

COURT OF APPEALS
DIVISION THREE
OF THE STATE OF WASHINGTON

FILED

SEP 18 2014

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By 50

STATE OF WASHINGTON)
)
 Respondent,)
)
 v.)
)
TROY WILCOXON)
(your name))
)
 Appellant.)

No. 322262

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, TROY WILCOXON, 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

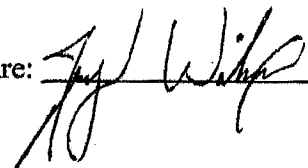
1.) Page 3; LN. 9-17: PROSECUTOR THEORIZES THAT GLASSON INTERRUPTED THE BURGLAR. THIS DOES NOT CONCUR WITH GLASSON SAYING HE DID NOT SEE OR HEAR ANYBODY, JUST HEARING A LOUD POP, AFTER WHICH HE LEFT THE BUILDING.

Additional Ground 2

2.) Pg. 4; LN. 12-14: I AND EVERYONE ELSE INVITED HIM OUT ALL THE TIME, AND HE WENT WITH ME SEVERAL TIMES. PAUL DASENBROCK TESTIFIED TO THAT

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

Date: 9-16-2014
Form 23

Signature: 

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3) Pg.6; Ln.1-2: AFTER ASKING FOR A LAWYER + STATING I WAS DONE WITH THE INTERVIEW DETECTIVES CONTINUED QUESTIONING ME. I MADE NO DENIALS, I TOLD THEM I HAD ALOT TO DRINK THAT NIGHT, AND SOMETIMES I DRIVE THAT WAY TO GO THE LONG WAY HOME + I WASN'T SURE. THEY KEPT PUSHING + DEMANDING AN ANSWER + WHEN I SAID I DIDN'T KNOW THEY SAID TO PICK YES OR NO, SO I TOLD THEM IF I WAS TO PICK THEN THE ANSWER IS NO, BUT I STILL DON'T KNOW.

4) Pg.6; Ln.6: THEY WOULD NOT LET ME LEAVE + CONTINUED TO QUESTION ME AFTER I SAID I WAS DONE TALKING + ASKED FOR A LAWYER. WHEN THEY CAME TO MY HOUSE, I SAID I WAS GOING TO DRIVE MYSELF TO THE POLICE STATION. BUT THEY INSISTED ON DRIVING ME.

5) Pg.6; Ln.17: THEY TOOK MY PHONE FROM ME WHEN I SAID THEY COULD NOT HAVE IT. DETECTIVES HAD MY PHONE FOR 13 DAYS BEFORE IT WENT TO THE FORENSIC EXPERT. MY PHONE DOES NOT HAVE A PASSWORD.

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6.) Pg. 6-7: JAMES SOLEM KNEW THE POLICE WERE LOOKING FOR MR. NOLLETE AND HE INVITED NOLLETE TO THE POKER GAME THAT NIGHT + HE IS GOLF + POKER FRIEND OF THE POLICE CHIEF. NOLETTE TOLD A COMPLETELY DIFFERENT STORY ABOUT WHAT THEY TALKED ABOUT, BUT AS A CO-DEFENDENT, I COULDN'T CALL HIM AS A WITNESS. SOLEM ALSO GAVE 2 UNRECORDED INTERVIEWS, JUST LIKE GLASSON + BOMAR. THE OTHER PEOPLE INTERVIEWED THROUGHOUT THE CASE HAVE ALL RECORDED INTERVIEWS. ONLY THE 3 PEOPLE WHO WENT TO COURT AGAINST ME HAD UNRECORDED INTERVIEWS.

7.) Pg. 7; Ln. 5: NOLLETE + I HAVE NEVER BEEN BEST FRIENDS, + NEITHER OF US EVER STATED WE WERE.

8.) Pg. 7; Ln. 15-17: HEARSAY; I DON'T HAVE ANY PERSONAL DEBTS + NEVER DID. THAT IS A LIE.

9.) Pg. 8; Ln. 12 to Pg. 9; Ln 3: BOMAR TESTIFIED THAT AFTER 15 MINUTES OF INTERVIEW THEY TURNED OFF THE RECORDER AND TOLD HIM THAT HE + HIS GIRLFRIEND WOULD BE ARRESTED + CHARGED WITH BURGLARY MONEY LAUNDERING,

CONTD. ON NEXT PAGE

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9.) CONTD FROM PREVIOUS PAGE: + AIDING + ABETTING + CONSPIRACY. HE ALSO SAID HE STILL FELT PRESSURE WHILE HE WAS ON THE STAND. ALSO NOLETTE IS A SUCCESSFUL POKER PLAYER WHO DOES VERY WELL FOR HIMSELF, WITH A STRONG INCOME. THE CASHIER FROM THE CASINO WAS INTERVIEWED + MADE IT CLEAR TO THE DETECTIVE, NOLETTE MADE ALOT OF MONEY. I HAVE THE INTERVIEW + CAN HAVE IT SENT TO YOU. ALSO WHEN MY LAWYER ASKED BOMAR ABOUT ME SAYING, "I PULLED IT OFF", DID IT MEAN A BIG BET? HE SAID, "IT MIGHT HAVE, BUT I DON'T KNOW."

10.) Pg. 9; Ln. 7-12: THE CASINO MANAGER TESTIFIED THAT ONE TO TWO DAYS PRIOR TO THOSE BANK DEPOSITS, BOMAR HAD WINNINGS FROM THE CASINO APPROXIMATING THAT AMOUNT.

