

70701-9

REC'D

FEB 03 2014

King County Prosecutor  
Appellate Unit

70701-9

STATEMENT OF ADDITIONAL  
GROUND FOR REVIEW

STATE OF WASHINGTON )  
 )  
 Respondent, )  
 )  
 v. )  
 )  
 David c Hindal )  
 (your name) )  
 Appellant )

No. 70701-9-1

STATEMENT OF ADDITIONAL  
GROUND FOR REVIEW

FILED  
COURT OF APPEALS DIV 1  
STATE OF WASHINGTON  
2014 FEB -3 PM 4:18

I, David Hindal, 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

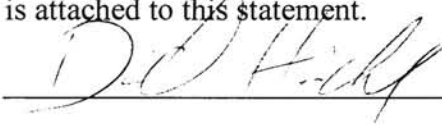
First on the ground that the trial court erred when excluding potential pertinent exculpatory evidence to my mental state of mind at the time of the crime. Deputy Rayburn should've been allowed to testify to the jury about my "hearing voices" I believe that the Federal "rules of Evidence" 803.2 "Excited utterance" And 803(3) "The existing mental and emotional or physical condition as proof of intent" Also that my trial attorney didn't thoroughly pursue a possible Diminish Capacity defense.

Additional Ground 2

Second Ground the right to call MR Jose Mendoza whom was mentioned in the Discovery Had done a written ~~statement~~ statement and was a witness to the day of the alleged crime. AS IS my right under U.S.C. VII Amendment And Article I Section 22 Also Bobby vs the State of Maryland Supreme Court decision

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

Date: 1-24-14

Signature: 

# Additional Ground I Brief.

Page  
1  
of  
2

I believe that some exculpatory if not mitigating factors and information was withheld from the jury in my case. The fact that deputy Rayborn was going to testify to my frame of mind or that I informed him that "The voices called into the residence" was excluded as testimony mightive had a serious over all effect of the jury's decision. The fact that this statement was made by me minutes after I was placed into the patrol car goes to the heart of what the "Federal Rules of Evidence" 803.2 "Excited Utterance" And 803(3) "The existing mental, emotional or physical condition as proof of intent" are meant to be provided for the defense, as evidence if they were part of the underlying offense. If deputy Rayborn and I were to allow my statement to be heard by the jury there is a good chance the jury could have found me guilty of the lesser charge included. Or possibly persuaded the jury to other outcomes. The fact that the state sought to have the first part of the statement "I broke into the house" as admissible for the jury to hear from deputy Rayborn, suggest that this hearsay evidence was indeed admissible. Even though MR Carr from the state also sought that the second half of the statement "because the voices in my head told me so" be excluded. Further proof of this is that MR Carr and the state did not wish to enter any part of the statement, when they learned that court was to allow the statement in its entirety. As provided in rule of completeness. Even with the court "willing to give limiting instruction" with regards "not to consider diminished capacity." Moreover the fact that a 3.5 hearing was not offered up by the state or defense attorneys. For one reason. Stated of time constraints, I believe that evidence was withheld due to court and caseload conveniences by the two attorneys and the court ~~schedule~~ schedules. Furthermore my attorney was ineffective in her duties as my defense counsel. MS Larose was unaware of her investigators

Additional Ground I brief

Mr Kates recorded statement; and interview with deputy Rayborn, in full up until the trial was already well in progress. The fact that my attorney Ms LaRose was "unaware" of some important aspects of that recorded interview, is more proof of ineffective representation. "This was one of the reasons during the lifetime motions I'd asked her to withdraw as my attorney. I then further requested self representation. The fact that my attorney had little or no knowledge of the statement or evidence offered up by one of the arresting deputies up until the time he was going to expand such possible mitigating or exculpatory evidence should be taken into consideration by the court of Appeals. I believe these are assignment of errors that denied me proper access to a fair defense and trial. The omitting of such testimony and lack of foreknowledge by the defense attorney might have had a serious negative/detrimental and prejudicial effect on the jury's verdict. The jury didn't get all the facts. Also I'm appealing for a new trial on which those omitted facts would be taken into consideration by a jury. And that if a diminished capacity defense could be examined as a possible or probably legal excuse. Finally I wish to also add that the federal rules of evidence rule 103A(a) states "once the court makes a definitive ruling on the record admitting or excluding evidence, either at or before trial a party need not to renew an objection or offer of proof to preserve a claim of error for appeal." under that rule am I also requesting an appeal of additional grounds for a new trial.

1-24-14

David Hindal  
 David Hindal

## Additional Grand II Brief

On my Second Additional Grand, I'm filing for appeal to a new trial base upon my constitutional rights of the USC VI amendment <sup>66</sup> - to be confronted with the witness against him; to have a compulsory process for obtaining witnesses in his favor and to have assistance of counsel for his defense<sup>99</sup> ALSO Cited within the constitution of the State of Washington Article I Section 22 <sup>66</sup> - to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witness in his own behalf<sup>99</sup> During my trial I requested to my attorney the right to call MR Jose Mendoza whom was an eye witness and wrote a ~~writ~~ written statement of my alleged crime for which I was convicted of. MR Mendoza was also named in my discovery. Under Brady vs State of Maryland Supreme Court decision I was denied my full VI Amendment right. Moreover Constitution of ~~the~~ Washington Article I Section 22. Even though the state didn't wish to ~~admit~~ <sup>admit</sup> his testimony nor his written statement should not ~~have~~ preclude me access to this eyewitness. I also believe the jury should've had access to this eyewitness and his witness statement. When I requested this to the trial court; And my attorney I was denied. That is another reason I requested for my attorney to withdraw from my defense. I also requested self representation. I believe my VI ~~and~~ amendment USC as well Article I Section 22 rights were ~~error~~ ~~erred~~ by ineffective counsel and the trial court. I'm asking the ~~@~~ Court of appeals to move for a new trial so that I may have the legal recourse of my rights. I believe I and the jury should have had access to all evidence statement so that I could have a fair trial allowed me by the US constitution and that of the state of Washington

1-24-14

David Hill  
David Mindel