

COURT OF APPEALS
 DIVISION TWO
 OF THE STATE OF WASHINGTON

STATE OF WASHINGTON)
)
 Respondent,)
)
 v.)
William Henry Ellison)
 (your name))
)
 Appellant.)

No. 44951-0-11
 STATEMENT OF ADDITIONAL
 GROUNDS FOR REVIEW

FILED
 COURT OF APPEALS
 DIVISION II
 2014 MAR 14 PM 1:51
 STATE OF WASHINGTON
 DEPUTY
Lee

I, William Ellison, 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

Speedy Trial Denied: My first attorney John Chin quit my case in the early part of my incarceration. He quit my case because I would not take a 5 year deal and he stated he did not want my case. I then spent another year in jail with my new attorney Phillip Thornton who also denied me rights by making me sign continuance papers by constantly screaming at me and belittling me, threatening he'd quit my case. The continuance I signed did not state I was revoking my right to a speedy trial. Additional Ground 2 Cont'd

Denying me the right to help in my own defense. By help I mean to bring witnesses to refute allegations. To have evidence at my trial that otherwise would show, these allegations never took place. By my not being allowed to assist in my own defense the prosecutor was able to make her case. cont'd.

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

Date: 3/6/14

Signature: William Ellison

Form 23

CERTIFICATE OF SERVICE
 I certify that I mailed
 copies of SA's
 to R. Proctor
 & R. Proctor
3/18/14
 Date Signed

Additional ground 1 continued.

Speedy Trial Denied

I filed a motion with Judge Cuthbertson outlining in that brief how my Speedy Trial rights were violated and I should have a dismissal of charges because of that reason. By my signing continuances (under duress) those continuances in no way stated I was giving up my rights to a speedy trial. Upon researching the issue myself I discovered that "when a defendant is served, or signs legal papers that the language of the legal documents should be so that there are no hidden meanings and the attorney of record should explain each document to the defendant as to its reasoning of the document. My attorney did not do this nor did he support my motion. Also in denying me my speedy trial rights certain evidence that could have proven my innocence i.e. computer records, phone records can no longer be obtained. This evidence if obtained would have refuted her (the alleged victim) claims that (I was constantly contacting her.) which was one of the main factors of the trial.

Additional ground 2 continued

Denying me the right to assist in my own defense

My attorney told me "He was allowed under law to present my case as he saw fit." He even brought in the law book number to show me. By him assuming this I was not allowed to refute any allegations unless he was the one refuting these allegations and only in his way. Thus I was not allowed phone records, medical records, computer records, witnesses and character witnesses. I was not allowed to test the mattress that this alleged incident was supposed to have happened on. This test would have concluded no blood or seminal fluids were present on this mattress. One of the

Additional grounds 2 continued

Denying me the right to assist in my own defense

key points was that she claimed to have been raped on her bed. When John Chin was my attorney he stated that his office would not do that (test the mattress) because it was too expensive. In denying me this crucial piece of evidence denied me the right to assist in my own defense. It also denied me an adequate defense. I also asked and was denied witnesses at my trial.

Additional Ground 3 Evidence I was denied

Not allowing witnesses for my defense.

Not allowed to assist in my own defense

In an interview with my attorney Phillip Thorton Amy Eisenmann (alleged victim) told her boyfriend Aaron Wilson what had happened to her (alleged rape). His story was so completely different that if I were allowed to have him on the witness stand the difference in the two stories could have proven my innocence.

For example.

Amy Eisenman told the court: "She was wearing sweat pants to bed and I pulled them down!"

Amy Eisenmann told her boyfriend: "She was wearing a night gown and I lifted it up."

She told the court: "Her grandmother was out getting pizza."

She told her boyfriend: "She was asleep in the next room. (The grandmother)"

Amy Eisenmann lived with Melissa Ciconne & claimed I was harassing her there. I was not allowed to bring M. Ciconne in to refute those allegations. It was all to show credibility and that when

Additional Ground 3 continued

Amy didn't get her way she would lie on people to get them in trouble. For example she would call COPS on MacIsaac telling she was a bad mother to her children. When she wasn't.

