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FILED
Aug 28, 2015
Court of Appeals
Division I
State of Washington

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

STATE OF WASHINGTON)
)
 Respondent,)
)
 v.)
)
 James Delong)
 (your name))
)
 Appellant.)

No. 72829-6-I

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, James Delong, 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

*First counsel Tracy Lappo provided ineffective assistance of counsel in Pre Trial causing a conflict of interest violating my Due Process Rights and depriving me a fair trial. Whenever we spoke she always ended up standing up and walking off on me. I took her to court to be removed. She sent Mrs Johnson in her place. Mrs Johnson did not stop me from talking.
(Tracy Lappo would not even take my calls)

Additional Ground 2

*Second Attorney Homa Tran was ineffective as counsel under "Strickland v Washington" 466 US 668, 685-86 104 S.Ct. 2052, 80 L.Ed. 2d 674 (1984)
Defence(?) was violated of my Sixth Amendment Rights to mount a defence. Also prejudice was*

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

Date: _____

Signature: _____

Additional Grounds 1

about my case. The judge interrupted me to say that everything I was saying was being recorded and it would be used against me in court. I stopped talking about the case and just talked about Mrs. Japps when the judge stopped me again, not Mrs. Johnson, to ask Mrs. Johnson, "Isn't Tracy Japps getting promoted or moved to another department anyway?" Mrs. Johnson said, "yes she is." The judge said, "this is your lucky day she is not going to be your lawyer anyway." That is just one example of how poorly I was being represented. Tracy Japps and I never discussed a strategy. When I told her I was innocent Tracy Japps said, "I don't care." I did not even get to go to court for a bail reduction

— Additional Grounds 2 —

done against me by the attorney Hong Tran. No investigating done and no strategy done on my behalf. Where under State v. Reichembach 153 Wn. 2d 126, 150, 101 P. 3d 50 (2004) States Tactics is key to Defense attorney and client working as one to properly prepare for trial and especially at critical stages such as Pre Trial Investigating that never got done (please see attached court documents) I had dozens of available witnesses at an investigator's disposal but only one was contacted and that was not until one month prior to trial. Hong Tran constantly expressed to me, "do not worry everything

is covered we have done all we need to do."

Also in "McFarland" 177 Wn. 2d at 337. Recognized that trial would be different by counsel's deficient representation, Hong Tran failed as my attorney. She also violated her sworn oath to uphold the state and federal constitution of the United States of America. I suffered by not having an attorney that would work with me and prepare a proper defense to prove my innocence. All I am asking is for a fair trial with competent counsel, one will investigate all areas and work as one with me not against me. Hong Tran informed me she was close friends with Tracy Joppa. As stated Mrs Johnson did not properly represent me in court then she assigned Hong Tran who knew of the problems that I was having with Tracy Joppa and Mrs Johnson my prior defense attorneys. It was apparent from my first meeting with Hong Tran she had a bad attitude towards me by not letting me know what was going on and that it was her job and mine was just not to worry because she had everything under control. Once a conflict of interest is established there should have been a conflict of interest agreement written to protect my Constitutional Rights under Article 1 section 23 of the constitution designed to protect people from conflict issues. This was never done nor a attorney

Client relationships established. Hong Tran didn't do any Pre Trial Investigating. Hong Tran also did not set for a Bail Reduction or Release of Personal Recognizance of me from jail.

Below are a few of the multitude of points of Inadequate Assistance of Counsel Issues.

A. Any reasonable investigating would have exonerated me.

B. I told the police and Hong Tran that a doctor should evaluate "PW's" condition. "PW" has made all her own decisions about everything in her life for about 35 years and still to this day. Pam has had hundreds if not thousands of sexual encounters. I was her boyfriend for several years and is still to this day they have sex. I was PW's boyfriend for 2 years before Tim Blakeley. Marvin Douglas was a sexual boyfriend for 2 years but I was singled out (when I tried to evict a methamphetamine dealer from my home) and prosecuted. This is nothing but prejudicial and shows the vindictiveness of the prosecuting and police department.

C. I wanted to take the stand in trial but Hong Tran refused me of this right to defend myself telling me, "I would only confuse the jury, do not worry, trust me we have it all totally covered." Then she added, "the state can not prove you are guilty, trust me."

