

Statement of Additional Grounds for Review

[Rule 10.10(a)]

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION I

STATE OF WASHINGTON,)	
)	
)	
Respondent,)	Court of Appeals Cause No. 73324-9
)	Consolidated into 74228-1
v.)	
)	STATEMENT OF ADDITIONAL
)	GROUND FOR REVIEW
JESSICA CARDE' ,)	
)	
Appellant.)	

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 COURT OF APPEALS DIV I
 STATE OF WASHINGTON

I, Jessica Carde', Appellant, have received 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 I

A. STATEMENT OF FACTS

1. Convictions. The Appellant was convicted of multiple counts of theft and mortgage fraud, based on the alleged claims of several home sellers, and lenders, all of whom agreed to enter into lease-purchase agreements with the Appellant to sell, or to rent their property in a "down real estate market." The prosecuting attorney

alleged that Ms. Carde' knew she would be unable to complete the transactions, or to completely pay back the loans.

2. **Additional Pertinent History.**

Contrary to the Prosecution's negative portrayal of this case and all of the alleged charges, this case is a fundamental "whistle-blowing" case; which has been punitive and retaliatory, against the Appellant, rather than hold the Sellers and landlords accountable for their illegal actions. As the reporter of others' illegal and abusive actions, Ms. Carde' has experienced an incredible backlash, resulting in this case being falsely turned on her. It is a case of revenge by a mentally ill person, who convinced the Prosecutor and others to prosecute the Appellant to gain his own vindictive revenge.

This case originated as a direct result of an extremely volatile, harassing, unstable, mentally and emotionally disturbed landlord, who was exposed in Snohomish County Courts for deceptively defrauding Ms. Carde' and her husband (as well as another family) by defaulting on a year's lease; of which Ms. Carde and her husband were in total compliance. This case was prosecuted, as a direct result of this deceptive landlord's mentally deranged stalking, gone awry; yet the Prosecution attempts to posture credibility for this mentally unstable individual, and lists him as a "victim" of the Appellant, while behind the scenes to the Appellant's trial attorneys, calling this individual "crazy."

All of the charges associated with this former landlord in this case were summarily dismissed against the Appellant, with prejudice. Even the Prosecutor

admits this landlord was “crazy,” especially after this landlord even accused and threatened “to expose Hugo Torres for the criminal he is in this case.”

This landlord never possessed an occupancy permit for the dwelling he rented to the Appellant and her husband, or others, previously; which was revealed, as the result of a failing septic system. He further had a history of allowing residents to move into his rental properties, collecting first, last and security deposit funds, then fraudulently trumping up reasons to try to extort more money from them, or to quickly evict them, in order to financially gain. During the process of defrauding others, this landlord would threaten, harass, disparage, defame and eventually stalk his residents, attempting to create abject fear in his renters; so they would simply leave, without pursuing their funds being returned. Then he would instigate this deceptive process again, with other unsuspecting victims of his schemes.

Ms. Carde’ and her husband, along with another family also living on the same property in another dwelling, were subjected to death threats, defamation, felonious harassment, stalking, property damage, property theft and mentally unstable actions perpetrated by this landlord; all due to his vindictive actions being reported and subsequent Protection Orders being issued against him. This landlord’s innumerable violations of the existing, legal Protection Orders, resulted in several misdemeanor and felony criminal charges he faced, in King and Snohomish Counties, with three different Prosecutors. In retaliation for his pending criminal charges and multiple arrests for his violent threats and Protection Order violations, this landlord launched an insidious, schemed defamation campaign against Ms. Carde’ and her husband, as well as the other family living on the property.

This landlord researched all public records, stole client contact files, computer records, social security files, financial files, business files, legal files, real estate files and sensitive banking information from the Appellant and her husband; which were all reported to the Snohomish County Sheriff's Office, as well as to the Snohomish County Prosecutor's Office. These facts directly relate to this case, as several of these stolen files were completely adulterated by the landlord; and then used as direct evidence at the Appellant's trial. It was this deranged landlord, and/or his agents, who supplied the majority of evidence in this case, without any type of forensic collection of this evidence, in any form.

This landlord stated repeatedly he was "declaring war," and would do everything possible to ruin the Appellant's life. His plethora of lies and deceptions had caught up with him, however he could not face the consequences of what he had created. He then made it his absolute vindictive mission to track down anyone (including family) in Ms. Carde's past history to disparage and defame her in every way possible.

