Case # 31480-4

Statement of Additional Grounds For Review

State of Washington
v.

Jarrod E. Veilleux

COPY

COURT OF APPEALS
DIVISION THREE
OF THE STATE OF WASHINGTON

FILED

NOV 18 2013

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By

STATE OF WASHINGTON)
)
Respondent,)
)
v.)
)
JARROD VEILLEUX)
(your name))
)
Appellant.)

No. 12101145 1 31480-4

STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

I, JARROD VEILLEUX, 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

SEE ATTACHED STATEMENT

Additional Ground 2

SEE ATTACHED STATEMENT

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

Date: 11-13-13

Signature:

Form 23

STATEMENT OF ADDITIONAL GROUNDS

I. FIRST ISSUE SUMMARY -

DETECTIVE KURK KEYSER WAS THE LEAD DETECTIVE IN THIS CASE. HE WORKED THIS CASE FROM THE FIRST DAY ALL THE WAY TO SENTENCING. HE WAS NOT ONLY THE LEAD DETECTIVE BUT ALSO THE STATES KEY WITNESS. WHILE STILL CONDUCTING THE INVESTIGATION AS LEAD DETECTIVE, DETECTIVE KEYSER WAS ALSO SITTING IN AT THE PROSECUTORS TABLE DURING ALL TRIAL PROCEEDINGS, ON & OFF THE RECORD. HE WAS INTERACTING WITH ALL OTHER STATE WITNESSES BEFORE ANY TESTIMON WAS GIVEN BY THEM OR HIMSELF. ALL THIS AGAINST THE SPECIFIC INSTRUCTIONS GIVEN BY THE HONORABLE JUDGE TARI EITZEN DURING MOTIONS IN LIMINE.

STATEMENT OF THE FIRST ISSUE -

ON JANUARY 8TH DEPUTY PETERSON STATE WITNESS #1 AND MR. SHINES STATE WITNESS #2 SPENT 2 HOURS PLUS IN THE HALLWAY OUTSIDE THE COURTROOM TOGETHER COMMUNICATING AND INTERACTING. ON JANUARY 9TH SAME SAID DEPUTY, MR. SHINES & DETECTIVE KEYSER WERE SEEN BY DEFENSE COUNSEL AND DEFENDANTS OUTSIDE IN THE HALL TOGETHER MULTIPLE TIMES THROUGH OUT THE DAY. WHILE THE DEFENDAN WAS BEING TRANSPORTED BY ESCORT OUT OF THE COURTROOM MR. VEILLEU AND MR. RILEY OVER HEARD DETECTIVE KEYSER SAY "THE ONE WITH A SHAVED HEAD IS THE SHOOTER". DETECTIVE KEYSER IS NOT ONLY THE LEAD DETECTIVE OR KEY WITNESS BUT IS ALSO

SITTING IN THE COURTROOM DURING ANY & ALL MOTIONS, CONFERENCES AND HEARINGS THAT ARE GOING ON, ON & OFF RECORD.

IN MOTIONS IN LIMINE THE ISSUE WAS RAISED BY DEFENCE ABOUT WITNESSES AND HOW THEY SHOULD BE HANDLED IN ORDER TO KEEP COLLABORATION AND CONTAMINATION NON EXISTANT IN THIS TRIAL. THE STATE AND DEFENSE AGREED ON THE ISSUES RAISED. BUT THE COURT WENT EVEN FURTHER AND CAME TO THE DECISION TO KEEP ALL WITNESSES OUT OF THE COURTROOM AND AS SEPERATE AS POSSIBLE DURING TRIAL. DETECTIVE KEYSER WAS IN COURT AND HEARD THESE EXPLICIT INSTRUCTIONS GIVEN BY JUDGE EITZEN. BUT PAID NO MIND AND WENT AGAINST THE COURTS DECISION AND RULING. NONE OF THE THREE WITNESSES HAD TESTIFIED AND DETECTIVE KEYSER (LEAD DETECTIVE AND KEY WITNESS) WAS IN COURT FROM START TO FINISH.

IT CAN BE SAID THAT DETECTIVE KEYSER HAS INSIDER INFORMATION BEING THAT HE HAS BEEN PRESENT THROUGH ALL EVENTS OF NOT ONLY THIS TRIAL BUT THIS WHOLE CASE.

