

Case # 310221

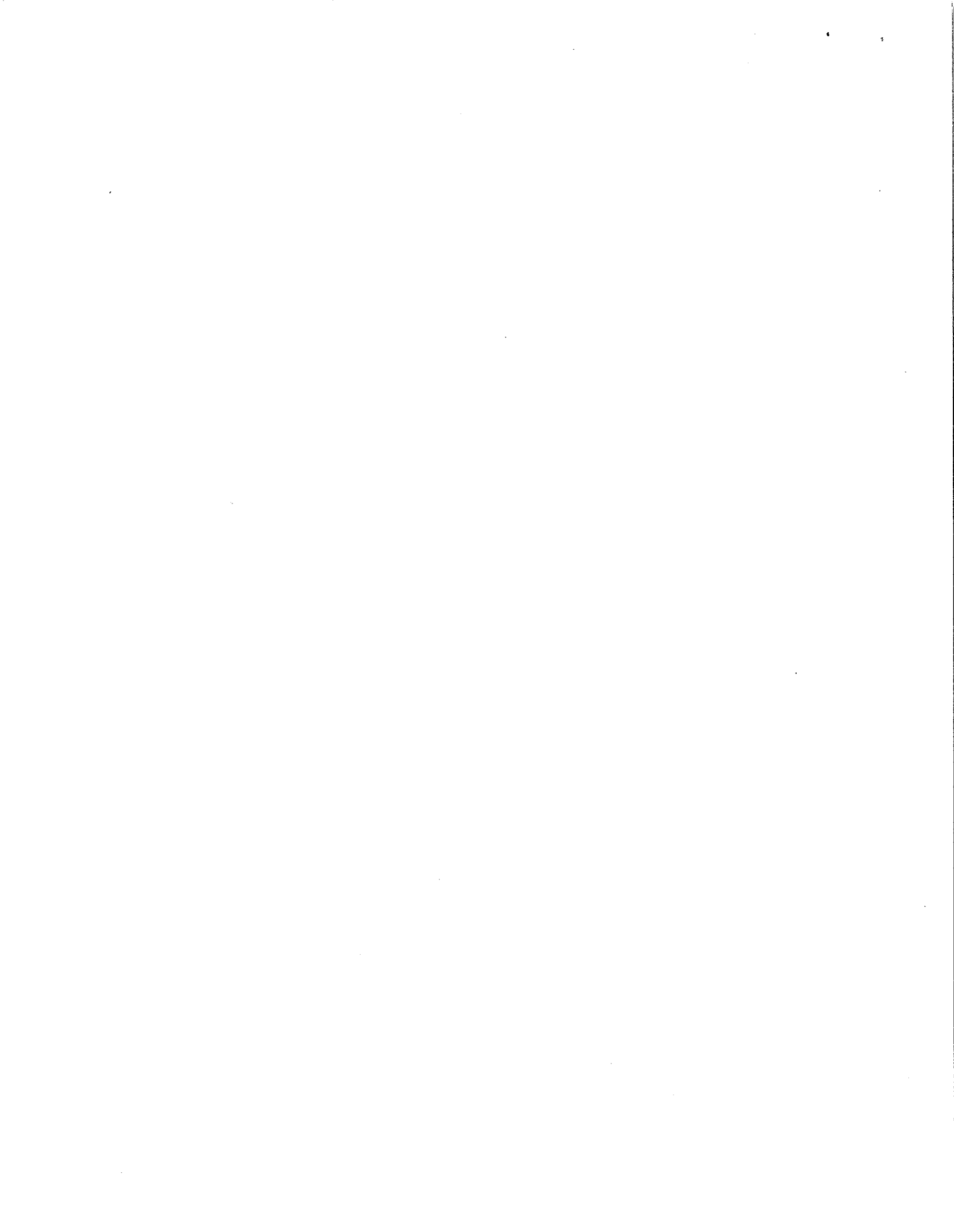
**Statement of Additional Grounds
for Review**

State of Washington

v.