11.) Pg. 9; Ln. 13-14: BOMAR HAS BEEN DOING THESE KIND OF LARGE CASHOUTS FOR YEARS, THE STATE ONLY SHOWED A FEW PREVIOUS MONTHS OF BANK RECORDS. THE MANAGER, MR. LANCE, TESTIFIED THAT BOMAR IS A REGULAR BIG BETTOR + ONE NIGHT WON \$16,000.

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12) Pg. 9; Ln. 17-20: THE CASINO MANAGER, RINARD TESTIFIED THAT EVERYONE KNEW I WAS GOING TO PLAY IN THE WORLD SERIES OF POKER. I PLANNED ON GOING 4 MONTHS PRIOR. THE FIRST TOURNAMENT WAS FOR DEALERS ONLY, YOU MUST HAVE A GAMBLING LICENSE TO PLAY + IT WAS THE CHEAPEST TOURNEY, COSTING \$500⁰⁰. AFTER GETTING 11TH PLACE + MAKING \$5,000⁰⁰ I THEN HAD MONEY TO PLAY IN MORE TOURNIES. I ONLY PLAYED 1 HIGH STAKES TOURNAMENT.

13) Pg. 10; Ln. 10: I NEVER RAN FROM THE POLICE, MY SISTER FILMED IT ALL WITH HER CELL PHONE + THE JURY ALSO FOUND THAT TO BE UNTRUE.

14) Pg. 10; Ln. 12-17: IF THIS WERE TRUE, THEN WHY DID THE BURGLAR SPEND 11 MINUTES ON CAMERA LOOKING UNDER TABLES + IN CORNERS? IT LOOKED LIKE HE WAS LOOKING FOR GLASSON + EXPECTED HIM TO BE THERE.

15) Pg. 11; Ln. 11-13: NOLETTE + I AGREED THAT IF WE WERE FOUND GUILTY, THE COST OF THE EXPERT WITNESS WOULD BE ADDED TO OUR RESTITUTION.

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- 16.) Pg. 16; Ln. 12-15: LISTEN TO MY INTERVIEW. I WAS TOLD TO MAKE A CHOICE AFTER TELLING THEM I HAD ALOT TO DRINK + WAS UNSURE.
- 17.) Pg. 16; Ln. 18-19: IN MY INTERVIEW I TOLD THEM I WAS DRINKING AND HAD NO CLUE AS TO WHAT TIME I DID WHAT.
- 18.) Pg. 17; Ln. 3-6: NOTHING SHOWED I ARRIVED AT 2 A.M. I WAS AT MY SISTERS HOUSE BEFORE I WENT TO BOMAR'S + HAVE A PHONE CALL AT 2:23 A.M. FROM THE FARTHEST CELL TOWER ON THAIN RD. WHICH SERVICES MY SISTERS HOUSE. THE PROSECUTOR'S CLOSING ARGUMENT SAYS I WAS THERE AT THAT TIME. BOMAR WAS FORCED TO GIVE AN UNTRUE STATEMENT.
- 19.) Pg. 17; Ln. 8-9: BOMAR STATED HE DIDNT KNOW WHAT THAT MEANT + EVEN SAYS IT MIGHT HAVE BEEN A LARGE BET. I DIDNT ACTUALLY SAY THIS, IT'S PART OF HIS COERCED STATEMENT.
- 20.) Pg. 17; Ln. 12-14: BOMAR STATED HE NEVER HEARD NOLLETTE + MYSELF IN THE SAME ROOM DISCUSS IT.

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- 21) Pg. 17; Ln. 17-18: BOMARS BANK RECORDS SHOWED ONLY A FEW MONTHS OF TRANSACTIONS, NOT GOING BACK FAR ENOUGH INTO HIS BANKING HISTORY. THE DEPOSITS WERE WITHIN 1-3 DAYS AFTER LARGE CASHOUTS FROM THE CASINO. THE CASINO MANAGER TESTIFIED TO THAT.
- 22) Pg. 18; Ln. 3: NOLLETTE'S STATEMENT NEVER NAMED APPELLANT. THE STATE MERELY LINKED NOLLETTE'S STATEMENT TO APPELLANT.
- 23) Pg. 18; Ln. 18-19: WE WERE TOLD THAT THE JURY WOULD BE INSTRUCTED, NOT TO USE SOLEM AGAINST ME IF WE WERE TRIED TOGETHER. THE JURY WAS NEVER GIVEN THOSE INSTRUCTIONS.
- 24) Pg. 21; Ln. 25: GLASSON STATED HE NEVER SAW ANYBODY. HOW IS IT CLEAR HE STOPPED A BURGLAR?
- 25) Pg. 21; Ln. 2-3: LISTEN TO THE RECORDING, I SAID I COULDN'T REMEMBER, + THEY SAID I HAD TO PICK AN ANSWER.

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26) Pg. 21; Ln. 5-7: I NEVER SAID I WENT RIGHT TO MY SISTERS HOUSE, I SAID SOMETIME THAT NIGHT I DID.

27) Pg. 21; Ln. 9-12: IF THIS WERE TRUE, WHY WOULD BOMAR NOT KNOW IF I WAS TALKING ABOUT A BET.

28) Pg. 23; Ln. 1-3: SOLEM IS HEARSAY + THE JUDGE MADE IT CLEAR BEFORE TRIAL THAT HE WOULD NOT BE USED AGAINST ME, BUT ALLOWED IT IN TRIAL.

29) Pg. 25; Ln. 22 to Pg. 26; Ln. 2: OFFICER DENNY TESTIFIED THERE ARE MANY FACTORS INVOLVED + IT IS POSSIBLE TO BE UNDER A CELL TOWER + STILL BE USING ONE A MILE AWAY.