THE DEFENDANTS' RIGHT TO A FAIR AND JUST TRIAL HAVE BEEN VIOLATED CLEARLY. ONE WITNESS MR. SHINES STATE WITNESS #5 TESTIFIED UNDER OATH ABOUT THESE GOING ONS. MR. VEILLEUX OVER HEARD DETECTIVE KEYSER CLEARLY TALKING ABOUT THE CASE AND TRIAL TO OTHER STATE WITNESSES. SINCE THE APPREHENSION OF THE TWO DEFENDANTS THEY HAVE BEEN WARRANTED BY THE COURT TO BE KEPT SEPERATE. THE REASONING STATED

BY THE STATE IN A PRIOR PRE-TRIAL HEARING IS TO KEEP THEM FROM COLLABORATING STORIES THUS CONTAMINATING THIS TRIAL. SEPERATION NEEDS WERE PLACED ON THE DEFENDANTS AT THE PRISON IN MONTANA AS WELL AS IN SPOKANE COUNTY JAIL. HOW IS JUSTICE BEING SERVED BY LEANING ONE WAY BUT NOT THE OTHER? WHICH IT CLEARLY DID AND ONLY ON THE DEFENSE AND ONLY AGAINST THE DEFENSE.

FURTHER EVIDENCE CLEARLY SHOWS JUST HOW THESE PREJUDICE ACTIONS BY THE STATE DID CONTAMINATE THE WITNESSES AND TRIAL AS A WHOLE. ALL WITNESSES FROM THAT NIGHT, WITH THE EXCEPTION OF MS. DEWEY, TESTIMONIES HAVE BEEN FABRICATED AND REHEARSED BY THE STATE. THE EVIDENCE IS IN THE REPORTS FROM DEPUTIES AND DETECTIVES FROM THAT NIGHT, AND FROM REPORTS TAKEN MONTHS LATER BY DEFENSE COUNSEL. NOW COMPARE THOSE TO THE TESTIMONIES GIVEN AT TRIAL. THEY ALL DIFFER FROM THOSE GIVEN PREVIOUSLY BUT CONVENIENTLY CONCUR WITH EACH OTHERS TESTIMONIES NOW.

THE DAMAGE THAT WAS DONE IS MONSTEROUS AND IRREVOCABLE. THE IRRESPONSIBLE ACTIONS AND TOTAL DISREGARD FOR THE COURTS DECISIONS AND RULINGS BY THE STATE IS IRREVERSIBLE. VIOLATIONS AGAINST MR. VEILLEUXS CONSTITUTIONAL RIGHTS HAS PREVENTED HIM FROM RECIEVING A FAIR AND JUST DUE PROCESS.

II. SECOND ISSUE SUMMARY-

AT SENTENCING MR. VEILLEUX RECIEVED A 116 MONTH SENTENCE. THAT WAS THE ROOF OF THE SENTENCING RANGE FOR FIRST DEGREE UNLAWFUL POSSESION OF A FIREARM. MR. VEILLEUX WAS ALSO ORDERED A NO CONTACT ORDER FROM AARON SCOTT HAYMOND. AT A SENTENCING RE-CONSIRATION HEARING MR. VEILLEUX BROUGHT UP THE FACT THAT HE HAS AN ADDICTION PROBLEM. THE DEFENSE ASKED TO BE RECONSIDERED FOR THE D.O.S.A. PROGRAM TO HELP ADDRESS THESE ISSUES. JUDGE EITZEN ADMITS TO HER SENTENCE BEING HARSH.

STATEMENT OF SECOND ISSUE-

THE SENTENCE GIVEN TO MR. VEILLEUX WAS 116 MONTH WHICH IS THE MAXIMUM SENTENCE FOR THE CHARGE OF UNLAWFUL POSSESION OF A FIREARM. THE STATE AVERAGE FOR THAT SAME CHARGE IS FAR LESS THEN THE SENTENCE MR. VEILLEUX RECIEVED. ALSO AT SENTENCING MR. VEILLEUX WAS ORDERED TO HAVE NO CONTACT WITH ONE AARON SCOTT HAYMOND. OR ANY MEMBER OF HIS FAMILY THE OFFENSE OF UNLAWFUL POSSESION OF A FIREARM IS A STATUS OFFENSE. THIS CRIME IS ANALOGOUS TO UNLAWFUL POSSESION OF A CONTROLLED SUBSTANCE, A CRIME WHICH HAS NO INDIVIDUAL VICTIM. THIS NO CONTACT PROHIBITION ISSUE WAS RAISED DURING

MR. VEILLEUXS RECONSIDERATION OF SENTENCING HEARING.

