

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

FILED
COURT OF APPEALS
DIVISION II

2014 DEC 31 AM 11:30

STATE OF WASHINGTON

DEPUTY

STATE OF WASHINGTON)
)
Respondent,)
)
v.)
)
LARRY WEATHERMAN)
(your name))
)
Appellant.)

No. 46328-8-1BY

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, LARRY WEATHERMAN, 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~~

I HAVE RECEIVED MY ATTORNEYS BRIEF AND THROUGH HIS COUNSEL HAVE ALREADY SUBMITTED MY STATEMENT OF ADDITIONAL GROUNDS AND THE APPEALS COURT HAS IT PLACED IN MY FILE. I DO APOLOGIZE FOR IT NOT BEING IN ORDER BUT I WAS NOT SURE HOW LONG THE BRIEF WOULD TAKE FROM MY ATTORNEY TO BE DONE AND WANTED MY THOUGHTS TO BE FRESH WITHOUT DEFERATION. MY SAG IS SHORT IN ITS DURATION AND MORE OF A PERSONAL FORMAT.

Additional Ground 2

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

Date: 12/20/14

Signature: Larry Weatherman

STATE OF WASHINGTON

NO 46328-8-11

RESPONDENT

V.

LARRY WEATHERMAN

APPELLANT

PREPARED BY:

LARRY WEATHERMAN

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STATE OF WASHINGTON
BY DEPUTY

SUMMARIZED BELOW ARE THE ADDITIONAL
GROUNDS FOR REVIEW. 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 ACCUSER STATES IN HER STATEMENT THAT
IT ALL STARTED AT AGE 12 WHEN WE LIVED AT
A HOUSE ON 83rd VANC. WA. SHE STATES WE
LIVED AS A FAMILY THERE AND IT STARTED AFTER
A HALLOWEEN PARTY, SHE IS 2 YEARS OFF.
I LIVED IN AN OXFORD AS DID MY FUTURE
WIFE. HER MOTHER WOULD HAVE NOT LET HER
STAY THE NIGHT WE HAD JUST STARTED OUR
VISITATION AND IT WAS ALSO A 10 MAN
OXFORD HOUSE. I WAS JUST REUNITED WITH
HER AT AGE 12 AND HAD NOT SEEN HER
IN 7 YEARS EVEN THOUGH 7 YRS ~~YRS~~ EARLIER

I WON VISITATION IN COURT ONCE A WEEK
BUT HER MOTHER KEPT HER FROM ME.
SHE DID NOT LIVE WITH ME UNTIL AGE 14 1/2
AND SHE WAS 14 WHEN WE ^{ACTUALLY} ~~REALLY~~ LIVED
AT THE 83rd ST HOUSE.

ADDITIONAL GROUND 2

THE STATE HIT ME WITH 6 COUNTS.
THE STATE PROVED NOTHING BEYOND A REASONABLE
DOUBT ON THESE COUNTS. NO EVIDENCE WAS
PROVIDED TO BACK UP THE COUNTS. ONLY HER
TESTIMONY WAS OFFERED.

THE JURY HAD SOME QUESTIONS DURING
DECIBERATION ABOUT THE COUNTS. THE JURY
HAD BEEN OUT FOR 7-8 HOURS AT THIS TIME.
THE QUESTION WAS - IF WE FIND THE DEFENDANT
UNANIMOUSLY GUILTY ON ONE COUNT DO WE
HAVE TO FIND HIM GUILTY UNANIMOUSLY ON
ALL COUNTS? THE JUDGE REPLIED "YES".
THE JUDGE WRONGFULLY DIRECTED THE JURY.
THE ^{JURY} RETURNED WITHIN 5-10 MINUTES WITH
A GUILTY VERDICT ON ALL COUNTS. I DID
QUESTION MY LAWYER ON WHAT THE JUDGE
SAID BUT HE DID AND SAID NOTHING.