D. For the early months of my incarceration I wanted to view the redacted statements of "PW" to the police. Hong Tran said, "she had accidentally ripped away my rights to see it." Hong Tran said, "she would try to get the judge to overturn ~~the~~ the mistake". It was never done. She also did not allow me to see her interview with PW telling me, "don't worry PW said you did not rape her." I said, "then the rape charge will have to go away." Hong Tran said, "yes"

E. I tried to have Hong Tran discredited (black) by exposing her as the math dealer that she is and simply a conspirator that is taking advantage of PW to take control of my home by getting rid of me but Hong Tran did nothing to investigate the truth.

F. My constant fight with the attorney Pro-trial was so bad that I exercised my desire and right to go "Pro-So" but Hong Tran refused me the right to defend myself. Abusing me, "you do not want to do that trust me I know what I am doing, I have it all covered."

G. Investigating would have discovered that the Police used a "ruse" when they came to my home stating that PW was in trouble and

they needed my help. Jimmy PW of course I wanted to help. I know I had done nothing wrong. * My mentor to Marvin Douglas, Milton McDonald, Tammy Roberts, I J, and Christen Stark was stated to them and the Police.
"I am Pans protector. I do not want anyone to control her. I want PW to be able to do whatever she wants to do not what others want her to do."

11. a minimum of investigation would have discovered. 1) that I have a business license in Pierce County. 2) Every police department in Pierce County has called me for a taxi for 10 years. 3) AAA calls me for all of Pierce County. 4) I had a signed agreement to sub let the flip property. 5) PW was renting a beautiful 30' motor home on the property. I gave her a room in the house for free. 6) Marvin Douglas can not get an erection. 7) Marvin Douglas called me 15 to 1 not 30-50. 8) Code Enforcement of Flip deemed the residence safe and sanitary. 9) I rented the property for 6 plus years not 2 years. 10) Someone owed me money for renovating the house to bring it up to code enforcement standards. 11) Tacoma County changed the classification to "residence" after an inspection finding it safe & sanitary.

Conclusion

Defense trial counsel's failure to investigate and interview easily identified available witnesses without a legitimate tactical reason constitutes deficient performance and casual prejudice in this case. The benchmark for judging an ineffective assistance of counsel claim is whether counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result. Strickland v. Washington (1984). Prong (1) has met the two prong test of Strickland # 1 Counsel was deficient and # 2 the defendant was prejudiced by counsel's deficient performance. State v. Humphries 181 Wash. 2d 708, 720, 336 P.3d 1121 (2014) the defense strategy was not done with my best interest at heart. State v. Boyd 160 Wn. 2d 4124, 4134, 158 P.3d 34 (2007) states that the ineffective assistance of Counsel has violated defendant's "Due Process" rights which are the simple functions an attorney must do as defense counsel for his or her client. # 1 Both attorneys failed to advise me of the simple steps taken to prepare for trial. # 2 Both attorneys failed to acquire an "attorney client relationship" # 3 Also did not ask for a bail reduction or or release me from jail. This alone is standard

practice # 4 Failed to hire an investigator to investigate the case. # 5 Failed to meet and discuss the case with me. This alone would have changed the outcome of the trial # 6 Failed to investigate medical advice from a Physiatrist Doctor to evaluate the alleged victim PW # 7 Attorneys did not contact police or argue against there false reports. There was a hush and a conspiracy to convict. Hong Tran denied me I stated I'm done with all this injustice you are doing to me and I exercised my Constitutional rights as Pro-Se litigant so I could defend myself with the help of an investigator when left with no other options I was left at the mercy of prosecutors that were going along with the conspiracy simply as Hong Tran said, "he's just doing his job." I ask her at that time, "Why do you treat David Baker like he is your best friend?"