As a result of the items he stole from the Appellant and her husband, this landlord illegally accessed all stolen information about the former failed, specific performance real estate transactions and Sellers/landlords now attached to this case. All of these former Sellers/landlords had already been legally settled and amenable exits from these properties were agreed upon by all parties. Upon contacting these other Sellers/landlords, this volatile landlord then encouraged and conspired with each and every Seller and current landlord formerly connected to the Appellant and her husband to somehow file criminal charges against her,

creating a criminal case, in order for all of them to collect insurance costs from their property insurance carriers. Upon filing criminal charges against the Appellant, these property owners could avoid prosecution for their own fraudulent behaviors; as well as destroy the Appellant's credibility, if the Appellant attempted to sue any of them for specific performance. This would also ensure the Appellant's credibility would be destroyed as a potential witness in any criminal cases against this "case initiating" landlord, so this landlord's outstanding multiple criminal charges against him for the violation of the Appellant's Protection Orders would be timely and completely dropped.

The vindictive landlord's defamation campaign was further fueled by his sexual relationship with a Seattle Weekly reporter (who had lived with this unstable landlord), who enabled this landlord to publish a slanted, salacious, yellow journalism, tabloid article in the Seattle Weekly to timely defame the Appellant, so all criminal charges against the landlord would be dropped with her credibility so publically destroyed. All direct evidence from the Appellant given to this reporter demonstrating Ms. Carde's innocence in these real estate transactions was completely ignored and not included as part of this defaming article (or even later in her criminal trial for these charges). Witnesses to these real estate transactions verifying Ms. Carde's innocence were told by this reporter, "Unless you have something negative to say about her, I don't want to hear it." The dye was cast, and this runaway defamation and slander train was moving forward at full speed, with this unstable landlord steering it all.

This reporter, in 2011, never openly disclosed his personal sexual relationship with the landlord to his publishers, prior to the defaming article being published. Nor, more importantly, did this reporter disclose his personal relationship with Mr. Hugo Torres, the very Prosecutor in this case. The Appellant and her husband became aware of this relationship between the Prosecutor and the reporter, following her 2013 arrest. Mr. Torres should have legally recused himself from this entire trial and case, but did not. Nor has the Prosecutor divulged to the Court his former personal relationship with this reporter, or the mentally ill landlord; which would have dramatically impacted the prosecution of this case.

This triangle of personally involved players in this case conspired to shift the focus from the landlord's criminal behavior, to that of creating an entire criminal case against the Appellant, so that all criminal charges would be dropped against the landlord. Their undermining of the Appellant was coldly systematic and very calculated. The published article in the Seattle Weekly was perfectly timed, to prevent the landlord's criminal cases against him, from proceeding.

The Prosecutor even personally called and convinced each of the Prosecutors in Snohomish and King County to drop all charges against the landlord, citing the "Appellant was at fault and she 'may' face charges for theft and mortgage fraud." When the Appellant called the Prosecutor in 2011 as to whether this was true, and if there were any outstanding charges, Hugo Torres adamantly denied there were any charges, or investigations of any kind to Ms. Carde' and her husband.

Any efforts to receive Protection Order protection and justice for the massive retaliation, volatile behavior, and defamation and smear campaign this initial

landlord had launched against the Appellant were completely thwarted. While the Protection Orders remained in effect, the criminal charges were dropped against the landlord, post the Prosecutor's direct interference with those cases, behind the scenes. The abuse of power the Prosecutor has demonstrated in this case, prior to trial, is overwhelming. The known false information and tainted, adulterated evidence proffered by the Prosecutors in this case should be criminal, on its own merit.

In fact, Mr. Hugo Torres fully encouraged Ms. Carde' and her husband to continue moving forward with their Protection Orders against the landlord and to move to Montana, as they had planned. This, alone, made the Prosecutor a witness to be called by Ms. Carde's attorneys to prove they did not flee the State of Washington, rather than a viable Prosecutor in this case.

When confronted with the information that the Snohomish County Prosecutors (two separate conversations and three separate Prosecutors) had informed the Appellant of the Prosecutor's involvement asking for them to drop the charges against this landlord, Hugo Torres flatly denied being involved, or ever having any of these conversations.