ADDITIONAL GROUND 3

THE JUDGE GRANTED THE STATE EVERY
REQUEST IT MADE AND DENIED

EVERYTHING THE DEFENSE REQUESTED, WHILE MY LAWYER WAS ASKING FOR ACCUSERS MEDICAL RECORDS SHE LOOKED AT MY LAWYER LIKE HE WAS STUPID FOR EVEN ASKING. I TALKED TO MY LAWYER ABOUT THE JUDGES BEHAVIOR AND ASKED IF WE SHOULD GET ANOTHER JUDGE BUT HE SAID SHE WOULD GIVE US A FAIR TRIAL, I DISAGREED. THE JUDGE AND PROSECUTOR TOOK ALL AVENUES OF OUR DEFENSE AWAY FROM US, ESPECIALLY WHEN IT CAME TO THE RAPE SHIELD.

ADDITIONAL GROUND 4

THE JUDGE SAID "I THINK" RAPE SHIELD APPLIES IN THIS CASE. MY LAWYER DID NOT ARGUE THIS POINT HE JUST ACCEPTED IT. THE RAPE SHIELD STOPPED ME FROM SHOWING A BEHAVIOR ISSUE THAT MY ACCUSER HAD EXHIBITED FOR YEARS ESPECIALLY DIRECTED TOWARDS FAMILY MEMBERS. THESE ARE THE FAMILY MEMBERS SHE HAS ACCUSED.

JOEY WAGONKNECHT - HALF BROTHER	"CURRENT BOYFRIENDS FATHER" (DO NOT KNOW NAME) WAS BROUGHT UP DURING TRIAL THOUGH
PAUL WAGONKNECHT - STEP FATHER	
MIKE BAKER - STEP BROTHER	
JUSTIN WEATHERMAN - HALF BROTHER	
LARRY WEATHERMAN - FATHER	

THE ACCUSER USES THESE ACCUSATIONS TO GET HER WAY, EXAMPLE: JOEY W. SHE ACCUSED TO GET HIM KICKED OUT OF HER

MOM'S HOUSE WHICH IT DID. SHE USED ACCUSATIONS TO CREATE ISSUES IN HER MOMS MARRIAGE AND IN MINE WHICH IT DID IN HER MOMS MARRIAGE AND ALMOST IN MINE. (PAUL WAGONKNECHT T LARRY WEATHERMAN)

SHE SAID SHE DID THINGS WITH HER HALF BROTHER JUSTIN W. AND BLAMED ME FOR HER BEHAVIOR, HE DENIES THESE CLAIMS. SHE ACCUSED MIKE BAKE TO CREATE ISSUES BETWEEN MY WIFE AND I (HER SON).

THERE WERE NEVER ANY RADES CHARGED BUT HER USE OF THE SYSTEM AND HER ACCUSATIONS ARE WELL OUTLINED AND THE RAPE SHIELD PREVENTED ME FROM SHOWING THESE BEHAVIOR ISSUES AND HER TACTICS. THIS CHANGED THE OUTCOME OF MY DEFENSE.

OTHER BEHAVIORS ISSUES

ACCUSER WAS CAUGHT IN MY HOUSE WITH BOYS, WHEN HOME ALONE, FROM NEIGHBORHOOD AREA. MY WIFE CAUGHT HER IN FRONT OF HER COMPUTER IN HER BEDROOM, NAKED WITH A GUY ONLINE IN NORWAY. AT 19 SHE WENT TO NORWAY AND GOT PREGNANT. CAME HOME AND WENT BACK TO GET MARRIED. YEAR LATER SHE DIVORCED AND SIGNED OVER HER CHILD AND CAME BACK TO THE STATES. 19 YEARS OLD BEFORE NORWAY WAS THE LAST TIME I HAVE TALKED TO HER. THE SHIELD WAS USED TO BLOCK MY DEFENSE.