David Henry Endres

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COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

AS STATED ON THE YAKIMA POLICE DEPARTMENT REPORT

CASE NUMBER: 05-10450, OFFENSE: RAPE 2ND DEGREE, DATE: 06-17-2005

OFFICER: A. PATLAN # 4826

OFFICER PATLAN RESPONDED TO MEMORIAL HOSPITAL, 2811 JELTON DRIVE, YAKIMA, WA. 98902 FOR A SEXUAL ASSAULT REPORT. ALLEGED VICTIM A "MS DESTINY L. MORGAN" CLAIMS THAT ANOTHER FEMALE NAMED VERONICA INVITED HER TO A PARTY AT HER HOME. THE ALLEGED VICTIM CLAIMS THAT "ANGEL", (DAVID ENDRES JR.) WAS THE OLDEST AT THE ALLEGED PARTY. SHE CLAIMS THAT HE WAS 21 YEARS OLD, BUT DOES NOT GIVE ANY EVIDENCE TO BACK HER CLAIM OR ANY EXPLANATION TO HOW SHE ACQUIRED HER INFORMATION OF "ANGEL'S" AGE. THE ALLEGED VICTIM STATES THAT SHE FEELT "NAUSEATED" AND WANTED TO LEAVE THE "PARTY" AND THAT "VERONICA" TOLD HER THAT "ANGEL" COULD TAKE HER HOME WHICH IMPLIES THAT "ANGEL" HAD SOME KIND OF VEHICLE. WHEN INFACT "ANGEL" DOES NOT HAVE A VEHICLE, ALSO "ANGEL" DOES NOT EVEN DRIVE DUE TO NOT HAVING A LICENSE AND ALSO "ANGEL" HAS SEIZURES AS WELL AS A VERY LONG DOCUMENTED MEDICAL AND MENTAL HEALTH HISTORY TO BACK THE FACTS UP.

THE ALLEGED VICTIM THEN CLAIMS THAT "ANGEL" SAID THAT SHE COULD REST AT "HIS" HOME, BUT "ANGEL" LIVED IN A CONTROLLED LIVING SITUATION WHERE WOMEN WERE NOT PERMITTED WITHOUT PRIOR PERMISSION FROM THE LANDLORD. DUE TO THE FACT THAT THE OTHER RESIDENTS RESIDING THERE HAVE CRIMINAL AND OR MENTAL HEALTH CONDITIONS PREVENTING THEM FROM BEING AROUND CERTAIN TYPES OF INDIVIDUALS.

ALLEGED VICTIM THEN CLAIMS THAT UPON ENTERING "ANGEL'S" RESIDENCE THAT "ANGEL" SLAMMED THE DOOR BEHIND HER. ASSUMING THAT THIS STATEMENT BE SAID IN "TENTH" PRESENTS QUOTE A PROBLEM WHEN ONE TAKES INTO CONSIDERATION THE ARCHITECTURAL

DESIGN AND PHYSICAL FACTS OF THE BUILDING IN THE ABOVE STATEMENT, WHICH IS THAT THE BUILDING HAS A FOYER INSIDE THE DOOR INTO A MAIN "LIVING ROOM," WHICH IS SURROUNDED BY ROOMS THAT SERVE AS "APARTMENTS" AND THIS LEADS TO A KITCHEN AND A MORE SPACIOUS "DINING AREA" AND A SET OF STAIRS THAT LEADS TO THE ROOMS "APARTMENTS" ABOVE. MAY I ALSO POINT OUT THAT THIS BUILDING IS SELDOM EMPTY. SO IF IN FACT THE ALLEGED VICTIM IS BEING TRUTHFUL AND THE ACCUSED DID INDEED "SLAM THE DOOR BEHIND HER AS WELL AS TOLD HER TO TAKE OFF HER CLOTHES" AND SHE THEN REPLIED TO "FUCK OFF" THAT SHE "WAS NOT ONE OF HIS TOYBOY FRIENDS." SHE THEN GOES ON TO STATE THAT "ANGEL" PUNCHED HER THREE TIMES IN THE CHEST AS WELL AS RIPPED OFF HER SHIRT AND BRA. THIS WOULD HAVE CREATED A LOT OF NOISE FROM THE MOMENT THE DOOR IS SUPPOSED TO HAVE BEEN SLAMMED TO THE ALLEGED ATTACK. IF ANY OF IT ACTUALLY DID HAPPEN, THIS WOULD HAVE UPSET THE OTHER RESIDENTS AROUND AND THE LANDLORD WOULD HAVE BEEN IMMEDIATELY NOTIFIED AS WELL AS THE POLICE.