All Prosecutors against the mentally unstable landlord, as well as several Sheriff's continually encouraged Ms. Carde' and her husband to leave the area, in order to avoid any further harassment by this criminal landlord. It was at that time, for their own personal safety, the Appellant and her husband decided to vacation in Montana for a time to allow all harassment by this person to die down. The Prosecutor was well aware of their decision to move to Montana ahead of time, in

the Spring of 2012. At trial, the Prosecutor falsely represented this choice to the jury, as “fleeing prosecution.” Nothing could have been further from the truth; but the Appellant’s attorneys refused to file any motions regarding this issue, against all protestations by the Appellant. This is one, of many reasons, why the Appellant wanted to fire her attorneys and seek her own counsel.

The Appellant and her husband were completely unaware of the outstanding charges against her, until her arrest. No notification of any kind had ever been sent, given, or called to the Appellant, by the Prosecutor’s Office. There was no effort to inform her of the outstanding charges, which had been filed against her, even though the Prosecutor had all contact information for Ms. Carde’ and her husband.

This level of unethical legal manipulation by the Prosecutor was further escalated when the Appellant and her husband became aware, after her arrest two years later, that the landlord inciting this case had created a “Prosecute Jessica Fund,” and additionally used the article in the Seattle Weekly to gain public financing for the Prosecutor’s Office to proceed with criminal charges against the Appellant. In short, the Prosecutor allegedly accepted funds from this landlord, possibly from other former Sellers, and from the “Prosecute Jessica Fund,” to proceed with a case against the Appellant, when initially they had declined to prosecute. When allegedly paid from these external sources, the Prosecutor filed charges.

The Appellant and her husband continued to fear for their lives, particularly after discovering the landlord had once again managed to evade prosecution by aligning himself with the reporter, the Prosecutor in the Appellant’s case (who had a

relationship with the reporter) and all former disgruntled Sellers, who had actually failed their own real estate deals with the Appellant. Each Seller/landlord was highly aware they were going to be sued for specific performance, for defamation and slander and for torturous real estate interference; so they had everything to lose, if they didn't align themselves with this mentally ill landlord.

The Prosecutor directed, coached and designed a course for these alleged named victims of this case, colluding in every way, so he could build a case to prosecute. The deranged landlord and these Sellers/landlord all conspired to "build a case" against the Appellant, to discredit her, in an attempt to avoid civil and criminal charges for their own illegal actions. If the Appellant had been represented by private, or sincere, competent defense attorneys of her choice, all of the evidence, witnesses and materials necessary for the Appellant's defense to prove her innocence would have been presented at trial, as well as at the restitution hearings. The Appellant has been denied her legal right to fair representation and to hire private counsel of her choosing. The Court erred in denying the Appellant legal representation of her choosing, particularly when there had been such a breakdown in communication and a complete mistrust in their continued legal misrepresentation of her case.

Any efforts to receive Protection Order protection and justice for the massive retaliation, volatile behavior, and defamation and smear campaign this initial landlord had launched against the Appellant were completely thwarted. The additional momentum of the disgruntled Sellers/landlords, who had committed specific performance issues with each potential real estate transaction with the

Appellant joined in the existing collusion; against all prior legal settlement agreements.

While the Protection Orders remained in effect, the criminal charges were dropped against the unstable landlord, post the Prosecutor's direct interference with those cases, behind the scenes. The abuse of power the Prosecutor has demonstrated in this case, prior to trial, is overwhelming. The known false information and tainted, adulterated evidence proffered by the Prosecutors in this case should be criminal, on its own merit.

None of this exonerating evidence, history, witnesses or information were allowed in at trial for the Appellant; due to her Public Defense Attorneys refusing to call any witnesses, demand forensic evidence, secure Appellant's records, or to effectively cross examine witnesses to prove the Appellants' innocence of the charges facing her. Her attorneys refused to present this evidence, against all repeated client objections, and pleas to the Court for new attorneys—even prior to trial.

Due to the Appellant's attorneys' refusal to enter objections, or when potential objections failed due to the Court's refusal to substantiate their objections to adulterated e-mails, false mortgage documents not forensically collected, false check registers, fake check draft carbons (with no original checks secured for evidence), or false financial statements, these "stolen," and now adulterated evidence documents sadly went into record as valid and true.

