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In The Court of Appeals of the State of Washington

Division Two

State of Washington

Respondent,

v.

Ariel Williams

Appellant.

No. 44383-II

STATE OF WASHINGTON

BY [Signature]
DEPUTY

FILED
COURT OF APPEALS
DIVISION
2013 SEP 25 AM 11:56

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, Ariel Williams, have received and reviewed the opening brief prepared by my attorney. Below are the grounds not mentioned in that brief. When my appeal is considered, I understand the Court will review my grounds:

Additional Grounds

1. Ineffective Assistance of Counsel

a. failure to Dismiss

b. failure to prepare

c. failure to submit exculpatory evidence

d. failure to disallow self-authenticating evidence

e. failure to impeach witnesses

Dated this 20th day of September 2013

Respectfully Submitted,

[Signature]
Appellant

1. Ineffective Assistance of Counsel

a. Failure to Dismiss

If my counsel had performed his duty by following through with an already requested motion for dismissal based on the fact that the alleged victim/witness still had not shown up when given plenty opportunity, I would not have went to trial; thereby, have been found guilty of felony harassment.

On or about September 25, 2012, I desired to procure the services of retired Detective, Mike Dahlstrom. It was my objective to retrieve information from 2 of my email accounts, to interview and obtain statements from the alleged victims/witnesses; as well as from my 3 witnesses, and finally to secure past records which would have been useful to show my ex-girlfriends historic dishonesty criminally and occupationally. However, my counsel did not agree that we needed him. He stated he could interview the witnesses/victims only and that would suffice. Thus, he entered an order on Omnibus wanting to interview both alleged victims/witnesses.

1. SAG

On October 23, 2012, neither of the victims/witnesses had shown up. I was growing impatient as I knew it had been almost two months since my arrest and being diligent not to waive my speedy trial rights, I stood before my counsel. Just before the hearing he stated that the state was physically sick and would be requesting a continuance, I refused to sign.

The judge granted the continuance and afterward I learned that an email was sent to both victims/witnesses to request their presence at the interview I wanted a subpoena but this was the method used. I received my copy of the continuance which was issued until October 29, 2012.

On October 26, 2012 the alleged victim/witness showed. However, only Debra Mason it was.

On October 29, 2012, I asked my attorney how it went before the hearing. He stated it was more helpful than ~~it~~ unhelpful. I asked him about the other alleged victim/witness. He said no one knew her exact whereabouts. I stated so do I have to stay in jail until she is located can this be dismissed? He said, "yes."

2. SAG

At the hearing on October 29, 2012, I was elated at the fact that my counsel requested a dismissal before the Honorable Judge Tollefson. He admonished the state and gave the state until November 13, 2012 to find it's alleged victim/witness.

On Friday November 9, 2012 my counsel called me on the unit. He explained that the state has not found Helen. Additionally, ~~that~~ he asked me my clothing size and that the plan was to show that we were trial ready and to formally request a dismissal before the court.

On Tuesday November 13, 2012, I went to court as scheduled. However, I was not dressed-out as told I would be. I was called in to the hearing or court as oppose to meeting my counsel first in an empty booth. In the courtroom or hearing room my counsel stated that he was going to ask to change trial judge as Judge Culpepper was bias against him. I asked him what about the dismissal? But he did not answer.

After my attorney requested his motion, Judge Tollefson asked what does your client think of this? I attempted to jump up while being

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pulled down by my counsel; but yet, saying "do I have to sit in jail, your Honor?" The Judge asked what the state thought at which time the answer was yes.

My counsel failed me in this regard. Judge Tollefson had already agreed that if the state did not show an alleged victim/witness within a period of two weeks then I needed not sit in jail waiting on such.

If my counsel would have stood up for my right I would not be in prison today. It was solely his duty to represent me to the best of his ability; not to look out for his own welfare and interest. This failure was indeed not only an act of ineffectiveness but also selfishly conflict of interest.

Ineffective Assistance of Counsel

b. failure to prepare

It's a counsel obligation to maintain a defense. The time from arrest to trial is critical. Perhaps, how, is respectively according to each counsel. However, preparation is imperative.

4-SAG

My counsel requested an interview with both alleged victims/witnesses but only interviewed one and went to trial as if it was fine to do such. My counsel failed to call any of the witnesses on my behalf not even for investigative purposes. In fact, he never formally or informally interviewed me. I was the proactive one who wrote all that transpired on August 24, 2013 as my counsel stated that he had 6 cases and I only had one.

My Counsel spent two hours interviewing the alleged victim/witness during trial as she was arrested via a Material Witness warrant over the weekend. He never asked me what I thought of her quickly written interview nor did he take a recess to challenge her very first words as to how we met and her supposed job at Olive Garden.

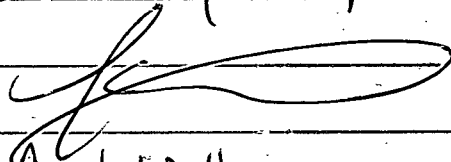
My Counsel failed me overall he failed to submit exculpatory evidence i.e. 911 tapes. He failed to disallow self-authenticating evidence and finally he failed to impeach the witness.

S-SAG

Conclusion

I request for the reasons stated herein, this Court reverse and dismiss the conviction for felony harassment, as well as, for Assault in the 4th degree.

Dated this 20th day of Sept. 2013



Ariel Williams

Appellant

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AHCC

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