The appellate court should at least remand this case back to the original trial court for a new trial or in the name of justice Dismiss this case completely"

Thank you

James DuJong

(878)

OMNIBUS HEARING CHECKLIST

Case Name: James DeLong
Case No.: 14-1-067-5 KNT

Trial Date: 10-22-14
Expiration Date: 11-21-14

PLEA NEGOTIATIONS COMPLETED

Yes No Plea Possible
Yes No Sent to Plea Calendar this date

DISCOVERY ISSUES ADDRESSED

Provided by:

~~Yes~~ No All documentary discovery (photos/tapes) provided
Yes No Prior convictions of defendant/witness provided
Yes No All medical records, expert reports, lab and test results provided
Yes No All state witnesses have been interviewed and are ready for trial
Yes No All defense witnesses have been interviewed and are ready for trial
Yes No All remaining witnesses interviews have been scheduled for specific dates and times or will be completed by AS SOON AS CAN BE ARRANGED
Yes No All discoverable defenses have been disclosed
Yes No All discovery has been completed

If no: Discovery matters which need court's resolution:

TRIAL / READINESS ISSUES

Yes No The information will be amended
Yes No ~~Co-defendant(s) is/are ready~~ for trial
Yes No Trial length estimate, including pre-trial motions 8-10 days
Yes No Jury
Yes No CrR 3.5 hearing:
of hours 3 # of witnesses 2
Yes No CrR 3.6 hearing:
of hours _____ # of witnesses _____ -- interview date(s) _____
Briefing schedule _____

OTHER

Yes No Sent to motion calendar

If yes: Motion to heard no later than: _____
Briefing schedule: _____

If no: Briefing schedule: _____

DATED: 10/17/14

David Beck
Deputy Prosecution Attorney 41998

[Signature]
JUDGE JUDGE ELIZABETH BERNIS
[Signature]
Defendant's Attorney 25198

FILED
KING COUNTY, WASHINGTON

APR 21 2014

SUPERIOR COURT CLERK
BY Ramona Harkins
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff

v.

James Delma

Defendant

No: 141016715 KNT

ORDER CONTINUING CASE SCHEDULING
AND WAIVER OF TIME FOR TRIAL

DATE OF ARRAIGNMENT _____

SCDMIS Codes: ORCNTS / ORST
(Clerk's Action Required)

Out of custody In custody (CCN: _____)

a) The defendant moves to continue the case scheduling hearing, currently set on 4/21/14,
for the following reasons: investigation

The State joined did not object to objected to the defendant's motion.

The motion to continue the case scheduling hearing is granted. The case scheduling hearing
is continued to 5/19/14 at 1:00 p.m. in Courtroom GA (MRJC).

b) Plea/Sentencing Hearing: _____ at _____ a.m./p.m. in Courtroom GA (MRJC).

**YOU MUST BE PRESENT FOR ALL HEARINGS NOTED ABOVE OR A WARRANT MAY BE ISSUED FOR YOUR ARREST AND
YOUR FAILURE TO APPEAR MAY RESULT IN ADDITIONAL CRIMINAL CHARGES BEING FILED.**

WAIVER: I understand that I have a right to a trial within 60 days of my arraignment if I remain in custody on this
case, or 90 days of my arraignment if I am released on this case before the expiration of 60 days, except for any excluded
periods under CrR 3.3, or unless the commencement date has been reset. I voluntarily and knowingly agree to reset the
commencement date to the next court hearing (scheduled above). I agree that my new time for trial expiration date is 60
days from that date if I remain in custody on this case, or 90 days from that date if I am released on this case before the
expiration of 60 days.

The time for trial waiver, above, must be checked if a new Case Scheduling hearing date is set, or a plea date is set more
than one week from today's date.

New Commencement Date: 5/19/14 Time for Trial Expiration Date: 7/18/14

I have informed my client of the next hearing date and have
explained the waiver of time for trial if it applies.

I have received notice of my next court hearing (scheduled
above). I acknowledge my rights regarding time for trial as
explained above.

Attorney for Defendant WSBA # 25199

Defendant James Delma Dated 4-17-14

AOD on behalf of _____

I am fluent in the _____ language, and I have translated this entire document for the defendant from
English into that language. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true
and correct.

Interpreter: _____, King County, Washington

Deputy Prosecuting Attorney WSBA # _____

Juan D. Cayce APR 21 2014
Judge, King County Superior Court Dated

15

ORIGINAL COURT MINUTES

KENT COURTHOUSE

KING COUNTY SUPERIOR COURT

OMNIBUS CALENDAR

CALENDAR DATE: 08/22/2014
1:23 P.M.