ADDITIONAL GROUND 5

* REASON FOR HER ACCUSATIONS TOWARDS ME -

(INTERVIEW)

IN ACCUSER'S STATEMENT SHE SAYS THAT SHE HATES MY WIFE SYNDEE WEATHERMAN. I STOPPED TALKING TO ACCUSER AT AGE 19 AND NOT TALKED TO HER SINCE. SHE WROTE ME ON MYSPACE YEARS AGO THAT SHE HATES ME ALSO. MY WIFE AND I SOUGHT OUT MARRIAGE COUNSELING AND SAVED OUR MARRIAGE AND IT IS STRONG EVEN TODAY, ACCUSER IS MAD AT ME AND THAT SHE WAS NOT ABLE TO SEPERATE MY WIFE AND I AND BY HER ACCUSATIONS SHE SEEKS HER METHOD OF MISGUIDED REVENGE. THIS SHOWS EVEN MORE BEHAVIOR ISSUES THAT GO DEEPER THAN I EVER THOUGHT.

ADDITIONAL GROUND 6

PROSECUTOR CROSSED BOUNDARIES SET IN PLACE BY THE STATE AND COURTROOM (JUDGE) (LIMITS?) MY LAWYER ASKED FOR A MISTRIAL BUT AS ALL OF DEFENSE REQUEST WE WERE DENIED.

ADDITIONAL GROUND 7

ACCUSER STATES IN HER STATEMENTS THAT MELISSA WAGON KNECHT/PORTER (ROOMMATE AND FUTURE STEP MOM) AND JUSTIN WEATHERMAN WOULD BE SYMPATHETIC TO HER CASE WHEN IN FACT THEY BOTH TESTIFIED IN MY BEHALF.

MELISSA PORTER / WAGONKNECHT STATES THAT ACCUSER HAD LIED ABOUT PAUL WAGONKNECHT AND ME (LARRY WEATHERMAN), ACCUSER SET UP MELISSA PORTER AND PAUL WAGONKNECHT AND EVENTUALLY THEY MARRIED. MELISSA PORTER HAD ASKED ACCUSER WHY SHE WOULD SET HER UP ON A DATE WITH PAUL WAGONKNECHT IF HE HAD DONE THE THINGS SHE SAID, THAT IS WHEN SHE SAID SHE HAD LIED ABOUT THE ACCUSATIONS.

ACCUSER SAID JUSTIN WEATHERMAN WITNESSED CERTAIN EVENTS LIKE BURNING OF VIDEO + PHOTOGRAPHS. JUSTIN WEATHERMAN DENIED SEEING SUCH EVENTS AND TESTIFIED TO THAT. PROSECUTOR TRIED TO SAY THAT JUSTIN W. HAD MEMORY PROBLEMS DUE TO HIS NUMEROUS SHUNT SURGERIES. JUSTIN W. STATED THAT HIS MEMORY LOSS WAS LOCALIZED TO HIS HOSPITAL STAYS DUE TO THE SURGERY TIMES AND HIS MEMORY WAS NOT NOT COMPROMISED OUTSIDE OF HOSPITAL.

ADDITIONAL

ADDITIONAL GROUND 7

LEADING THE WITNESS (ACCUSER), A PICTURE OF MY GENITALS WAS TAKEN AND USED IN COURT. THE ACCUSER WAS TOLD THE PICTURE WAS OF ME AND THEN (PROSECUTOR) PRESENTED PICTURE TO ACCUSER AND ASKED IF THE

PICTURE WAS OF MY GENITALS, SHE SAID IT WAS AFTER BEING DIRECTED. ONE PICTURE ONE POSSIBLE IDENTIFICATION, NO OTHER CHOICES.

