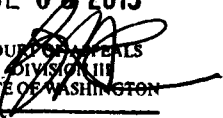


**FILED**

COURT OF APPEALS  
DIVISION THREE  
OF THE STATE OF WASHINGTON

JUL 05 2013

COURT OF APPEALS  
DIVISION III  
STATE OF WASHINGTON  
By: 

STATE OF WASHINGTON )  
 )  
 Respondent, )  
 )  
 v. )  
 )  
 Ethan Levi Dooley )  
 (your name) )  
 )  
 Appellant. )

Court of Appeals / Spokane County  
No. 31479-1-111 / No. 121034819

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

I, Ethan Dooley, 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 1

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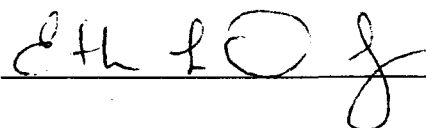
Please See Attached

Additional Ground 2

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If there are additional grounds, a brief summary is attached to this statement.

Date: 7/3/13  
Form 23

Signature: 

## Additional Ground 1:

Illegal Inclusion of Lesser Charge. Prior to trial proceedings, Ethan Dooley, the defendant, was approached by his court appointed Public Defender, Anna Nordtvedt. The ensuing conversation between lawyer and client revolved around the topic of the defense having the opportunity to put a lesser included charge in front of the jury in the upcoming trial to create an alternative option for the jury to consider. The Public Defender placed emphasis on the fact that the defense, alone, could motion for the inclusion while also informing her client that it was his right to understand these options. Upon further discussion, it was decided by both individuals that a lesser included charge would not be entered by the defense. Two confirmation statements were made orally between the Public Defender and the defendant to ensure communication verification of intent before proceeding to trial. Twice confirmed was a mutual agreement between attorney and client to not motion to include a lesser charge during trial proceedings. Prior to that conversation, the Public Defender acknowledged the appearance of innocence of her client on the charge which he was held. The Public Defender's preparation for the trial allowed her to become aware of the fact that self-defense for the defendant

would be a viable argument. Furthermore, she clearly outlined the lack of evidence against the defendant in a trial preparation session designed for the purpose of the defendant's trial readiness. On the day of jury selection, the Public Defender reiterated to her client that there would be no inclusion of a lesser degree proceeding forward. Trial proceedings continued to the next day. All witnesses were questioned and the jury was faced with all parties examining the elements of the felony charge which the defendant was held and being tried. The defendant also testified, specifically concerning the defined "intent to inflict substantial bodily harm." Evidence failed to substantiate the charged crime. Neither prosecutor or public defender examined the possibility of self-defense in a way that it could be sufficiently addressed. During his testimony, the defendant was rechecked each time he mentioned self-defense in a way that hindered the jury's understanding of circumstances surrounding the measures the defendant was required to take. Medical evidence could not prove an offensive attack by the defendant during the situation in question. When the defendant was excused from the stand, he took his seat to the right side of his attorney. All testimonies were complete at this time. No motions for lesser included

changes had taken place in proceedings in session nor out-of-session to the knowledge of the defendant. When he sat down, having been excused from the stand the defendant's public defender whispered to him that she decided to include the lesser charge despite their agreement not to do so. The defendant was shocked. The jury was removed for inclusion review. Despite the numerous attempts to petition his attorney for answers, the defendant was ignored by his public defender. His attorney's behavior prevented the defendant's objection to the inclusion to be appropriately addressed during the reading by the court of all inclusions. Despite the defense's disarray, proceedings continued. The jury was brought back into the courtroom. The late hour called for deliberations to be held the next morning. Of the charge that was examined during proceedings, the defendant was found "not guilty" by the selected jury of his peers. A "guilty" verdict was read on a lesser included charge that was never examined. The jury was also unable to make sound judgement on a self-defense inclusion due to the lack of the prosecutor's efforts to disconnect self-defense from the defendant's actions and circumstances. The public defender made ~~some~~ snide remarks to her client and claimed that the defendant

