

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

STATE OF WASHINGTON)
)
Respondent,)
)
v.)
)
Cu, Truong)
(your name))
Appellant)

No. 70811-2I
STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

FILED
COURT OF APPEALS
STATE OF WASHINGTON
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I, Cu Truong, 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

The prosecutor during closing arguement characterizing the defendant testimony was improper. prosecutor stated "NOT TO BE FLIP, ladies and gentlemen, but his self-defense story is ludicrous and disingenuous at best. 19RP63, And again stated "But Step back for a moment because there's also a could that he want you to put around that of an unspoken defense" Thats what they want you to filter all of this evidence through" 19RP55. And again stated"

Additional Ground 2

The prosecutor arguement was inappropriate, to characterizing the defendant character by appearing to the jury that the defendant is a cold hearted killer because he aint showing no remorse or emotion, this aint got nothing to do with the evidence, the prosecutor personal opinion is improper.

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

Date: 08/29/14

Signature: Truong A

Additional Ground 1

ont; "And unfortunately he's not that smart because just like he forgot to change the clothes, he slipped in and dropped the phone at the wrong time" 19RP62. "Also stated" "You think they would have found more casing, more bullets or is that something else that Wayne hid. The magic fifth bullet that Jason Saechao shot himself with," 19RP120, State v. Lindsay 288 P.3d 641, 171 Wn App. 808 (Wash. App. Div. 2 2012) "Characterization of defendant testimony constituted prosecutorial misconduct.

Additional Ground 2

ont; Here the prosecutor stated; "The other perhaps most compelling human moment was the absolute lack of any ~~emo~~ remorse or any regret or any emotion for the blood bath he cause in the bakery" 19RP62. Also stated; "The absolute fear and pain he cause for the witnesses and Jason Saechao family and friends and daughter, not one ounce" 19RP63, Stated again; "The only person in this entire case who had zero emotion about what happened here is the defendant himself" 19RP119, and once again stated; "How could you kill someone and not show an ounce of emotion." 19RP123

Additional Ground 3

It is improper for the prosecutor to argue that the defendant are trying to get over on the Jury for his self-defense claim. here stated "He thought he could pull one over on you guy" 19RP63: It not an improper comment It suggest that the defendant are Lying to the Jury.

Additional Ground 4

The trial Court violated the defendant (U.S. Const. Amend. 1. art. 1. §6) right to freedom of religious believed, State v. Avila, 78 Wn. App 731, 738 (DIV. 1 1995). As long as the defendant willing to tell "the truth" on the stand it's good enough." ER 603 Provide him the necessity for so doing." United State v. Looper, 419 F.2d 1405, 1407 (4th cir. 1969). The trial court set to high of a standard, and stated "the trial court" really don't believed the defendant is entitled to this," and insisted "the defendant must "swear" or "affirm" or the defendant is not a competent witness." 3RP70: In the Federal Circuit, It is an abuse of discretion if a court insists a defendant use either the word "swear" or "affirm." Gordon v. The State of Idaho, 778 F.2d 1397, 1400 (9th cir. 1985). "Affirmation is simply a solem undertaking to tell the truth; no special verbal formula is required. Id.