9/3736-8
93858-0

Case # 315291
(consolidated w/ 315631)

Statement of Additional Grounds for Review

State of Washington

v.

Michael Orren Gorski

COPY

COURT OF APPEALS
DIVISION THREE
OF THE STATE OF WASHINGTON

FILED

AUG 20 2015

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By_____

STATE OF WASHINGTON)
)
Respondent,)
)
v.)
)
Michael Orren Gorski)
(your name))
)
Appellant.)

No. 315291
(consolidated with 315631)
STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, Michael O. Gorski, 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

Additional Ground 2

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

Date: 8-11-2015

Signature: _____

Form 23

(a) Statement Permitted. A defendant/appellant in a review of a criminal case **may** file a pro se statement of additional grounds for review **to identify and discuss those matters which the defendant/appellant believes have not been adequately addressed by the brief filed by the defendant/appellant's counsel**.

(b) Length and Legibility. The statement, which shall be limited to no more than 50 pages, may be submitted in handwriting so long as it is legible and can be reproduced by the clerk.

(c) Citations; Identification of Errors. Reference to the record and citation to authorities are not necessary or required, but the appellate court will not consider a defendant/appellant's statement of additional grounds for review if it does not inform the court of the nature and occurrence of alleged errors. Except as required in cases in which counsel files a motion to withdraw as set forth in RAP 18.3(a)(2), the appellate court is not obligated to search the record in support of claims made in a defendant/appellant's statement of additional grounds for review.

(d) Time for Filing. The statement of additional grounds for review should be filed within 30 days after service upon the defendant/appellant of the brief prepared by defendant/appellant's counsel and the mailing of a notice from the clerk of the appellate court advising the defendant/appellant of the substance of this rule. The clerk will advise all parties if the defendant/appellant files a statement of additional grounds for review.

(e) Report of Proceedings. If within 30 days after service of the brief prepared by defendant/appellant's counsel, defendant/appellant requests a copy of the verbatim report of proceedings from defendant/appellant's counsel, counsel should promptly serve a copy of the verbatim report of proceedings on the defendant/appellant and should file in the appellate court proof of such service. The pro se statement of additional grounds for review should then be filed within 30 days after service of the verbatim report of proceedings. The cost for producing and mailing the verbatim report of proceedings for an indigent defendant/appellant will be reimbursed to counsel from the Office of Public Defense in accordance with Title 15 of these rules.

(f) Additional Briefing. The appellate court may, in the exercise of its discretion, request additional briefing from counsel to address issues raised in the defendant/appellant's pro se statement.

GENERAL RULE 14 FORMAT FOR PLEADINGS AND OTHER PAPERS

(a) Format Requirements. All pleadings, motions, and other papers filed with the court shall be legibly written or printed. The use of letter-size paper (8-1/2 by 11 inches) is mandatory. The writing or printing shall appear on only one side of the page. The top margin of the first page shall be a minimum of three inches, the bottom margin shall be a minimum of one inch and the side margins shall be a minimum of one inch. All subsequent pages shall have a minimum of one inch margins. Papers filed shall not include any colored pages, highlighting or other colored markings. This rule applies to attachments unless the nature of the attachment makes compliance impractical.

COURT OF APPEALS
OF the
STATE OF WASHINGTON
DIVISION III

Michael Orren Goreski #230776
Washington State Penitentiary
1313 North 13th Ave.
Walla Walla, Washington 99362
NO. 315291 [redacted]
(Consolidated with #315631
STATEMENT OF ADDITIONAL GROUND.

Dear Judges, (CONER SHEET-OUTLINE.)
Laurel H. Siddoway, Chief Judge
Stephen M. Brown, Acting Chief Judge
George B. Fearing, Judge
Kevin M. Korsmo, Judge
Robert Lawrence-Berrey, Judge

The crux of this matter, my conviction and my subsequent Appeal, Lies in my contention that I was not involved in any way with co-defendat Frank Eugene Brugnone and the homicide of Carolyn Faye Cliff. That I am adamant that Frank Brugnone Lied. In the prosecution's opening statement during my Jury Trial and Frank Brugnone's Bench trial, the jury was told of Frank Brugnone's admission-confession during his Police interview-interrogation. In that