JUDGE:

BAILIFF:

ELIZABETH BERNS

DANELLE BENTLEY

COURT CLERK:

ELIZABETH WILLOUGHBY

COURT REPORTER

DR4D

10:07:28

CASE NO: 14-1-01671-5 KNT

DEFENDANT: DELONG, JAMES ALAN ✓
TRUE NAME:
CCN: 1606076
EXP: 09-10-14

David Baker ✓
DPA: KING COUNTY, PROSECUTING ATTY
ATD: TRAN, HONG THI ✓
2064473900

CO-DEFENDANTS:

CHARGE: RAPE 2 ETC
ARR DATE: 03/06/2014
LOC: RME-014L
INT:
ORIGINAL TRIAL DATE: 09/04/2014
COMMENCE DATE: 07-12-14
TRIAL SET EXP: 09-10-14

OMNIBUS HEARING IS HELD. COURT ENTERS OMNIBUS ORDER.

X MOTION TO CONTINUE OMNIBUS HEARING TO 10/3
GRANTED / DENIED ORDER SIGNED

MOTION FOR ISSUANCE OF BENCH WARRANT. GRANTED / DENIED
BAIL SET AT _____ ORDER SIGNED.

STATE'S MOTION TO AMEND INFORMATION. GRANTED / DENIED

PLEA - SENT TO JUDGE _____

DEFENDANT WITHDRAWS PLEA OF NOT GUILTY AND ENTERS PLEA / ALFORD PLEA OF
GUILTY. STATEMENT OF DEFENDANT ON PLEA OF GUILTY IS EXECUTED.
SENTENCING DATE TO BE SET.

DEFENDANT IS ARRAIGNED ON AMENDED INFORMATION AND ENTERS A PLEA OF NOT
GUILTY.

X MOTION TO CONTINUE TRIAL DATE GRANTED / DENIED
TRIAL DATE CONTINUED TO: 10/22
EXPIRATION DATE TO: 11/21

STATE'S MOTION TO DISMISS WITH / WITHOUT PREJUDICE IS GRANTED
ORDER SIGNED

ORDER STRIKING TRIAL DATE IS SIGNED.

X ORDERS SIGNED

RECEIVED
AUG 17 2015
Nielsen, Broman & Koch, P.L.L.C.

The Court of Appeals
of the State of Washington
Division I

James Delong)

NO. 72829-6-1

Pro Se)

CERTIFICATE OF SERVICE
BY MAILING

v.)

State of Washington)

I, James Delong)

certify that on the below date, I caused to be placed in the U.S. Mail, first class, postage prepaid, 3 envelope(s) addressed to the below-listed individual(s):

Prosecuting Atty King Co
King Co Pros/App Unit
W554 King Co Courthouse
516 3rd Ave
Seattle WA 98104

David M Seaver
King Co Prosecutors off.
516 3rd Ave Ste W 534
Seattle, WA 98104

Jennifer M Winkler
Nielsen, Broman & Koch PLLC
1908 E. Madison St
Seattle, WA 98122

CERTIFICATE OF SERVICE
BY MAILING

1 I am a prisoner confined at the Washington State Department of Corrections ("DOC"),
2 housed at the Monroe Correctional Complex ("MCC"), P.O. Box 888, Monroe, WA
3 98272, where I mailed the said envelope(s) in accordance with DOC and MCC Policy 450.100
4 and 590.500. The said mailing was witnessed by one or more correctional staff. The
5 envelope(s) contained a true and correct copy of the below-listed documents:

- 6 1. Statement of Additional Grounds (2 pages)
- 7 2. Motion to continue (1 Page)
- 8 3. Amicus Hearing Checklist (1 Page)
- 9 4. Original Court Minutes (1 page)
- 10 5. Certificate of service mailing (2 pages)
- 11 6. _____

12 I hereby invoke the "Mail Box Rule". See *Houston v. Lack*, 487 U.S. 266, 273-76, 108
13 S.Ct. 2379 (1988); FRAP 25(a)(2)(C); and Washington Court Rule GR 3.1 (a) — the above
14 listed documents are considered filed on the date that I deposited them into DOC's legal mail
15 system.

16 DATED this 13 day of AUGUST, 2015.

17
18 James DeLong
19 (Print) James DeLong, Pro se.
20 DOC# 291510, Unit B-303
21 Monroe Correctional Complex
22 (Street address) _____
23 P.O. Box 888
24 Monroe, WA 98272
25
26