

COURT OF APPEALS  
DIVISION TWO  
OF THE STATE OF WASHINGTON

FILED  
COURT OF APPEALS  
DIVISION II  
2015 MAR -3 AM 11:16  
STATE OF WASHINGTON  
BY ~~DEPUTY~~

STATE OF WASHINGTON )  
)  
) Respondent, )  
)  
) v. )  
)  
) Charles R. Gotcher )  
) (your name) )  
)  
) Appellant. )

No. 46119-6-II

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

I, Charles Gotcher, 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

On count 3- Rape of a child in the third degree -I believe this verdict should be thrown out because the charging dates and the dates given by the alleged victim in court do not match. The charging dates are between June 1, 2010 and September 15, 2010 but the alleged victims testimony in court, trial transcripts page 42, lines 13-15, she said that it happened in the summer before she turned 16 and that she was 15 years old at the time.

(continued on back)

Additional Ground 2

On the use of the IPad and the information (poems) obtained from it, I believe this should not have been allowed to be heard during the trial and since it was and was used to help determine the outcome of the trial, the verdict should be thrown out or the case should be sent back for a retrial. There are a few reasons why I believe this. The IPad was shown to Detective Wallace less than

(continued on back)

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

Date: 2-22-15

Signature: Charles Gotcher

ground 1 continued...

of the alleged rape. Since she was born on July 26, 1995 that would mean it would have happened in the summer of 2011 which is an entire year after the charging dates. I have been told that the dates don't matter, maybe exact dates don't but they do matter especially when they are off by a whole year.

ground 2 continued...

a month before the trial by the alleged victim and this information was not shared with the Defense ~~Counsel~~ Counsel until minutes before it was presented at trial. We were not given the opportunity to prepare a defense for the poems that were on the iPad including one of the poems that was shown in court that I had written for my uncle. Also the detective admitted to changing the date on one of the poems and how can we be sure without examining the iPad if he had changed anything else? And finally, was the reason for showing this poetry on the iPad, to continue to support the lustful disposition theory? By the alleged victim's own testimony, the iPad was not given to her until late 2012, trial transcripts page 57 line 22 to page 58 line 1, which is two years after any of the alleged events took place. So since it was given to her almost two years after any alleged events took place, how could this possibly support the lustful disposition theory and be allowed at trial?