interview Frank Eugene Brugnone implicated me in the homicide while he watched. Saying that he was their the night of the murder, and saw Michael Gorski commit the murder. In the jury's Layman eyes, it made me guilty From the beginning before the trial Really started. How could it not! Before there was even a witness called to testify, I was put in the position of guilt by a eye witness, I was violated by being guilty in the juries eyes and having to prove my innocence instead of innocent until proven guilty. The assumption of innocent until proven guilty was not afford me. Knowing in advance that co-defendat Frank Eugene Brugnone was never going to take the stand, eliminate any attempt by me to crossexamine Frank Brugnone as to expose his Lies and accusations — thus making the opening statemet hearsay. It left me in an uncontrollable Legal Flood, in a damaged boat without a paddle to safely defend myself or explain The Prosecutions damaging hearsay. Explain to me how my trial was fair, just, and impartial? But the Prosecution Senior Deputy prosecutor Patricia Powers and the Honorable Ruth E. Reukauf, saw to My assured guilt From the beginning of the opening Statement. I ask that after you Read my statement of additional grounds that you make a ruling on all the statements vidation, each and everyone please. I have issues-violations with a number of proceedings during my Jury/Bench trial. I hope you will come to the conclusion that errors in Bias, due process, chain of custody, evidence handling and admission, hearsay, impeachment, will Lead you to come to the conclusion that total dismissal with extreme prejudice is your only Recourse. As I have been falsely accused, Falsely arrested, and shamefully convicted. So help me God, you have had an innocent man placed in jail For over Four years now.

allow me the opportunity for justice, something that was not given to me at the outlandish Yakima County jury--Bench trial. Dear appellant Judges, Lies, multiple Lies convicted me, and the truth will set me free.

Respectfully

Michael Corren Gorski

SAG OF APPELL michael corren Gorski - # no. 315291

Additional GROUND - 1.

CHAIN OF CUSTODY. Yakima County...

A. USA V. RAWLINS, 606 F. 3d 73 (ca3 - 2010)

B. Johnson V. MORRIS 999 F. Supp - (1998)

Julie Magoveen, supervisor of evidence - YPD, 1993 - 2009. was brought up on a 108-page indictment, and was found in violation, then teeminated. Chief Granado conducted the investigations of the charges, through internal investigations. She was found guilty of violation of interation standards, the standards promulgated Evidence maintianence and "SECURE STORAGE". A PLACE that the evidence from the August 28th 1997 - homicide of Carolyn Faye Cliff was kept. (You will hear Later, by Honorable Ruth E. Reukauf, saying that a purse of the victims needs to be cleanout. Because it has been in 15-years, and it has dead bugs, diet and grass in it... she said it was because it had be in storage for so Long. During that time, it proves storage standards were violated. That elude to the Lack of adroit and confirms Julie Magoveen's mishandling of all evidence and the trial evidence in her care. How can it not?

During Julie Magoveen's question on the handling of evidence on the (State vs. Clayton Stafford - no# 29033-4-II) appeal case and trial transcripts # 09-1-01019-1 Yakima county #page 1388, Lines 9-13. When asked did she violate standards of the international of property and evidence, Julie Magoveen, answered "YES".

Now, with Julie Mcgovern's own admission, then add Judge E. Reukauf's Reference statement about dead bugs, dirt and grass because the purse had been in YPD storage FOR so long, brings into question all the evidence of the Cardyn Faye Clift homicide that was used at my trial. With Julie Mcgovern's addmission, she opened up a Pandoras box in ANY and ALL evidence in her charge from 1993 - to 2009, how can it not? On the State V. Clayton Stafford appeal in your care No. # 29033-6-11 appeal, you will also see in his appeal, that the United States Supreme Court ruled in his favor — having to do with evidence storage and corruption.

I ask FOR a Ruling of inadmissable, and have my conviction overturned with Prejudice.

Additional Ground — # 2. Evidence

1- U.S. Rawlins. 606 F. 3d 73 (CA 3 - [redacted] 2010).

2- Johnson V. Norris 999 F. Supp 1256 (E.D. ARK. 1998).

3 - Wallace V. Bell 387 F Supp 3d 728 (E.D. Mich 2005).

4 — State V. Stafford no# 29033-6-11 and Transcript page 1388 pg 9-13 (no# - 09-1-01019-1).

5 - State V. DaVila, 183 Wn. App. 154 (Div 3 - 2014).

6 - United States V. Jackson 345 F. 3d 59, 70 (2nd Cir. 2003).

7 - United States V. Berber-Tinoco, 510 F. 3d. 1083, 1092-93 (9th Cir. 2007).

8 - Marshall V. Jerrico Inc. 446 US 238 (1980).