FURTHERMORE THE ALLEGED VICTIM CONTENDS TO CLAIM THAT "ANGEL" PENETRATED HER VAGINA WITH HIS PENIS THAT WAS HARD AFTER REMOVING HER PANTS AND PANTIES. SHE STATES THAT HER VAGINAL AND INSIDE AREA AS WELL AS THE AREA ON HER CHEST WHERE SHE CLAIMS THAT "ANGEL" PUNCHED HER THREE TIMES, WAS TENDER TO THE TOUCH BUT THERE WAS NO BRUISING. NEXT, THE ALLEGED VICTIM GOES ON TO STATE THAT, AFTER "ANGEL" FINISHED, SHE GOT UP AND GRABBED "HIS" SHIRT AND SHE TOLD "ANGEL" SHE WAS GOING TO LEAVE, AND "ANGEL" ALLEGEDLY TOLD HER THAT HE WASN'T GOING TO LET HER LEAVE JUST YET. SHE THEN YELLED "HEY THERE'S THE COP!" WHICH, MAY I POINT OUT IF SHE HAD INDEED YELLED THIS AS SHE CLAIMS, SHE WOULD HAVE ONCE AGAIN CREATED A DISTURBANCE, WHICH WOULD HAVE ALSO RESULTED IN

THE LANDLORD BEING CALLED WHICH IN THAT CASE WOULD END IN A VERBAL REPRIMAND AND A WARNING TO DESPERSE AND DESIST IMMEDIATELY OR FACE EVICTION. NEXT, THE ALLEGED VICTIM CONTINUES BY SAYING, SHE GRABBED HER PANTS AND RAN OUT THE FRONT DOOR. SHE THEN STATES THAT THE "ACCUSED", "ANGEL" CHASED HER NEAR ST. PAULS SCHOOL, WHERE SHE THEN HAD BEEN HANGING SOME DUMPSTERS BY THE SCHOOL. THEN THE ALLEGED VICTIM SAID SHE WENT TO HER MOTHER'S HOME AFTER "ANGEL" LEFT. SHE THEN SAID THAT HER MOTHER ORIGINALLY TOOK HER TO MENTAL HEALTH, BECAUSE SHE THOUGHT THE ALLEGED VICTIM NEEDED TO GO THERE. SHE THEN WAS SENT TO MEMORIAL HOSPITAL AT THE ADDRESS, 2911 TILTON DRIVE, YAKIMA, WA. 98902. THE ALLEGED VICTIM'S MOTHER WAS NOT SURE WHAT TO DO. THE ALLEGED VICTIM SAID THAT SHE WAS RAPED BEFORE, WHEN SHE WAS 13, 14, 15, AND 16 YEARS AND CLAIMS THAT SHE WAS JUST IN THE WRONG PLACE. SHE SAID SHE DID FEEL A LITTLE SUICIDAL AT THIS TIME, AND SHOWED THE HESITATION MARKS ON BOTH OF HER WRISTS. THE ALLEGED VICTIM CLAIMS THAT SHE DOES NOT KNOW THE ADDRESSES ON EITHER "VERONICA" OR "ANGEL'S" AND THAT "ANGEL" LIVED IN A THREE STORY BLUE HOUSE AND THAT THERE WERE "FOOD PLACES" NEAR THE HOUSE. THE "ALLEGED VICTIM" STATES THAT "ANGEL" IS A HISPANIC MALE, 5'11", SKINNY, BLACK SHAVED HAIR, WITH A LOOP EARRING IN HIS LEFT EAR, A BLUE SHIRT AND CAMOUFLAGE PANTS WITH CHAINS. THE ALLEGED VICTIM SAID THAT SHE COULD IDENTIFY "ANGEL" IF SHE SEEN "HIM" AGAIN.