There was no ability for the Appellant to produce the original documents to prove these were fraudulent, or adulterated documents; without new counsel, who

would be willing to collect these original documents. Due to her incarceration and onerous bail restrictions, the Appellant had no way of supplying the necessary documents to prove her innocence and the fraudulent adulteration of these documents, without release, or new attorneys.

The Prosecution continued to enter fraudulent evidence into trial records with the Court's insistence they were valid documents with no forensic collection or cross-checking allowed. The Court erred in denying new attorneys for the Appellant, even when the Appellant made it abundantly clear what was at stake for the Appellant and that these documents were clearly not the originals, and were fraudulently manufactured by others for the Prosecutor's case.

The denial of the Appellant's pleas for new counsel so the Appellant could present accurate and true evidence for her case irreparably harmed the Appellant's chances for acquittal. This continued to create further false evidence and belief, that would prejudice the jury against the Appellant. If the Appellant had had, or hired private counsel, and been allowed to fire her Public Defender attorneys as she repeatedly pled with the Court for, these charges would not have resulted in the wrongful conviction of the Appellant. It is the Appellant's constitutional right to have counsel, protecting her legal rights and best interests at trial. This did not happen in this case.

3. History of Sellers/Landlords Involved in this Case.

Ms. Carde' entered into lease-purchase agreements, sometimes using borrowed funds for certain portions of the lease-purchase payments, in addition to her own funds; to facilitate preserving the significant cash reserves necessary for closing and final purchase of

each home. In each and every case, Ms. Carde' in good faith, informed each Seller and/or landlord of her prior history of severe victimization of identity theft against her, and the negative impacts upon her credit file, prior to entering into any lease-purchase and sale agreement. Each Seller/landlord was fully aware of Ms. Carde's credit history issues and still agreed to move forward with the sale/rental of their properties, despite these facts; with the full knowledge the Appellant would need to seek non-conventional and/or private loans for the purchase of their properties.

Ultimately, every one of these transactions failed to complete, due to Seller specific performance issues and due to the collusion of the Sellers, which was admitted to by each Seller in these transactions in trial. The overall retaliation for reporting each of these Sellers and lenders to the appropriate local and state authorities for their mortgage fraud, lender fraud, and specific performance issues, each Seller and/or landlord vindictively filed unnecessary eviction notices to further disparage and discredit the Appellant's exposure of their actions, even though legal settlements had previously been reached for the Appellant to exit their properties, including non-disclosure clauses to protect all parties. Most of these evictions were not based on lack of payments by the Appellant, but rather due to efforts by these Sellers to further drag her credit score down, so she would not be able to purchase another property; or to complete the purchase of even their properties (i.e. Postma), once the Appellant had reported them to the local and state authorities for their illegal actions.

Prior to the mentally unstable landlord inciting contact and his revenge, these other Sellers, from Cameron Truesdell (dismissed charges) James Reed (dismissed charges), Kevin Roberts on, were in communication with one another and working to "kill" each and

every real estate transaction and lender the Appellant attempted. Their directed sabotage, against the Appellant, was openly admitted in trial. The reasons they listed at trial were not truth. If the Appellant had been allowed new counsel, direct witnesses could have been called to impeach each and every Seller's testimony, proving their motives for Torturous Real Estate Interference were due to the Appellant's direct whistle-blowing actions, concerning their illegal actions by reporting them to the authorities. New counsel would have afforded the Appellant with a means by which to supply the true legal documents, rather than partial contracts, or adulterated contracts (i.e. Greyson Homes, Rob Stewart—missing the Earnest Money Agreement, with language changed in contracts submitted to the Court not reflecting his fraud on his Form 17, his omission of the true real estate contract).

In the case of Kevin Roberts there are a number of legal e-mails proving the Appellant not only had the money to purchase his property, but the Appellant even went to the eviction hearing with cash funds and lender in hand, fully able and ready to purchase the Roberts' property.

The Appellant, with new counsel, could have proven the mortgage document evidence supplied by Kristin Reavell, claiming it was from Sterling Bank, was actually given to her from Brenda Poskitt and Kevin Roberts; not forensically collected from the bank. (Stated in her interview with Appellant's defense attorneys, in defense discovery, then reversed in trial.)

