So you're saying this information is not in the State's hands at this point, in your hands or Detective Washington.

Mr. Sanchez: That's correct, Your Honor. And in the same way, it's regarding the reason why we have that charging period is the same way as any case where there might be an allegation of sexual abuse and a victim may not recall the specific date, but they would remember how old they were or the time period in which this happened. And that's exactly what we're doing here as well." Transcripts at 133-34.

Appellant(s) argue that it is plain error for the trial judge to sustain the State(s) objection on these grounds as such an exception shall only apply to a "statement made by a child under the age of ten". Id RCW 9A.44.120; Accord ER 807. [Footnote 4.]

RCW 43.19.194

"The department of enterprise services may become a licensed certification authority, under chapter 19.34 RCW, for the purpose of providing services to agencies, local governments, and other entities and persons for purposes of official state business. The department is not subject to RCW 19.34.100(1)(a). The department shall only issue certificates, as defined in RCW 19.34.020, in which the subscriber is: (1) The state of Washington or a department, office, or agency of the state; (3). An agent or employee of an entity described by subsection (1) or (2) of this section, for purposes of official public business ...". Id. RCW 43.19.194(1)(2)(3).

Appellant(s) shall argue that the purpose of

Footnote 4. "CR 60(b)(11) authorizes a court to relieve a party from a final judgment, order or proceeding for 'any other reason justifying relief from the operation of the judgment.'" See Lane v. Brown & Haley, 81 Wn.App. 102, 912 P.2d 1040, 1042 (1996).

"Mosbrucker v. Greenfield Implement, Inc., 54 Wn.App. 647, 652, 774 P.2d 1267 (1989), defines the type of 'irregularity' that CR 60(b)(1) concerns: 'Irregularities pursuant to CR 60(b)(1) occur when there is a failure to adhere to some prescribed rule or mode of proceeding, such as when a procedural matter that is necessary for the orderly conduct of trial is omitted or done at an unreasonable time or in an improper manner.'" Id. Lane v. Brown & Haley, supra at 912 P.2d at 1042.

Trial-Counsel: "We have this volume of records from various phone calls, texts and other information produced from for examination. It's not been identified what specifically would be offered. And so I'm objecting to all of it." Transcripts at 58.

The government's opportunity to establish a proper foundation for entry of the UFED related testimony and evidence began here. As for Appellant(s) reasonable suspicion/probable cause deficiency claims, the I.U.F. and Bogart lines of analysis we believe to be most telling,

to wit:

"Ms. Hedger: 'We didn't go to the police department, but what we did though is she did show me where this particular individual lived." Transcripts at 290;

In the Transcripts at 331 however, the State by way of explanation claims that there were two other persons in the car with Ms. Hedger on there drive to the location in question. Yet in the same breath the State declares the following:

"Mr. Sanchez: 'That at least she went alone in her car.'" Transcripts at 331 (19);

"Mr. Sanchez: 'He didn't know about the previous burglary investigation, a rape investigation which he'd been contacted by Amelia regarding the rape case or the shooting or that Ms. Hedger had gone in her personal car to see this apartment...;" Transcripts at 332 (2-6);

The next excerpt of Ms. Hedger(s) testimony is revealing, to wit:

"Q. 'And did anyone else go with you?

A. 'Nope, no.

"Q. 'Besides you and Amelia?

"A. 'No, it was just us two.' " Transcripts at 291

This clearly appears to be the sculpting of facts by the State.

Chapter 43.19 RCW, for the issue of admitting any of the testimony and or evidence relating to the "UFED", was to certify that "electronic computing equipment is standard; (2) proof that the entries were made at or near the time of the event and were made in the regular course of business; and (3) a general requirement that the foundation testimony be sufficient to convince the trial court that such evidence is trastworthy". See State v. Kane, 23 Wn. App. 101, 111-12, 594 P.2d 1351 (1979) (Kane); Accord ER 901(b)(9); RCW 10.58.010; WAC 200-01-025 and 200-300-010.