[redacted] 9 - Bullcoming V. New Mexico 09-10876 (2011) United States Supreme Court 564 - U.S. 131 S. Ct. 2705 page 3917, 12-15 Evidence maintence.

I object to any all evidence Julie Mcgovern - YPD, Property Room Supervisor had in her care. She was Found guilty of taking evidence home, Stolen evidence, mishandling evidence, Falsified evidence, stored evidence improperly, evidence Left Unsecured, etc., etc. Found guilty in 2009 OF evidence violation in her care during 1993 - 2009.

page 1708, 17-25. Evidence Tampering.

In court, out of view from the jury, prosecutor Powers and Judge Ruth E. Reukauf, agree that it be okay for prosecution to go through and cleanout victim Carolyn Faye Clift's purse, because, as Judge Reukauf states, it's been in YPD storage for 15-years, and now it has dead bugs, dirt, dried up grass and a wild variety of street Rocks in different sizes. We objected for a few reasons; one- that the condition and contents gives evidence to our claims that Carolyn Faye Clift was mentally ill and promiscuous. Two- it's contents and condition gave evidence to her mental state of mind. Three- If the purse had been stored correctly in a cool air-tight container, as it should had, there would not be any dead bugs, dried grass and dirt. Plus the purse would not had been dried up hard and have age cracks. Yet, Judge Reukauf allowed the Rocks, dirt, bugs, wadded up trash paper and a hard baseball to be Removed and "thrown away" - saying that these contents had nothing to do with the trial. Then the outside and insides of the purse were then cleaned and polished. Then a picture was taken of the purse and the remaining contents, and the photo was given to the jury while deliberating for a Ruling. The jury was miss Lead by Judge Ruth E. Reukauf and D.A. Patricia Powers, because they were presented with a photo of a clean, neat and well organized purse, one of a sweet older lady.... with no alarms to what was Really the issue. I wish you could of be in the court Room when Deputy D.A. Powers asked for permission. She was so nerveous and up tight, that the condition of the purse and it's crazy contents might be seen by the jury. This whole process violates conduct, Fairness and it wrongfully eliminate evidence in it's

original condition when it was collect the night of the homicide. I say that it should of been up to the JURY to determine during deliverance to come up with a conclusion of what the original condition and all it's contents meant if anything. By the Judge and prosecution being allowed to throw away and then clean up the purse. The purposely altered the JURIES thought process and in doing so altered their conclusion. How could it not? This is such a 'WOW' I cannot believe moment, that a dismiss-al of charges, convictions - should be overturned with extreme prejudice. Honorable Ruth E. Reukauf eluded to the fact why the purse was in such a sorry state of condition. How can a Judge and a prosecutor be allowed to alter evidence in a attempt to coverup, then alter a JURIES decision process during their deliberation. How do you legally justify such a shameful display. All creditability FOR the Capital murder case, the trial system in Yakima County has been shattered by this lopsided display. It is also at the "VERY CORE" - to Michael Gorski Receiving due process under the law, in which he is entitled ... Judge Reukauf and D.A. Rowlees worked as co-workers in the Yakima County D.A.'s office in 1997 under JEFF Sullivan. They were both aware and involved in the 1997 - homicide of Carolyn Faye Cliff, and they are still good and close FRIENDS whom still socialize together in their private lives. This mangle the entire Judical system in yakima, and it was done as to assure a conviction. I ask FOR a REVERSAL OF charges. I am sure there are legal grounds to support The Judges actions. But we all know that it is nothing more than manipulating the Judicial system so they can effect the out come of the trial in their FAVOR. THEREFORE I ASK FOR a dismissal with extreme prejudice.

, page 444, 7-10. page 444, 15-16. page 444, 7-10.
Evidence contamination.
multiple of officers stepping over, in and through and then back out of evidence again. And it was done so with-out Footcovers, Latex gloves, no head caps or Facial cover. ALL photo pictures are not Logged correctly, there are not dates, times and taken by whom on the backs. The photos also show that the body had been moved prior to evidence photos taken. "You will Later Read Testimony From Pathologist Sealove - that the body had been moved". Therefore, all evidence collected should be inadmissable. At one time in the early beginnings of the investagation, before any evidence was collected. Selah police officers, Selah Police chief, EMS, Selah Fire chief and county detectives were all in the victim's small one bedroom apartment, comtamin-ating the entire crime scene. How could they not. Welcome to small town America. Therefore I call For a Ruling to have any and all evidence collected at the scene be inadmissable.

page 445, 8-12. page 445 23-24. Evidence Contaminated
The evidence that the appellant needs to make a Ruling is ~~Were~~ Right their in the transcripts on page 445. in Officer Rodriguez's own discription. Paramedic Forendal, said outloud, when asked to turn the body over.. Rigor Mortis has set in, and it can-not be properly done and no one is wearing gloves. All this was happing while multiple police officers were present in the apartment, Selah police chief, selah Fire department chief. So how can any evidence Collected that night be allowed.
page 456, 4. Evidence contamination.
there is no mention that Latex gloves were Worn, Used or asked to be put on, No Foot Covers, head-cover, Facial mask, nor was anyone asked to leave the scene so evidence could begin the investigation.