The Appellant could have proven the whistle-blowing retaliation and revenge of Pamela Martinez, of Many Ways Lending, as fraudulent; as she lost her license, due to the Appellant's reporting of her fraudulent actions of trying to create a false tax return for the

Appellant. Her testimony and cooperation with the Prosecution was as a direct result of her need to misplace the blame for her fraudulent behavior and subsequent loss of her job as a mortgage broker.

The charges of mortgage fraud would have never stood, if the Appellant had been allowed counsel, witnesses, and access to her documentation—all proving her innocence.

In the case of Donna Dubey, Ms. Carde' had been specifically told by Neil Dubey to not pay back the remaining portion of what was owed, even though the Appellant had already paid back sizeable sums to Mr. Dubey in cash. Mr. Dubey instead, insisted the Appellant pay it forward to others, rather than to ever allow his "blood sucking step-son and step-daughter get their hands on it," whom he deemed "were alcoholics and wasting his money." Donna Dubey had been stealing money from Neil over the years, but Neil loved her, so he allowed it to continue. Donna never objected to Neil's decision to forgive the debt to him from the Appellant, until she attempted to overmedicate her husband with blood thinners, after Neil had a stroke and was in a nursing home and the Appellant reported this to all the authorities. Even the assigned Adult Protection worker, who investigated all, admitted Neil had stated this money was not owed by the Appellant any longer. There was never any attempt to defraud Neil Dubey, and no theft committed by the Appellant, at any time in this case. The Appellant's attorneys refused to secure this report, or to call this witness, which could have exonerated her from these charges. Donna Dubey filed these charges in clear retaliation, after the unstable landlord and other Sellers contacted her, prompting her to claim this was theft. She saw this as her one opportunity for the money Neil had denied her. Her children had the same motives. This exclusion of evidence

additionally prompted the Appellant to continue her repeated pleas for justice and her constitutional rights to counsel, to the Court. The Court erred in denying Ms. Carde' representation and instead, emphatically denied all opportunity for new attorneys, in constitutional violation.

There are innumerable additional missing facts, evidence and witnesses, who could have assisted the Appellant with proving her innocence in her case. The Court and her attorneys would not even allow the Appellant to gain subpoenas to collect her own evidence. From the beginning of this highly publicized and very political case, Ms. Carde's defense was doomed without new counsel.

Further, while in jail, Ms. Carde' became directly privileged (and witnessed phone calls) to significant information from other inmates, concerning ongoing major crimes and/or significant bribes take by certain Prosecutors in King County. As this involved a Federal case in Superior Court, Ms. Carde' went to the Federal Prosecutor seeking help, and safety, agreeing to exchange information for charges being mitigated. The extreme backlash from the Appellant knowing and reporting this information to the Federal Prosecutor proved to be fatal to the Prosecutor negotiating any type of release. The intense unwarranted reaction proved the Prosecutor had no interest in learning of which Prosecutors were accepting bribes for case dismissals. The entire issue was hushed and Ms. Carde' experienced additional punitive actions, while incarcerated. In sharing this information with the Appellant's defense attorneys, their reaction was to do absolutely nothing. Again, Ms. Carde' repeatedly requested new attorneys, to no avail.

The Appellant's defense attorneys refused to call witnesses for the Appellant's defense, as Tim Johnson refused to do so, claiming he didn't want to prolong the trial, or to

help my case. This was in blatant retaliation for the Appellant attempting to fire him as counsel, with Tim Johnson claiming he was “publically embarrassed” and he would “throw my case.” He did just that.

ATTORNEY FAIR REPRESENTATION DENIED

1. The Appellant articulated on innumerable occasions to the Court of her desperate need for fair and competent representation each and every time she was ever allowed to address this issue before the Court (see Appellant’s Attorney briefs before the Court enumerating each date.). The Appellant repeatedly informed the Court of the irretrievable breakdown of communication with her attorney/attorneys and of the complete lack of representation her attorneys offered the Appellant for her defense regarding her trial case, to gather evidence, to call any witnesses for her defense, and to provide the necessary and significant number of documents, which could have clearly exonerated the Appellant from the serious alleged charges against her.
2. The Court was also alerted, made aware of, and had direct access to, each of the Appellant’s repeated letters to the Public Defender’s Office, containing repeated requests and pleas for new representation, reporting all the significant reasons why this was extremely necessary for fair representation for the Appellant. These letters included the very specific language that there had been a complete and irretrievable breakdown of communication, a total loss of trust in counsel, a lack of fair representation; and a complete denial of evidence and

witnesses for the Appellant's trial; as well as concerning Ms. Carde's restitution hearing.

