

COURT OF APPEALS DIV I
STATE OF WASHINGTON
2012 JUL -5 AM 11:50

State of Washington

v. s

Weaver, Oliver W.

Aggrieved party / accused

no. 67558-3-1

Statement Of Additional
Grounds For Review

(Clerks Action Required)

1. Comes now The Aggrieved party / accused Oliver W. Weaver gives notice of his appearance.
2. I have recieved the reviewed opening brief of my Attorney Nancy Collins. Summarized below are the additional grounds for review that are not addressed in that brief.
3. I understand the court will review this Statement of Additional Grounds for Review when my Appeal is considered on the Merits.

Additional Ground #1.

1. In review of Judgement and sentence
The two charges are seperated by charging
125 months for each charge.

The Judge states page 31, 11 to 13 states
That a sentence of 20 months to life should
be imposed, There was and is a very real
prejudice by Judge Sharon S. Armstrong
when she states page 30 7 to 11 That 250
months would not be less than 250 months.

2. p 30, 12 to 19 Castleton prosecutor states
That no matter what offender score was a
zero, a one or a two He would impose the
same sentence, regardless of the fact of
the double jeopardy issue at hand, even
after admitting that the sentence should
have been 20 months to life.

2. The Judge denies in trial The [Fact]
That I'm sterile, The prosecutor states That
it would throw a serious monkey wrench
in the states case, Judge Sharon Armstrong
denies any and all evidence of my sterility.
pg 32 13 21 to 24.

3. The fact that again Judge Sharon S. Armstrong denied factual information,

The fact that DNA was checked off by a WSP tech while she was on vacation.

How is it possible to do so when she was in fact in Cancun p 34 8 to 15

4 DNA expert Virginia Himmich lied on the stand p 35 3 to 19.

This should have resulted in Automatic impeachment of evidence, as Himmich statement could not be put down to a simple misinterpretation.

When you find that a witness has spoken falsely, or has distorted the facts, or has not recalled ^{accurately} ~~properly~~ what has been offered as truthful testimony.

They must be impeached.

Since The Court or the jury would know where factual testimony started or stopped.

And if part of their testimony is demonstrably wrong than the rest of the testimony is suspect also. (State v. Demery).

4. NO calibration record why? p 35 12, 19

where as Ms Himmich gives an opinion not the factual evidence that was asked for, she states No I do not But I'm sure

There must have been.

Clearly prejudicial.

pg 36 10 to 27 The DPA expert had been instructed to lie clearly she could just remember any ones name who she worked with or even her [Boss]

Clearly she had been instructed to lie.

So That The ends of justice would be met.

This case should Be remanded to Superior Court in front of a New Judge as well as a new prosecutor and one charge dropped completely, or a new trial given.

Respectfully
Submitted

June 29 2012

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