Appellant(s) argue that RCW 43.19.194 constitutes an evidentiary rule of substantive law. See Wash. Const. Art. IV, § 1; Accord RCW 10.58.010 (Purpose — Exception to evidence rule — 2008 c90: ... State v. Sears, 4 Wn. 2d 200, 215, 103

P.2d 337(1940) (The legislature has the power to enact laws which create rules of evidence); ER 404(b).

"The rules of evidence in civil actions, so far as practicable, shall be applied to criminal prosecutions." RCW 10.58.010.

"The Court: 'All right. Any other cell phone records? ... 'OKay. And so Mr. Peale hasn't seen those yet, so he may have an objection to them.

Mr. Peale: 'Yeah, I'm not asking for a ruling now, that's fine!'" Transcripts at 63(3-14).

Appellant(s) shall argue that the record on review clearly establishes that the State did not establish a proper foundation under the three-prong test of Kane. Furthermore, Appellant(s) shall argue

and establish that Det. Washington violated state and or federal statutory law in intercepting and recording the private conversations of others without authority of law. See Chapter 19.270 RCW (on Computer Spyware); Chapter 19.300 RCW (Electronic Communication Devices); Accord State v. Ben-Neth, 34 Wn. App. 600, 663 P.2d 156, 159-60 (1983) (Ben-Neth).

Appellant(s) argue that it is plain error for the trial court to permit any evidence and or testimony relating to and acquired by said "universal forensics examination device" (UFED) on the grounds that Det. Washington(s) testimony "in no way constitutes the foundation for such admissions." Business records as evidence. A record of an act, condition or event, shall in so far as relevant, be competent competent evidence if the

custodian or other qualified witness testifies to it's identity and the mode of its preparation, and if it was made in the regular course of business, at or near the time of the act, condition or event, and if, in the opinion of the court, the sources of information, method and time of preparation were such as to justify its admission. If the statutory requisites are met, computerized records are treated the same as any other business records. Seattle v. Heath, 10 Wn. App. 949, 520 P.2d 1392, 1396 (1974)." Id.

Ben-Neth, 663 P.2d at 159-60.

Appellant(s) argue that proving the existence of a writing is distinct from proving the occurrance of some event. See In re Pers. Restraint of Adolf, 170 Wn.2d 556, 561, 243 P.3d 540 (2010).

Thereby, the Appellant(s) argue that even if the trial judge could find Det. Washington so qualified to testify to some event, there're no means or evidence within the record that shows that Det. Washington may be a "custodian or other qualified witness". Id.

Adolf, supra at 567; Accord ER 1002.

Appellant(s) further argue that the trial judge's use of the "best evidence" rule is plainly misguided. The best evidence rule is accurately described as the "original writing" rule in reference to ER 1001-08. See 5C Karl B. Tegland, Washington Practice: Evidence Law and Practice § 1000.1, at 353 (5th ed. 2007).

Appellant(s) argue that the trial judge's use of the "best evidence" nomenclature cannot be anything but "confusion". It is "important to

remember that "the rule does not, as a general principle, require a party to establish a fact by the best evidence available" Id.

Tegland, supra, § 1000.1, at 353; Accord 2 Kenneth S. Broun et al., McCormick on Evidence § 231, at 87 (6th ed. 2006) ("The only actual role that the 'best evidence' phrase denotes today is the rule requiring the production of an original writing, recording, or photograph.").

Appellant(s) argue that in this light there is no difference between photograph and text message. See Am. Exp. Centurion Bank v. Stratman, 172 Wn. App. 667, 292 P.3d 128 (2012); State v. Thompson, 35 Wn. App. 166, 170, 669 P.2d 1270 (1983); State v. Barnes, 85 Wn. App. 638, 932 P.2d 669 (1997); State v. Andrews, 172 Wn. App. 103, 293 P.3d 1203 (2013); State v. Bradford, 175 Wn. App. 912, 927-30, 308 P.3d 736 (2013); United States v. Tank, 200 F.3d 627 (9th Cir. 2000).