Amy Eisenmann claimed I punched holes in a lot of walls and doors

I asked John Chin to take pictures of my residence to prove there were no holes in the walls.

His response: "We don't have an investigator yet for your case. By the time he got an investigator, he quit the next week."

I asked Phillip Thornton to take pictures. His response... "We don't need them."

I asked Phillip Thornton to bring in Scott Eisenmann to verify there were no holes in the walls or doors at his mother's house.

His response: "They don't like you very much."

Other evidence not allowed

Amy told the court it was 7 or 8 at night when she was raped in July and she had school the next day. It was dark outside.

Fact: School was out in July and 7 or 8 is not dark in July. We have daylight saving time. It gets dark at 10:00. Yet I was not allowed to address this at trial.

Amy claimed I took her virginity and that she had no boyfriends. She stated this at trial.

Additional Ground 3 cont'd.

Not allowed to assist in my own defense
Denying me witnesses at my trial

Yet she did have a boyfriend which she stated in her interview with Phillip Thornton. He was the one in her room with no pants on.

I could not bring him to trial for questioning because my attorney would not allow it.

Additional Ground 4
Judicial Misconduct

My attorney was questioning my ex-wife about some welfare papers. She had signed & lied about to get extra benefits, claiming I was not living there. He was showing that she had no credibility. She was stuttering on the stand obviously caught in a lie and the judge stopped the questioning, pulled my attorney and the prosecutor to the side and said "It is what it is move on." Upon starting the case again the judge then said "Now Mrs Ellison you know you have to tell the truth right? He didn't say to her the oath again. He reminded her she has to tell the truth. He knew she was committing perjury but allowed her to continue.

I told the judge the prosecutor was giving my ex-wife signals as to whether or not to say yes or no. The judge stated: "His officers of the court would not do that." I told him to check the recording he said "that he would not do it." Thus
Denying me a fair trial

Additional Ground 5

Prosecutorial Misconduct

During the trial the prosecutor had Aaron Wilson on her witness list; Amy Eisenmann's boyfriend when she discovered his story was very different from Amy's story she took him off of her witness list. She did not inform my attorney of the different story thus holding back information that could help in my defense.

Coaching the witness:

Amy Eisenmann on the stand stated I had loose fitting boxers on the night of the alleged incident.

My ex wife upon taking the stand stated: "she never brought me those kind of boxers" The only kind of boxers I had were "tight fitting". The prosecutor stopped the proceedings, took my ex-wife outside the court room, came back with a video with me in pajamas singing a song. Suddenly my ex wife states: "She bought me those kind of boxers and they were Joe Boxer shorts. Suddenly she changed her story."

Additional Ground 3 revisited: cont'd

I told my attorney to retrieve the pajamas because I knew where they were.

(There was a debate whether they were pajamas or underwear) my attorney refused to go and get them from my belongings and refused to buy an identical pair at Walmart to show this is what they were... pajamas

I was again denied evidence at my own trial

Additional Grounds: 6 Denying trial by Jury
 Harrassment & Not allowing Evidence at my trial
 Attorney Misconduct

Being intimidated by the afore mentioned problems with my attorney I was constantly on edge.

I was bullied into having a trial by a judge because I was not allowed to have evidence I needed at my jury trial. Then when I wanted a jury trial my attorney told me "I could be swayed either way," I didn't know what I wanted because I was always berated, belittled and made to feel stupid by my requests. At one time I wanted to defend my self he stated "I can't do it."

My first attorney quit with no reason and he was the one that I wanted although he wouldn't get me crucial evidence either.

Attorneys are supposed to help you. I feel by my defense or lack thereof of my case should be dismissed or overturned for a new trial.

Denying Evidence

Ms. Ellison stated she was injured by my pushing her into things and she had to have back surgery because of it.

I had evidence (medical records from Puyallup WA) that would have stated how she got those injuries (work related) and in no way did pushing her cause these injuries. I never pushed her around but could not prove this because my attorney would not get the records for my defense.

Summary

In lieu of all these grounds stated
The defendant should be granted a
new trial or have his charges
dismissed, over turned or vacated (set aside)
due to the facts that most evidence
needed may not be obtainable now,

Thank You

William H. Ellison