BASED ON THE FACT THAT MR. HAYMOND NOR ANYONE IN HIS FAMILY IS THE VICTIM OF THE OFFENSE OF UNLAWFUL POSSESION OF A FIREARM. THAT JUDGE EITZEN ALLOWED MR. HAYMONDS MOTHER TO SPEAK AS A VICTIM AT MR. VEILLEUXS SENTENCING HEARING AND THE EXCESSIVE SENTENCE HANDED DOWN THERE AFTER. IT'S BELIEVED BY MR. VEILLEUX THAT JUDGE EITZENS DECISION WAS BIASED DUE TO HER EMOTIONAL CONNECTION TO THIS CASE.

AT MR. VEILLEUXS RECONSIRATION OF SENTENCING HEARING DEFENCE ASKED TO RECONSIDER THE IMPOSITION OF THE HIGH END OF THE STANDARD RANGE AND THE DENIAL OF PRISON BASED DOSA. MR. VEILLEUX ALSO REQUESTED THAT THE COURT STRIKE THE NO CONTACT ORDER. THE LATTER ISSUE WAS NEVER EVEN ADDRESSED BY THE COURT.

MR. VEILLEUX ADMITTED HE HAD AN ADDICTION PROBLEM AND THAT HE WAS IN FACT IN A BAR AT THE TIME THE COMMISSION OF THIS CRIME TOOK PLACE. RCW 9.94A.010 (2),(5),(6) &(7) STATE THAT FURTHER PURPOSES OF THE SENTENCING REFORM ACT INCLUDE "PROMOTING RESPECT FOR THE LAW BY PROVIDING A SENTENCE WHICH IS JUST; PROTECTING THE PUBLIC; OFFERING THE OFFENDER AN OPPORTUNITY TO IMPROVE HIMSELF; AND REDUCING THE RISK OF REOFFENDING BY OFFENDERS IN THE COMMUNITY." THE PURPOSE OF THE SENTENCING REFORM

ACT, IS TO MAKE THE CRIMINAL JUSTICE SYSTEM ACCOUNTABL TO THE PUBLIC BY DEVELOPING A SYSTEM OF SENTENCING FELONY OFFENDERS WHICH STRUCTURES, BUT DOES NOT ELIMINATE DISCRETIONARY DECISIONS AFFECTING SENTENCES. AT SENTENCING JUDGE EITZEN DID IN FACT FIND MR. VEILLEUX CHEMICALLY DEPENDANT AND THAT THIS INDEED CONTRIBUTED TO HIS OFFENSE. EVIDENCE OF THIS WILL BE FOUND IN THE FELONY JUDGMENT AND SENTENCING.

WHEN ADDRESSING THESE ISSUES AT THE RECONSIDERATION HEARING JUDGE EITZEN ADMITS TO THE SENTENCE BEING HARSH SHE STATES THAT THE SENTENCE IS INDEED HARSH AND THAT IF MR. VEILLEUX WOULD OF CAME BEFORE HER THIS DAY INSTEAD OF THE DAY OF MR. VEILLEUXS ACTUAL SENTENCING THAT SHE WOULD HAVE IMPOSED A LIGHTER SENTENCE AND CONSIDERED APPLYING THE DOSA PROGRAM ALSO. JUDGE EITZEN FURTHER STATES THAT, "AT THIS TIME SHE CAN NOT RECONSIDER OR CHANGE HER DECISION BECAUSE THEN SHE WOULD FEEL OBLIGATED TO RECONSIDER OTHERS' SENTENCES SHE HAD DECIDED. BUT THAT IF THE COURT OF APPEALS RETURNED MR. VEILLEUX BACK INFRONT OF HER THAT SHE WOULD INDEED IMPOSE A DIFFERENT SENTENCE."