AT THIS TIME I AM GOING TO "TALK" ABOUT THE MULTIPLE STATEMENTS THAT THE "ALLEGED VICTIM" MADE TO THE INVESTIGATORS AS WELL AS THE COURT AND JURY. ALSO POINTOUT THE "MULTIPLE DISCREPANCIES" FOUND WITHIN THESE STATEMENTS.

ON 6-17-2005 AT ABOUT 2215 HRS. DEPT. PATMAN WAS CALLED TO MEMORIAL HOSPITAL, 2811 TETON DRIVE, YAKIMA, WA 98902 FOR A SEXUAL ASSAULT REPORT. THE "ALLEGED VICTIM" STATES THAT SHE JUST MOVED HERE FROM MONTANA AGAIN. LOOK AT THE STATEMENT FROM 1-11-11, SHE STATES THAT SHE RAN FROM A DETOX CENTER. IN 2005 THE "ALLEGED VICTIM" STATED THAT THE "GUY'S" NAME WAS "ANGEL" BUT IN 2011, SHE STATES THAT SHE DIDN'T KNOW THE "GUY'S" NAME. SHE ALSO STATES THAT A GIRL NAMED "VERONICA" INVITED HER TO A PARTY AT "VERONICA'S" OWN HOME, BUT FIVE YEARS LATER HER STORY CHANGES, THERE IS NO MENTION OF "VERONICA" OR HER "PARTY" AND SHE DOESN'T KNOW THE NAME OF THE FEMALE THAT SHE ESCAPED THE DETOX CENTER WITH. EXCEPT THAT IT WAS SOMEONE SHE MET BEFORE SHE MOVED TO MONTANA. THE "ALLEGED VICTIM" THEN STATES IN 2005, THAT "ANGEL" RIPPED OFF HER SHIRT AND BRA AND THEN TOOK OFF HER PANTS THEN HER "STATEMENT" CHANGES AGAIN IN 2011, SHE IS UNSURE HOW SHE ENDED UP WITH HER CLOTHES OFF. SHE THEN STATES THAT SHE GRABBED "HIS" SHIRT AS WELL AS HER PANTS. IN 2005, WHEN SHE WAS TELLING THE INVESTIGATORS IN 2011, SHE STATES "SHE JUST HAD A LONG TEE-SHIRT AND RAN OUT OF "ANGEL'S" PLACE. SHE THEN STATES IN 2011 THAT "ANGEL" HELD HER DOWN BY HER WRISTS AND HER ARMS. IN 2005 THERE IS NO MENTION OF "ANGEL" HOLDING THE "ALLEGED VICTIM" DOWN. JUST THAT THE "ALLEGED VICTIM" HAD HESITATION MARKS ON BOTH OF THE "ALLEGED VICTIM'S" WRISTS AS SHE STATES IN 2005.

IN 2005, THE "ALLEGED VICTIM" WAS IN A "HALFWAY HOUSE" IN THE CARE OF A DETOX CENTER, WHICH SHE ESCAPED FROM, ALSO I WOULD LIKE TO ADDRESS THE COMPETENCY OF THE "ALLEGED VICTIM" TO SEE IF SHE IS CAPABLE TO TESTIFY. THE HISTORY OF THE "ALLEGED VICTIM'S" MENTAL HEALTH WASN'T AVAILABLE FOR THE DEFENSE TO REVIEW. THE CHANGES AND ACCURACY OF THESE STATEMENTS AS WELL AS THE MULTIPLE DISCREPANCIES FOUND WITH IN THESE STATEMENTS SHOULD BE EXAMINED ALOT MORE CLOSELY THEN THEY WERE. MAY I POINT OUT THAT THE "ALLEGED VICTIM" REPEATEDLY STATES THAT SHE CAN NOT REMEMBER, AND IS NOT CLEAR ON THE DETAILS, LET ALONE ANY PROVEN FACTS.