"As part of a bona fide criminal investigation, the chief law enforcement officer of a law enforcement

agency or his or her designee above the rank of first line supervisor may authorize the interception, transmission, or recording of a conversation or communication by officers under the following circumstances..." RCW 9.73.230(1).

Appellant(s) argue, and the record establishes, that the State does not go so far as to claim that Det. Washington is "the chief law enforcement officer" of any law enforcement agency. Nor does the State show that Det. Washington is the "designee above the rank of first line supervisor." RCW 9.73.230(1).

Appellant(s) argue that the State did not produce "a written report at the time of authorization indicating: (c) The name of the officers authorized to intercept" said "transmission, or recording under subsection (1) of this section." RCW 9.73.230(2)(c).

Appellant(s) forther argue that the State never attempted to show that said "universal forensics examination device" (UFED) is standard electronics equiment nor did the State show that said UFED is protected from editing or alterations. Transcripts at 740-806.

Appellant(s) argue that Trial-Coorsel objected to and otherwise sought to have the State prove both the reliability and integrity of the UFED and it's software. Transcripts at 794 ("Mr. Peale: 'Det. Washington, has not been offered as an expert in the operation of a UFED, in its technical description and the manner in which the machine fonctions to accomplish the desired task.").

Appellant(s) argue that written transcripts of an electronic recording does not qualify as an original of the recording. See State v. Clapp, 67 Wn. App. 263, 272, 834 P.2d 1101 (1992) (Clapp); Also see 5B K. (53)

Tegland, Wash. Prac., Evidence § 482 (3d ed. 1989).

"Commentators have noted that a duplicate may qualify as an original, but a written transcript does not qualify as a duplicate of an electronic recording." Id. Clapp, 834 P.2d at 1106.

Appellant(s) argue that the State was given ample opportunity by the trial judge within which to establish a proper foundation upon which to rest such an evidentiary ruling. Transcripts, at 834.

"The Court: 'Right, OKay. All right. So let's see, Mr. Sanchez, are we able to just go after that go forwards with the detective's testimony and then later take up the issue of the authentication of the report?" Transcripts, at 834. [Footnote 5]

Appellant(s) argue that authentication is a pre-condition what must be present prior to ——— not post-

Footnote 5. In earlier testimony the court had been given the term "universal forensics examination device"; However, in the Transcripts, at 835, that language is superceded by the term "Universal Forensic Extraction Device" (UFED).

admission of an electronics data compilation into evidence. ER 1002 ("To prove the content of a writing, recording, or photograph, the original ... is required, except as otherwise provided in these rules or by rules adopted by the Supreme Court of this state or by statute").

Appellant(s) argue that "(1) a genuine question is raised as to the authenticity of the original" and that in these circumstances it is clearly and fundamentally "unfair to admit the duplicate in lieu of the original". See Aronson, The Federal Rules of Evidence: A Model for Improved Evidentiary Decisionmaking in Washington, 54 Wash. L. Rev. 31, 48 n. 67, 49 (1978).

Appellant(s) argue that not only is there a high probability of unintentional and intentional mistranscription, but also the testimony shows that said UFED output is wholly dependent upon input. Transcripts at 803-04. Also see Transcripts at 198-190.

Appellant(s) argue that the State never moved to establish a proper "foundation showing of the transcript's accuracy" and, the trial judge never clarified "to the jury that only the "actual data original" and not the transcript is considered evidence." Id.

Clapp, supra at 212-13; Accord United States v. Bennett, 363 F.3d 947 (9th Cir. 2004); State v. Andrews, 172 Wn.App. 103, 293 P.3d 1203 (2013); State v. Espiritu, 117 Haw. 127 (2008).

