

COURT

FILED  
Sep 23, 2013  
Court of Appeals  
Division III  
State of Washington

NO. 31385-9-III  
Consolidated with No. 31398-1

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION THREE

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STATE OF WASHINGTON,

Respondent,

v.

DANIEL DODD,  
Appellant.

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ON APPEAL FROM THE SUPERIOR COURT OF THE  
STATE OF WASHINGTON FOR WALLA WALLA COUNTY

The Honorable Donald Schacht, Judge

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STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

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Daniel Dodd  
Appellant

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STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

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Daniel Dodd  
Appellant

No 31385-9-III

Enclosed is the  
appellant Daniel Dodd  
statement of additional  
grounds ~~to~~ for review  
prepared for the Court  
of Appeals State of  
Washington Division III

Prepared by the appellant

Daniel Dodd

9/18/2013

The states recording of jail phone conversations between the defendant and his attorney were systematic and intentional. MWOOD listened to each of the 4 recorded phone calls on more than one occasion and listened to the July 3 and June 22 phone calls on July 9 in succession, RP 871 July 9 17:25:43 and RP 869 July 9 17:31:06. On July 20 11:07am MWOOD sent email to Harmon RP 861 that basically he listened to phone call between defendant and his attorney. At 12:37:49 on July 20 MWOOD testifies that he listened to a phone call RP 872 identified as an attorney/client phone call. At 15:20 on July 20 Harmon sends an email to WOOD that 509-522-2004 is defendants attorney. At 17:39:09 again on July 20 MWOOD listens to a phone call identified as an attorney/client phone

call. It is clear that the phone conversations were listened to by officers and Detective Ruchart testifies that this practice has happened before RP 895-96 and that the phone system has had problems with the disclaimer RP 880-1, 858, 905. For each of these officers to testify that the phone conversations they all listened to on multiple occasions were not of attorney client nature during their course of investigation and that they ever stopped listening to these recordings RP 872, 868. The evidence is clear, Matt Wood sent an email on July 20 2012 at 11:07am RP 862 Plaintiff Identification 1 that he suspected ~~a~~ call was to an attorney made within the last 30 days. Matt Woods ~~is~~ First sent the email on July 20 at 11:07am. The Securis call logs RP 860 Plaintiff

Identification 3 show that the ~~first~~ first call that Wood listened to on July 20 occurred at 12:37:49 RP872 therefore the email Wood sent refers to a phone conversation he listened to 2 days earlier on July 18 at 15:15:30 RP872 Plaintiff Identification 3. Why did Matt Wood wait 2 days to inform Harmon that he listened to an attorney/client phone call RP862 Plaintiff Identification 2 dated July 20 2012 11:07am. If Wood suspected that he was listening to an attorney/client call that occurred on July 18 2012 RP872 then why listen to the same call again on July 20 12:37:49 RP872 Plaintiff Identification 3 after he emailed Harmon on July 20 11:07 admitting that he listened to an attorney/client phone call Plaintiff Identification 1 RP 861. At 3:20 on July 20

Matt Wood sends another email to Harmon RP 863  
Plaintiff Identification 2  
that 522-2004 is Dodds attorney. Wood now testifies that he knows that 522-2004 is attorney/client phone number then why does Wood access the Securis phone system again ~~at~~ on July 20 at 17:13:09 RP 872  
Plaintiff Identification 3 to listen to attorney/client phone conversation. I believe and the record shows and as do the documents admitted by the plaintiff that there was a deliberate and systematic interception of phone calls between the defendant and his attorney and that the assertion by the plaintiff that the defendant knew and his attorney knew their conversations were being recorded has no foundation  
RP 905, 898, 896, 881, 880, 858

and no one knows ~~is~~ if the phone conversations between the defendant and his attorney were still being recorded before ~~July~~ June 26 or after Aug 6 2012 because the plaintiff ~~was~~ only provided records of phone conversations recorded between 6/26 to 8/6 RP 867-68, 872-73, 880 Plaintiff Identification 3

The states evidence that the defendant was on S 3rd St in Walla Walla on June 12 2011 is solely based on speculation and conjecture because there was no evidence admitted that the defendant had a certain phone in question on the night of June 12 or was in Walla Walla at the time of the alleged crime was committed.

The appellant never disputed the evidence that the phone was in the area of S 3rd St on June 12 only that



the prosecution never disputed the statements made by the appellant of his whereabouts when the crime was committed.

The appellant was at home with a back injury at the time of the shooting and that fact was never disputed the state contends that the phone in question was received a voice mail a few miles from the crime scene approx 8 min before the crime occurred. No evidence was admitted to support the claim that the appellant was on S 3rd when the crime was committed, no eyewitnesses no DNA, no weapon, and no corroborating testimony that the defendant was in the area of S 3rd when the crime was committed beyond a reasonable doubt

Paul Dede

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State v. Daniel Dodd

No. 31385-9-III

Certificate of Service by email

I Patrick Mayovsky, declare under penalty of perjury under the laws of the state of Washington that the following is true and correct:

That on the 23<sup>rd</sup> day of September, 2013, I caused a true and correct copy of the **Statement of Additional Grounds for Review** to be served on the party / parties designated below by email per agreement of the parties pursuant to GR30(b)(4) and/or by depositing said document in the United States mail.

Teresa Chen  
Attorney at Law  
PO Box 5889  
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Signed in Seattle, Washington this 23<sup>rd</sup> day of September, 2013.

x *Patrick Mayovsky*