

Case # 311759

**Statement of Additional Grounds
for Review**

**State of Washington
v.
Tyler Lee Jamison**

COURT OF APPEALS
DIVISION THREE
OF THE STATE OF WASHINGTON

FILED

JUN 13 2013

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

STATE OF WASHINGTON)
)
Respondent,)
)
v.)
Tyler L. Jamison)
(your name))
)
Appellant.)

No. 311759

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, Tyler Jamison, 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

During the arraignment on June 1, 2012 the prosecutor stated that both charges are the same course of conduct and would need to merge. (pg 141 lines 15-18)

Additional Ground 2

In the cross examination of Dr. Ophoven, the prosecutor asks if she's ever made contact with the victim (pg. 976 line 10-11). Dr. Ophoven then asks if this is a sarcastic question (pg. 976 line 12-13). The prosecutor says "pretty much" (pg. 176 line 14).

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

Date: 06-10-13
Form 23

Signature: Tyler Jamison

During the closing arguments, the prosecutor showed prosecutorial misconduct by using inflammatory remarks to the jury, acting as an unsworn witness, asking sarcastic questions, and using irrelevant and emotional comments such as: "She's never going to date, she's never going to school" (pg. 1068 lines 21-22). "She will be forever blind based upon this injury. That's probably the least of her worries at this point" (pg. 1079 line 19-20). "Heaven forbid if that was something all parents needed to worry about. You better start getting your kid in for an examination every time you knock their head" (pg. 1085 line 3-4). "This is her first birthday, she didn't get to eat cake" (pg. 1109 line 18-20). "Never have her beautiful perfect first child back. Never have her beautiful perfect first granddaughter back" (pg. 1119 line 17-19).

The prosecutor tells the jury "you can't let your emotion or your prejudices guide you in making this decision." And then makes a comment that reminds them of the emotional aspect by saying, "And that's going to be hard, because in this case you started with a little baby who seemed fine" (pg. 1108 line 18-21).

The prosecutor also stated her own opinion by stating, "And if you have any, any doubt, I always thought a video tape meant beyond all doubt" (pg. 1109 line 23-24).