3. Upon continual denial of any new attorneys for the Appellant, Ms. Carde' even indicated she would rather be Pro Se, than to ever continue with Mr. Johnson and Ms. Shotwell as her attorneys (See Court Transcript, dated Oct./Nov. 2013). The Court erred in denying new counsel on repeated occasions, or the right for the Appellant to represent herself as Pro Se. The Appellant's constitutional rights to an attorney, for fair representation, were consistently denied; violating Ms. Carde's constitutional right to a defense attorney.
4. This continued plea to the Court for new counsel occurred as a result of Ms. Carde's lack of fair representation by her assigned Public Defenders. Her initial attorney retired after several months, leaving Ms. Carde' completely stranded, with no representation. The Public Defender's Office delayed assigning her second attorney, Mr. Johnathan Newcomb, while leaving her incarcerated the entire time; and without the ability to be released to be able to secure private counsel.
5. Mr. Newcomb continued to faithfully promise to gather evidence, all witnesses, and necessary documentation for trial; which would have provided evidence to dismiss all charges from their inception. After 16 weeks of being incarcerated, with no reasonable ability to be released, due to Ms. Carde's bail being set so unreasonably high by the Prosecutor's Office, Mr. Newcomb admitted absolutely no action had been taken for her defense to-date. The Appellant's right to a speedy trial was denied, as a result of Mr. Newcomb's delays. He

further appeared well intoxicated, severely stressed, and in the midst of an anxiety attack (hands shaking, with breathing difficulties) in the Court hearing at 11:00 o'clock in the morning, and continually refused to timely address the outstanding issues of reduced bail, or the necessary evidence and witnesses. Upon the realization that Mr. Newcomb, after several meetings with him, perhaps had an alcohol issue, as well as a significant inability to fairly represent Ms. Carde's case, the Appellant immediately requested a new attorney.

6. The Appellant's third defense attorney withdrew on her own, several months into the case leaving the Appellant incarcerated with absolutely no defense; due to her "busy schedule, and her inability to take on such a complicated case." She admitted to Ms. Carde' on many an occasion, she did not possess the expertise to go to trial, concerning the seriousness of the charges. She further stated she simply did not have the time to research my case properly, and thus, withdrew. Again, this left the Appellant with no competent legal counsel, or fair representation. Since two of the three defense attorneys withdrew their representation on their own, Mr. Newcomb's discharge from the Appellant's case enabled Timothy Johnson and Kristin Shotwell to finally be assigned.
7. Multiple promises were repeatedly made by Mr. Johnson and Ms. Shotwell to secure all evidence, to interview witnesses, to secure all documentation necessary to disprove any and all of the Prosecutor's alleged charges. Absolutely none of these promises, evidence, witnesses, or documents were gathered, or ever fulfilled; even though they continued to state they would do so at a future point, prior to trial. When it became glaringly apparent Mr.

Johnson was directly blocking the collection of such evidence, witnesses and documents, which could directly prove the Appellant's innocence; the Appellant began to repeatedly plea for new, and/or private attorneys to represent her, prior to trial. Ms. Carde' consistently spoke to supervisors in the Public Defender's Office, Mr. Ben Goldsmith and Rick Lichtenstodder, pleading for help and for new attorneys to be assigned. No help, or assistance was given. All direct witness lists given to Mr. Johnson and Kristin Shotwell, additional evidence and legal documents, which were necessary to clear all charges and to prove the Prosecutor's evidence was falsified, were denied the Appellant's defense in trial Court.