REASON WHY ACCUSER WOULD KNOW SOMETHING UNUSUAL ABOUT MY GENITALS: WIFE AND I WERE STILL NEWLYWEDS AND LIVING AT 83RD ST HOUSE IN VANG WA. (ACCUSER AGE 14 1/2) EVENTUALLY MOVED IN WITH US THERE. THE WIFE AND I HAD MADE A HOMEMADE SEX VIDEO, VERY ~~INTIMATE~~ ^{INTIMATE} WITH UP CLOSE SHOTS. THIS VIDEO WAS KEPT IN OUR BEDROOM AND WAS EVENTUALLY DESTROYED AFTER SOME TIME. ACCUSER HAD TIME HOME ALONE AND HAD BEEN CAUGHT IN OUR BEDROOM. ACCUSER HAD STOLEN CIGARETTES FROM BEDROOM AND WAS CONFRONTED ABOUT THIS, WHICH SHE FINALLY ADMITTED TO. I BELIEVE SHE VIEWED THE VIDEO AT SOME POINT IN TIME.

TRACY SHANKS (ACCUSER'S MOM) SHARED INFO WITH ACCUSER WHO WOULD HAVE FIRST HAND KNOWLEDGE OF ME. TRACY SHANKS AND PAUL WAGONKNECHT ENDED UP GETTING A DIVORCE AND ACCUSER WROTE A STATEMENT FOR HER MOM IN THAT DIVORCE, DURING THE DIVORCE THE STATEMENT WAS THROWN ^{OUT} AND NOT USED AS THE COURT SAW THROUGH WHAT TRACY SHANKS AND ACCUSER WERE TRYING TO PULL.

IN ACCUSENS INTERVIEW SHE STATED THAT HER AND HER MOM HAD COLLABORATED ON THE WRITTING OF THAT STATEMENT. PAUL WAGONKNECHT GOT CUSTODY OF HIS CHILDREN IN THE DIVORCE DUE TO THE TACTICS OF TRACY SHANKS AND ACCUSER.

LATER APPARENTLY POLICE ASKED HER TO ^(ACCUSER) "REWRITE" THAT STATEMENT SO IT COULD BE USED AGAINST ME. TRACY SHANKS HAS CAUSED NOTHING BUT PROBLEMS FOR ME SINCE WE SPLIT UP, LIKE KEEPING ACCUSER AWAY FROM ME FOR 7 YRS EVEN AFTER I WON COURT ORDERED VISITATION ONCE A WEEK, UNSUPERVIZED. I BELIEVE HER MOM COULD HAVE SHARED CERTAIN INFORMATION WITH ACCUSER DURING THAT COLLABORATION.

TRACY SHANKS PAST BEHAVIOR :

I BECAME FRIENDS WITH TERRY SHANKS, TRACY SHANKS UNCLE AND ASKED HIM ONE DAY WHY HE NEVER CAME OVER TO TRACY SHANKS AND MY HOUSE. HE SAID HE WOULD NEVER TALK TO TRACY SHANKS AGAIN AND THEN HE EXPLAINED WHY. WHEN TRACY SHANKS WAS 16 SHE WENT TO HER UNCLE AND SAID THAT SHE WAS RAPED, HER UNCLE WENT OUT AND BEAT THE GUY UP AND GOT 30 DAYS IN JAIL FOR IT. LATER IT CAME OUT THAT TRACY SHANKS HAD LIED ABOUT THE INCIDENT.

ADDITIONAL GROUND 8

AFTER THE TRIAL MY FAMILY (SUPPORTERS) INFORMED ME ON COURTROOM CONDITIONS THAT WERE GOING "ON DURING TRIAL. I WAS INFORMED THAT 2 JURY MEMBERS AND THE JUDGE WAS NODDING OFF DURING TRIAL. EXAMPLE OF JUDGE NOT PAYING ATTENTION: DURING SENTENCING THE JUDGE CLAIMED THAT THE PICTURE I HAD PROVIDED, SHOWING US AT THE HALLOWEEN CHURCH PARTY AT AGE 12 (ACCUSER CLAIMS THIS NIGHT WAS THE START OF ABUSE) WAS TAKEN WHEN ACCUSER WAS MUCH YOUNGER.