does not get to influence the actions of the defense. She stated that she can do as she pleases as she shrugged off the obvious shock the defendant experienced in lieu of having been deceived and ~~not~~ denied constitutional rights by the court. The defendant petitioned the judge by mail and in the moments preceding sentencing proceedings. He was treated poorly by the judge, who turned red and projected aggravation in his reply to the defendant, just before scratching out prior arranged decisions on the court paperwork and imposing the harshest sentence possible on the defendant. The defendant has appealed because of the obvious efforts of the court and all parties involved preventing him a fair trial; a right he is afforded by the U.S. Constitution. The defendant had also addressed issues in December 2012 that he felt were grounds for consideration of a dismissal he wishes to be included in this "additional grounds for review" statement. The alleged victim, Catharine Dodey was alarmed by words that were spoken in the courtroom prior to sentencing proceedings by Anna Nordstedt, the Public Defender, just before the defendant was escorted into the courtroom. Her statement concerning the Public Defender's words are included.

Additional Ground 2:

Harshness of Sentence Imposed. The defendant, Ethan Dooley was held for nearly five months by the County of Spokane, WA on a charge of Second Degree Felony Domestic Violence Assault. The jury found the defendant "Not Guilty" on this charge. In fact, trial proceedings uncovered the fact that the defendant was attacked several times in a ruthless outrage by the alleged victim before he was able to escape. When fleeing efforts were thwarted by the alleged victim's continued physical abuse upon the defendant, he was forced to engage in a defensive effort to prevent further injury to his person. There was no notable injury sustained by the alleged victim and testimony against the defendant was inconsistent with medical testing, supporting the defendant's claim to have acted purely out of self-defense. Neither the prosecution or defense chose to thoroughly examine the defendant's claim. Nonetheless, the atmosphere in the courtroom provided the inevitable conclusion that the defendant was charged and tried by the State of Washington for a crime he ~~did~~ did not commit. The jury agreed. Upon sentencing of ~~on~~ a questionable inclusion, the defendant expressed his concern and confusion.

over the legality of the lesser included Fourth Degree Domestic Violence Assault, expressing his conviction and certainty of having been the lone victim of the incident in question. Judge Salvatore F. Cozza, the presiding authority, responded with anger and aggravation as he chastised the defendant with words of defamation and unwarranted demeaning of the defendant's persona. The defendant was not loud nor disrespectful to the court. The judge proceeded by imposing the harshest sentence possible after accusing the defendant of "making himself a martyr" in his courtroom. The prosecution's recommendation was for the defendant to be released immediately on the basis of time served and all parties involved were notified that the defendant would be released on that day. The behavior and judgement of Judge Cozza served as a shock to all persons present as the defendant sat stunned in disbelief. The defendant's court-appointed attorney simply looked at the defendant, smiled, then sneered at him and said "He didn't like what you had to say." The defense attorney successfully sabotaged her client's trial and appeared very proud of doing so. She

immediately filed discontinuance of representation after stating to the defendant that it was her choice to add the inclusion for the sake of her bar license despite what truly happened between the defendant and the alleged victim on September 30, 2012 (the day of the incident in question).

### Additional Ground 3:

Prosecutor's failure to disprove self-defense concerning defendant's actions during incident in question. During testimony and examination of witnesses there was no discussion or raising of the issue of self-defense. Thorough examination of this element is required by the state of Washington. The mention of self-defense happened only during final statements/closing by the attorneys. However, only the words "self-defense" were used. There was no information or evidence presented to the jury to introduce a case for or against self-defense the use of self-defense on the part of the alleged victim or the defendant. The jury was unable to make an accurate assessment concerning self-defense due to the absence of evidence, testimony or professional opinion and examination during trial proceedings.



## Additional Ground 4:

Sabotage of Evidence / Material Exculpatory in Nature - The defendant addressed the court in writing before and after trial as well as in person during trial proceedings concerning the false reporting of medical discovery by the nursing staff during in-processing at Spokane County Jail. The defendant suffered injury/injuries that were serious in nature and was treated less-than-human and disregarded. Even after officers acknowledged certain injuries to the defendant, the nursing staff blatantly ~~mis~~misreported their findings. This allowed a tremendous advantage to the prosecution. The defendant also experienced being told that his gender was a factor in his selection for prosecution by the arresting officer and Public Defender.

The defendant was never officially interviewed by investigative personnel. Any evidence the defendant could have provided was obstructed by the neglect of officers, whom are sworn to act and inquire in good faith concerning any known information of an alleged crime. The defendant was prevented of his right to a fair trial as a result.