THE FACTS ARE CLEAR THAT JUDGE EITZENS DECISIONS AT MR. VEILLEUXS SENTENCING WERE BIAS. MR. HAYMOND WAS THE VICTIM TO A CRIME IN WHICH MR. VEILLEUX WAS AQUITTED OF. LETTING THE MOTHER OF MR. HAYMOND

SPEAK AT MR. VEILLEUXS SENTENCING. HANDING DOWN THE MAXIMUM SENTENCE POSSIBLE. THEN PLACING THE NO CONTACT PROVISION ON MR. VEILLEUXS SENTENCING ORDER TOWARDS MR. HAYMOND AND HIS FAMILY SHOW JUDGE EITZEN WAS EMOTIONALLY INFLUENCED WHEN HANDING DOWN HER SENTENCE ON MR. VEILLEUX. WHICH WAS ONLY REINFORCED BY JUDGE EITZENS OWN OMMISSIONS DURING MR. VEILLEUXS RE-CONSIDERATION OF SENTENCE HEARING.

THE ISSUES OF SENTENCING AFOREMENTIONED HAVE CAUSED MR. VEILLEUXS DUE PROCESS TO BE VIOLATED. HE WAS NOT ABLE TO RECIEVE A FAIR AND JUST DUE PROCESS.

RESPECTFULLY,

JARROD VEILLEUX

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

STATE OF WASHINGTON, Respondent, v. JARROD E. VEILLEUX Appellant.	No. 31480-4-III; SUPERIOR COURT NO. 12-1-01185-1 STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

I, JARROD VEILLEUX, 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 # 3

SEE ATTACHED STATEMENT -

Additional Ground 2

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

Date: 3-29-14 Signature: [signature]

STATEMENT OF ADDITIONAL GROUNDS

III. THIRD ISSUE SUMMARY-

MR. VEILLEUX WAS PREJUDICED WHEN THE TRIAL COURT DID NOT GRANT THE MOTION TO SEVER HIS CASE FROM CO-DEFENDANT TERRANCE RILEY. THE DEFENDANT OBJECTED TO THE CONTINUENCES ON SEPTEMBER 6, 2012, OCTOBER 8, 2012 AND NOVEMBER 26, 2012. THE TRIAL COURT GRANTED EACH CONTINUENCE OVER MR. VEILLEUXS OBJECTIONS. MR. VEILLEUX INVOKED HIS RIGHT TO A SPEEDY TRIAL WITH SUFFICIENT TIME FOR THE TRIAL COURT TO ACCOMODATE.

STATEMENT OF THE THIRD ISSUE-

UNDER CrR 3.3 A DEFENDANT HAS THE RIGHT TO A FAST AND SPEEDY TRIAL. THIS IS SUPPORTED BY U.S.C.A. CONST. AMEND. 6; WESTS RCWA CONST. ART. 1, § 22 AMENDED BY AMEND. 10

MR. VEILLEUX WAS CHARGED AND JOINED THROUGH TRIAL WITH MR. RILEY. MR. RILEYS COUNSEL WAS CONTINUEOUSLY UNPREPARED AND SO REQUESTED MORE TIME OVER MR. VEILLEUXS OBJECTIONS. THE TRIAL COURT GRANTED THESE REQUESTS OVER MR. VEILLEUXS OBJECTIONS. MR. VEILLEUX HAD BEEN INVOKING HIS RIGHT TO A SPEEDY TRIAL SINCE EVEN BEFORE HIS ARRAIGNMENT. WHEN MR. VEILLEUX REALIZED THAT A JOINED TRIAL WITH MR. RILEY WOULD PUSH HIS TRIAL DATE PAST HIS SPEEDY TRIAL RIGHTS. HE MOTIONED THE COURT TO SEVER HIS CASE FROM MR. RILEYS UNDER CrR 4.4 (C)(1). WHICH STATES "IF BEFORE TRIAL, IT IS DEEMED NECESSARY TO PROTECT A DEFENDANT'S RIGHTS TO A SPEEDY TRIAL." DEMAND OF TRIAL BY DEFENDANT UNDER CrR 3.3 STATES THAT "TIMELY OBJECTIONS ARE REQUIRED SO THAT, IF POSSIBLE, THE TRIAL COURT WILL HAVE THE OPPORTUNITY TO FIX THE ERROR AND STILL SATISFY THE SPEEDY TRIAL REQUIREMENTS. THE DEFENDANT FOLLOWED ALL RULES AND REQUIREMENTS OF THE LAW.