I WAS NOT REUNITED WITH ACCUSER UNTIL SHE WAS AGE 12, IT COULD NOT HAVE BEEN TAKEN ANY EARLIER. (THIS INFO WAS PROVIDED DURING TRIAL) "7YR SEPERATION"

ADDITIONAL GROUND 9

MY LAWYER DID NOT PROVIDE A ZEALOUS DEFENSE AND AT ONE POINT HE LOST TRAIN OF THOUGHT FOR ^{LENGTH} ANXIOUSING ~~LENGTH~~ OF TIME STANDING IN FRONT OF THE JURY. HE ACCEPTED WHAT THE JUDGE AND STATE WANTED WITHOUT MUCH ARGUMENT OR FIGHT. I PROVIDED MY LAWYER WITH RESPONSES TO EVERYTHING AND EVERY STATEMENT GIVEN TO ME AND HAD ACCESS TO ALL THE ENCLOSED INFORMATION INCLUDED IN THIS STATEMENT. THE ONLY THING HE SEEMED TO HAVE PREPARED WAS HIS OPENING STATEMENT AND THE RAPE SHIELD

TOOK AWAY MUCH OF THAT. HE WAS GONE LAST DAY OF TRIAL (AT A CONVENTION) AND STATED TO ME ON SEVERAL OCCASIONS HE ALWAYS WINS BECAUSE HE GETS TO GO HOME EVERY NIGHT. HE FAILED TO CROSS EXAMINE MY WIFE AND I. WHEN TESTIMONY WOULD HAVE SEEMED TO REQUIRE FURTHER INFORMATION FROM US WHICH LEFT QUESTIONS UNANSWERED OR FURTHER PERTINENT DETAILS LEFT OUT. I WITNESSED ON SEVERAL OCCASIONS MY LAWYER JOKING AND LAUGHING WITH THE PROSECUTOR WHICH MADE ME FEEL ALONE IN THE COURTROOM AND THAT MY LAWYER WAS NOT ON MY SIDE.

JURY DELIBERATION

ADDITIONAL GROUNDS 10

NO PRIORS OF THIS NATURE, EVER. NO CONTACT FROM POLICE UNTIL 2013 IN THIS MATTER. THE CLAIM WAS THAT THEY WERE WAITING FOR AN ADDRESS ON ME. I HAD MOVED TO TACOMA AREA BUT, MY PHONE NUMBER HAS BEEN THE SAME FOR OVER 18 YEARS. STATUTE OF LIMITATIONS WAS ABOUT TO EXPIRE IN 8 MONTHS, ACCUSERS 28TH BIRTHDAY 9/5/14. I WAS NOT ARRESTED UNTIL I DID NOT PARTICIPATE IN A LIE DETECTOR TEST, POSSIBLE ANOTHER EXAMPLE OF BAD ADVICE

FROM A LAWYER. I BELIEVE THE PROSECUTOR USED HIS AUTHORITY TO HAVE ME ARRESTED, I WAS TOLD IF HE HAD ENOUGH TO ARREST ME HE WOULD HAVE DONE SO NOT BOTHERING WITH POLYGRAPH. PROSECUTOR ASKED FOR 200,000 DOLLARS BAIL, I HAD NO PRIOR SEXUAL CHARGES AND HAD NOT BEEN IN ANY TROUBLE WITH THE LAW IN 20 YEARS. HE USED A "PERSONAL" FELONY DRUG CHARGE (PERSONAL USE), I HAVE BEEN CLEAN AND SOBER FOR GOING ON 20 YRS. A MISDEMEANOR THEFT CHARGE, WHICH I HAD MADE RESTITUTION AND PERSONALLY APOLOGIZED TO VILTIM. MISDEMEANOR DRIVING OFFENSES FROM 20 YRS AGO, I HAVE MY DRIVERS LIC. NOW FOR OVER 20 YRS AND IT IS STILL VALFD, MOST INCRATIONS WERE FOR DRIVING WITHOUT A LIC.