I AM NOT A "LAWYER", SO I AM GOING TO "LITIGATE" VIOLATIONS OF MY RIGHTS AS I SEE THEM, THEN I WILL LIST THE ONLY CASE THAT I FOUND THAT IS EVEN CLOSE TO THE CONTENTS OF THIS CASE.

FIRST: IS THAT THE PROSECUTOR, MR. SOLKUP, TOOK TWO DIFFERENT STATEMENTS FROM MS. MORGAN THE "ALLEGED VICTIM" THEN PROCEEDED TO COMBINE THE TWO STATEMENTS INTO ONE FLUID AND COHESIVE "STORY / STATEMENT" THAT HE PRESENTED TO THE JURY WHICH WAS NOT SOMETHING THE DEFENSE WAS NOT ABLE TO CHALLENGE DUE TO THE FACTS THAT IT WAS CREATED BY COMBINING THE TWO SEPARATE "STATEMENTS / DOCUMENTS" AS ONE FLUID STORY WHICH HE TOLD TO THE JURY. SO I AM GETTING "PROSECUTORIAL MISCONDUCT".

SECOND: WHEN I WAS BEING INTERVIEWED BY DETECTIVE JAMES ON PAGE # 9, LINES 382-386 STATES THAT "THE CASE" NEVER WENT ANYWHERE BECAUSE NOBODY KNEW WHO "ANGEL" WAS. THE ONLY IDENTIFIER TO YOU WAS THIS NICKNAME OF YOUR'S, THEN AT THE TIME, THIS IS FROM MY DISCOVERY FROM MY TRAIL. NEXT, I'D LIKE TO PRESENT THIS NEXT PIECE OF THIS "TRANSCRIPT" VERBATIM REPORT OF PROCEEDINGS, VOLUME # I, PAGE # 294, LINE 11 THRU PAGE 295, LINE 1-11. SO ACCORDING TO THIS STATEMENT BY DETECTIVE MEMBERLY HEDNER, THIS WOULD SEEM TO PROVE QUITE A PROBLEM WITH THE STATEMENT FROM ABOVE MADE BY DETECTIVE JAMES ABOUT WHY I WAS NOT APPREHENDED SOONER THAN I WAS. WHICH THIS SHOULD BE LOOKED INTO FURTHER.

THIRD: THE EVIDENCE FOR THIS CASE APPEARS TO BE INSUFFICIENT TO SAY THE LEAST, ESPECIALLY TO SUPPORT THIS GUILTY CONVICTION. LAST, THE JUDGE SAID IN COURT NOT TO LET THE JURY KNOW ABOUT MY PRIOR CRIMINAL CONNECTIONS IN ANYWAY WHICH THE PROSECUTOR, MR. SOLKUP, DID EXACTLY THIS IN THE "COURT TRANSCRIPTS" ON PAGE 277, LINES 7-11 OF VERBATIM REPORT OF PROCEEDINGS VOLUME I.

NEXT, I'D LIKE TO POINT OUT THAT THE STATE FAILED TO PRODUCE THE PHYSICAL PROOF OF THE CLAIMED "ATTACK". SUCH AS PHOTO'S OF THE CLAIMED "BITE MARKS ON THE CHEST AND BREAST AREA" OF THE "ALLEGED VICTIM" OR THE BRUISING IMPLETED FROM THE CLAIMED PUNCHES TO THE CHEST AREA AND THERE ISN'T ANY DENTAL IMPRESSIONS TAKEN FROM ME EITHER. ANOTHER THING IS THAT THE CLAIMED TEE-SHIRT THE "ALLEGED VICTIM" CLAIMED THAT SHE TOOK FROM "ANGEL'S" HOME AFTER THE "ALLEGED ATTACK" THAT SUPPOSEDLY HAPPENED. LAST THING THIS IS THE ONLY CASE I COULD FIND THAT IS SIMILAR TO THE NATURE OF MY CASE.

CASE NUMBER: 23445-S-I STATE VS. GRAHAM

David Endres

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