IN THE STATES RESPONSE BRIEF THEY STATE THE DEFENDANT FAILED TO MENTION ANY PREJUDICE. THEY ALSO MIS QUOTE STATE V. INIGUEZ. THE TRIAL COURT GRANTED A CONTINUENCE BY CO-DEFENDANT MR. RILEY THAT EXCEEDED THE ALLOTTED TIME LIMITS OF A SPEEDY TRIAL FOR MR. VEILLEUX. OVER HIS OBJECTION AND HIS INVOKATION OF SAID RIGHTS. THIS IS A PREJUDICE IN ITSELF NOT TO MENTION A VIOLATION OF HIS CONSTITUTIONAL AND STATE RIGHTS.

IN STATE V. INIGUEZ, 143 WN. APP. 845, 180 P.3d 855 (2008) OUT OF THE 3RD DIVISION OF THE WA. COURT OF APPEALS, THE COURT FOUND THAT THIS SAME ISSUE WAS IN FACT PREJUDICIAL. WHEN DELAY IS CAUSED BY A CO-DEFENDANT JOINED BY THE GOVERNMENT, A DELAY IS GENERALLY ACCEPTABLE EXCEPT WHEN THE ACCUSED DEMANDS A SPEEDY TRIAL; IN THAT CASE, A DEFENDANTS INVOCATION OF HIS 6TH AMENDMENT RIGHT TO A SPEEDY TRIAL TRUMP THE POLICY OF JOINING THE TRIALS OF DEFENDANTS WHO ARE INDICTED TOGETHER. UNITED STATES V. GRIMMOND, 137 F.3d 823, 828-29 (4TH CIR. 1998). DELAY WHICH OCCURS AFTER A SPEEDY TRIAL RIGHT IS DEMANDED SHOULD BE SCRUTINIZED WITH PARTICULAR CARE.

MR. VEILLEUXS PAROLE WAS REVOKED IN MONTANA DUE TO THE PENDING CHARGES IN WASHINGTON. THE STATE MIS READS THE CrR 3.3 RULE AND THE STATE V. CHAVEZ-ROMERO CASE. IN STATE V. CHAVEZ-ROMERO, 170 WN. APP. 568, 589, 285 P.3d 195 (2012) OUT OF DIVISION 3, COURT OF APPEALS. IT STATES THAT "THE RIGHT TO A SPEEDY TRIAL AFFORDED BY THE 6TH AMENDMENT ATTACHES WHEN A CHARGE IS FILED OR AN ARREST MADE THAT HOLDS ONE TO ANSWER A CRIMINAL CHARGE, WHICH EVER COMES FIRST. STATE V. CORRADO, 94 WASH. APP. 228, 232, 972 P.2d 515 (1999), STATE V. HIGGLEY, 78 WASH. APP. AT 164, 902 P.2d 659. U.S. V. LOUD HAWK, 474 U.S. 302, 310-11, 106 S. CT. 648, 88 L.Ed-2d 640 (1986). U.S. V. MARION. DILLINGHAM V. U.S. THUS, EVEN WHEN NO FORMAL CHARGES IS PENDING, THE RESTRAINT OF AN

ARREST TRIGGER 6TH AMENDMENT SPEEDY TRIAL PROTECTIONS.

AT TRIAL CO-DEFENDANT TERRANCE RILEY WAS AQUITTED OF ALL CHARGES. MR. VEILLEUX HAD HIS 6TH CONSTITUTIONAL AMENDMENT RIGHTS AND HIS RCWA CONST. ART. 1, §22 AMENDMENT RIGHTS VIOLATED DUE TO TRIAL COURT ERROR. MR. VEILLEUXS CONVICTION FOR UNLAWFUL POSSESION OF A FIREARM SHOULD BE DISMISSED WITH PREJIDICE.