8. Mr. Johnson cited they had no Public Defender defense budget for a case this size, which was "so political;" and stated he had a complete lack of time, being "overworked with other cases." Mr. Johnson continually complained how he was "underpaid for his representation in a case of this size and how he was not going to go out of his way at all to defend" Ms. Carde'. Mr. Johnson continued to dismiss, insult, swear and discount any of Ms. Carde's requests and pleas for fair representation. This was not a case of simply a difference about case strategy, in requesting new counsel; but a clear case of retaliation by Mr. Johnson toward Ms. Carde' for raising the issue of a lack of fair representation. New counsel would have been the Appellant's only way to fairly represent her case at trial.
9. Timothy Johnson actually warned Ms. Carde' that if she filed a complaint against him with the Public Defender's Office, he "would do nothing for the case, or for

her defense.” He even went so far as to ban Ms. Carde’ from having access to Ms. Shotwell, without his presence on the phone, or in person. As a direct result of Mr. Timothy Johnson finally threatening the Appellant by stating he would “throw the case,” if Ms. Carde’ did not cooperate with the complete suppression of evidence and witnesses, as it was “too much work, and the Public Defender’s Office just didn’t have the budget; and he just wasn’t willing to put forth the effort.” Once Ms. Carde’ began requesting new counsel, and attempting to fire Mr. Johnson before the Court, Mr. Johnson’s retaliation continued to grow and manifest in a consistent lack of fair representation and denial of contact with Ms. Carde’s defense attorneys. He further stated he had too many other cases he deemed far more important. Mr. Johnson further openly sabotaged the Appellant’s defense in trial in his opening remarks to the jury, calling Ms. Carde’ “a loser.” His response, when confronted by Ms. Carde’ as to his denigrating and damaging remarks about her to the trial jury, was to state, “Ms. Carde’, a lot of people go to jail, it’s no big deal (stated with a smirk).” It was this exact, emotionally abusive, extreme negative bias, prejudice and irretrievable breakdown in the attorney-client relationship, which caused Ms. Carde’ to repeatedly seek new and different counsel for her case. The Court erred in denying the Appellant’s repeated requests and pleas for new counsel.

10. Kristin Shotwell, as an inexperienced and new defense attorney to the Public Defender’s Office, blindly followed Timothy Johnson’s lead in completely denying the Appellant fair representation, evidence, witnesses and/or any type of retrieval of the necessary documents proving the Appellant’s innocence of all

charges. Her reasoning for ignoring evidence and for not making the appropriate objections to the Prosecutor's falsified evidence was to state, "Tim is first chair, and I can't go against him." Since Mr. Johnson would not appropriately defend, or represent Ms. Carde' and thus, demonstrating his retaliatory actions for reporting his emotionally abusive threats and treatment to the Public Defender's Office and to the Court, Ms. Shotwell followed suit. When the Appellant attempted to fire both of them as counsel even as late as in the restitution hearing, and to hire private counsel, the Court further erred in denying the Appellant private counsel.

11. Both of Ms. Carde's defense attorneys refused to secure experts, or witnesses for Ms. Carde's defense; or to secure experts, who could have clearly proven the plethora of adulterated, or false evidence the Prosecutor's Office put forth to the Court that was not ever appropriately forensically collected. Even when both defense attorneys acknowledged they believed the Prosecutor's evidence was adulterated, missing, or in some cases forged by Prosecution witnesses, they refused to present objections and/or evidence of such. Realizing the Appellant's attorneys had never followed through with securing the necessary documents, evidence, witnesses and experts necessary for her defense, Ms. Carde' continued to plead with the Court for new counsel to no avail.

12. The Court erred on multiple occasions (as outlined in Ms. Carde's Appellant Attorney's brief), in not allowing Ms. Carde' new counsel, as was, and is her constitutional right.

13. If Ms. Carde' had been allowed the appropriate defense attorneys as constitutionally allowed by law, these alleged charges would have been either dismissed initially, or completely acquitted. Realizing the Appellant's attorneys had never followed through with securing the necessary documents, evidence, witnesses and files.

14. The Appellant's constitutional rights to fair representation by an attorney, who would represent the Appellant's case without bias and/or prejudice was consistently denied by the Court. The Court repeatedly denied competent counsel for the Appellant, despite the grave consequences the Appellant faced with undue pressure the Appellant experienced from each and every Public Defender Attorney, who consistently stated the Public Defender's Office "could not afford to call the appropriate amount of witnesses and/or to collect the plethora of evidence required to win the Appellant's case." Ms. Carde' was denied viable representation, fair defense, and access to appropriate counsel for her case defense, against alleged charges, against all constitutional rights.

The Appellant prays and asks for relief in having her Appeal granted and her constitutional rights to fair representation applied.

Date: 09-28-2016

Signature: JessicaM.Carde'