Appellant(s) argue that the State is in an excellent position to have had the "Department Of Enterprise Services" (DES) certify to the trial judge a material foundation upon which to consider said UFED. WAC 200-01-020(1) ("DES includes the following divisions, which are responsible for the services set forth below:

(1) IT systems and services. This division assists agency purchases of hardware and software, IT support, designs system integration

and public facing web sites, and, in addition, maintains statewide payroll and financial systems and our network infrastructure").

Appellant(s) thus submit, no foundation was established that allows the trial judge to admit such testimony [redacted] and evidence into the record or to a jury.

Respectfully submitted

01/20/2016

_____
(Appellate Counsel-Signature)

I, _____ [redacted] am in appearance as Counsel on this First Direct Appeal representing the equity and interest of my Client - Mr. Yussuf H. Abdulle (Appellant(s)), and do declare under penalty of perjury under the laws of the State of Washington that I have read and understand the pleadings contained in this "Amended Statement Statement Of Additional Grounds for Review (on first Direct Appeal) Pro Se", and that I believe it to be submitted in good faith and supported by laws well established or constitutes a good faith argument for a change therein. And I hereby submit my signature hereto and in full support hereof.

01/20/2016

(Appellant(s) - Signature)

Addr: Yussuf H. Abdollo
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I (Appellant(s) respectfully request that this "Amended Statement Of Additional Grounds for Review" be read in conjunction with the "Statement Of Additional Grounds".

Declaration Of Mail

I, Yussuf H. Abdulle, do declare that on January 27th, 2016, I did deposit the foregoing:

"Cover Letter-'To: Clerk-Court of Appeals Div. One'";

"Amended Statement Of Additional Grounds For Review (On first Direct Appeal) Pro Se"; and this

"Declaration Of Mail":

or a copy thereof, in the internal-outgoing legal mail system of the "Coyote Ridge Corrections Center" (CRCC), and made arrangements for first-class, United States Postal Service, postage pre-paid and addressed to:

Clerk-Court of ~~Appeals Division One~~
600 ~~University St.~~
~~Seattle~~, Wa 98101;

Eric J. Nielsen-Attorney (Original-Sent to Counsel)
1908 E. Madison St.
Seattle, Wa 98122;

Daniel T. Satterberg-~~Prosecuting Attorney~~
W554 King County ~~Courthouse~~
516 Third Ave.
~~Seattle~~, Wa 98104.

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

(59)

Dated at CRCC-MSC in Connell, Washington State, County of Franklin, on the 27th day of January 2016.

01/20/2016

(Appellant(s)-Signature)

NIELSEN, BROMAN & KOCH, PLLC

February 01, 2016 - 2:17 PM

Transmittal Letter

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Case Name: State v. Yussuf Abdulle

Court of Appeals Case Number: 72799-1

Party Respresented: Appellant

Is this a Personal Restraint Petition? ○ Yes ◉ No

Trial Court County: King - Superior Court # 13-1-09714-8

The document being Filed is:

- ○ Designation of Clerk's Papers ☐ Supplemental Designation of Clerk's Papers
- ○ Statement of Arrangements
- ○ Motion: ____
- ○ Answer/Reply to Motion: ____
- ○ Brief: ____
- ○ Statement of Additional Authorities
- ○ Affidavit of Attorney Fees
- ○ Cost Bill
- ○ Objection to Cost Bill
- ○ Affidavit
- ○ Letter
- ○ Copy of Verbatim Report of Proceedings - No. of Volumes: ____
  Hearing Date(s): _____
- ○ Personal Restraint Petition (PRP)
- ○ Response to Personal Restraint Petition
- ○ Reply to Response to Personal Restraint Petition
- ○ Petition for Review (PRV)
- ◉ Other: Amended Statement of Additional Grounds

Comments:

No Comments were entered.

Sender Name: Jamilah A Baker - Email: bakerj@nwattorney.net

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