

FILED
COURT OF APPEALS
DIVISION II

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STATE OF WASHINGTON

BY [Signature]
DEPUTY

STATE OF WASHINGTON
COURT OF APPEALS, DIVISION II

STATE OF WASHINGTON,)
)
 Respondent,)
)
 v.)
)
 Sean Stoll)
 Appellant.)

No: 44265-5-II

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, Sean Stoll, have received and reviewed the opening brief 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

It was error for the court to deny motion to remove potential juror during voir dire. The potential juror showed actual bias by saying he looked at the defendant as guilty, without seeing or hearing any evidence. It is the court's duty to remove a juror for cause when actual bias is shown.

Additional Ground 2

There is NOT sufficient evidence to uphold a conviction, because there is many inconsistencies in the testimony and no physical evidence. Hypothetically, if these heinous accusations were true, the alleged victim would not have simply went back to bed, as she testified, logically, she would have been in excruciating pain and needed, imediatly, to get medical attention.

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

Dated this 23rd day of May, 2013.

Respectfully Submitted,

[Signature]
Appellant

Additional Ground 3

Videotaped testimonial evidence should not have been admissible and presented to the jury for the following reasons:

#1. The witness (alleged victim) was available to testify.

#2. The detective conducting the interview, coercing answers, with leading questions was unavailable to be cross examined while jury was present. This violates the confrontation clause of our Constitution.

#3. The detective impermissively vouched for alleged victim's credibility in videotaped interview.

#4. Videotaped disposition offered to prove the truth of matters is hearsay and there was no hearing as to the admissibility of the video tape.

#5. Video tape was repetitive and inconsistent with in-court testimony.

Additional Ground 4

Defendant's public defender previously represented the alleged victim's mother, Melissa Lee, which proved to be a conflict of interest issue.

Additional Ground 5

State's witness Lorie Davis testified that "only 5 percent of sexually abused women show physical signs of rape" and "abuse could have occurred and healed". Considering that there is no physical evidence and the nurse's examination did not reveal any signs of abuse, this opinion was impermissively used to confuse and misdirect the jury. This opinion was also used to establish a theory that has not been accepted as true by the relevant scientific community which is in direct conflict with the Frye Rule. (Continued)

(Cont. Grounds)

Whether this error is viewed as a prosecutorial misconduct for knowingly using a witness whose statements directly conflict with standard medical opinions and statistics, or viewed as ineffective assistance of counsel issue for not bringing this to the court's attention, this error was highly prejudicial and could have materially affected the outcome of the trial.

CONCLUSION

For the reasons set forth above, and in the opening brief, it cannot be determined that Mr. Stoll was afforded a fair trial.

Mr. Stoll respectfully requests that this court reverse the convictions.

Dated this 23rd day of May, 2013.

Sean Stoll

Sean Stoll