THE JUDGE GAVE THE PROSECTOR A FUNNY LOOK AND GRANTED THE PROSECUTOR A 50,000 BAIL. I AGAIN BELIEVE THE PROSECTOR ABUSED HIS AUTHORITY BY ASKING FOR A BAIL SO HIGH I WOULD NOT BE ABLE TO GET OUT, AND BE ABLE TO DEFEND MYSELF. PROSECUTOR STARTED OUT BY TRYING TO TAKE AWAY MY CHANCE OF DEFENDING MYSELF AND CARRIED THAT SAME MENTALITY THROUGHOUT TRIAL. I PUT OUT SO MUCH MONEY TO GET OUT THAT I WAS NOT ABLE TO AFFORD A REAL LAWYER

AND HAD TO SETTLE FOR A PUBLIC DEFENDER,
 I DO NOT BELIEVE I WAS GIVEN
 A FAIR TRIAL OR A FAIR CHANCE AT
 DEFENDING MYSELF.

ENDING STATEMENT

ONE OF THE HARDEST THINGS I HAVE DONE
 IN MY LIFE IS FIGHT FOR MY RIGHTS AS
 A FATHER. THE 2 MOTHERS OF MY 2 CHILDREN
 MADE IT A FIGHT AND ACTED AS IF THEY
 WERE THE ONES WHO HAD ALL THE RIGHTS.
 THEY HAVE USED OR TRIED TO USE THE
 LEGAL SYSTEM TO GET THEIR WAY AND DENY
 ME MY LIFE WITH MY CHILDREN EXCEPT
 AS A EVERY OTHER WEEKEND FATHER AND EVEN
 PUSHED THOSE MEAGER BOUNDARIES. I ALWAYS
 KEPT MY VISITATIONS AND PAID MY CHILD
 SUPPORT AND I STRIVED TO BE A GOOD FATHER,
 IT WAS HARD WHEN I SAW THEM EVERY OTHER
 WEEKEND AND HAD LITTLE SAY IN THEIR CUSTODY
 LIVES. I WOULD NEVER HURT EITHER OF MY
 CHILDREN ESPECIALLY AS MY ACCUSER DESCRIBES,
 MY SON HAS HAD NUMEROUS BRAIN SURGERIES
 AND MY WIFE IS DISABLED DUE TO GEP
 EPILEPSY, I DO NOT HURT THE PEOPLE I
 LOVE, I TAKE CARE OF THEM. I DID NOT
 GET REUNITED WITH MY DAUGHTER AT AGE 12
 TO HAVE SEX WITH HER, THEN OR EVER.

APPENDUM TO ADDITIONAL GROUND 9

LAWYER CROSS EXAMINE CONCERNS EXAMPLE:

JUDY MAXWELL, OXFORD HOUSE REPRESENTATIVE WAS ASKED IF CHILDREN STAYED THE NIGHT AT OXFORD HOUSES (MENS), SHE SAID YES BUT WAS TALKING ABOUT PRESENT DAY AS THERE IS ONE "MAN AND CHILD" OXFORD HOUSE THAT EXISTS, MY LAWYER NEGLECTED TO ASK IF IT WAS THAT WAY 18 YEARS AGO. MY LAWYER FAILED ME IN THE MOST BASIC WAYS AND FAILED TO ASK THE SIMPLE QUESTIONS. CHILDREN DID NOT STAY THE NIGHT AT OUR 10 MAN OXFORD HOUSE AND MY CHILDS MOTHER WOULD NOT HAVE LET HER STAY THE NIGHT REGARDLESS. EVEN THOUGH I WON COURT ORDERED VISITATION WITH NO SUPERVISION, WHEN MY DAUGHTER AND I WERE REUNITED TRACY SHANKS REQUIRED US TO MEET AT MY SISTERS HOUSE AT FIRST AND NO OVER NIGHTS.