, page 444, 15-16. page 444 7-10. Evidence contamination. Investigative Officer at the scene, in his own words; said he and others present stepped over the body, on possible evidence and over possible evidence. And then walk all through the scene as well as the other Rooms of the apartment, kitchen, bedroom, bathroom and Living Room. Again, there was no mention that any of the five person's present were wearing Latex gloves, Foot-shoe covers, head covers-caps or Facial masks. . . And none of the photos taken had no information written or attached as to the day, time, where, what, and by whom taken, Recorded anywhere on the photos. You will also see where the photos will show the body had been moved prior to the photos taken. Remember the EMS driver Forendal stating they were touching the body in an attempt to take photos and you will later Read Pathologist Sealove say that the body has been moved. Therefore, all evidence should be Ruled inadmissable, I should be dismissed with extreme prejudice

page 475, 10. Evidence contamination.

Photo taken of the victim's body shows the body has been moved before the picture was taken. Pathologist Sealove, says the blood drippings down the back do not match the collected blood pool on the Living Room Carpet. That the blood dripping coming out of the wound lead to dry carpet—which "Is" impossible, yet two to three Feet ahead of where the body was laying in the picture, was the collected blood pool From the victim's wounds. Thus confirm Evidence contamination and manipulation. Yet the photo was taken, showing the body had been move. Therefore, any and all photos and evidence having to do with the body should be Ruled inadmissable.

page 512, 1-25. page 513, 20-23. Evidence incomplete and or tampered with.

The camcorder camera that record Live video tape of the apartment's contents and condition the night of the homicide, are incomplete OR have been manipulated and/OR some sites excluded. The photos, video of the kitchen in question, the sink, counter-tops, stove top, Floor, dish rack and dish ware Cabinets have been excluded. Thus the detectives and prosecution only turn over evidence that was helpful to their case, and exclud-left out video that would of been held in support of my case.

page 513, 20-23.

The prosecution's witness says the kitchen was a mess. Yet a picture of a hammer in the dish Rack next to the kitchen sink - that was later presented into Evidence. shows a nice neat, clean, orderly Kitchen. Why was the video camera of the kitchen left out? Because it would help to prove my case, and it would show that, the photo of the hammer, in the dish rack that was next to the kitchen sink was a "PLANT" - False evidence... And that photo of the hammer had not information of what date, time OR by whom it was taken, yet it was entered into Evidence by the Honorable Ruth E. Reukauf. All evidence therefore Should be Ruled inadmissable, the conviction Reversed and done so with extreme prejudice.

page 534, 1-25. Evidence false.

The tire tracks - OR the picture of tire tracks, was not proven or confirmed to be from Co-defendant Frank Brugnone's truck, much less proven that they were indeed made by a truck. NOR were there any Recorded tire tracks shown OR presented in court of Frank Brugnone's truck. By the phoney photos of TIRE TRACKS were allowed to be presented as

as evidence, misleading the layman Jury, that they must indeed be From Frank Breighner's Truck. As You can see, there is no Foundation whatsoever, that should allow the photo into evidence. Therefore I ask For the photo of the tennis to be inadmissable. page 594, 4-10. Hammer evidence inadmissable.

The photo of the hammer, and the physical hammer itself should not be allowed as evidence. First, there never was used the word hammer by any investigator. Even Pathologist Selove, never used the word hammer. He said there could of been Pounding on the weapon (which was never Recovered) - but he was just giving a professional guess that pounding could of happen. Yet the hammer was allowed as evidence, and the photo of the hammer in the dishRack next to the kitchen sink was excepted by Honorable Ruth E. Reukauf. Even though the camcorder excluded any such video of the kitchen. The Real Proof, the kicker here is this; The hammer was tested by the Washington state lab, and came back with NO blood DNA, and it tested False For DNA of the Victim Carolyn Faye Cliff and there was NO DNA of the accused, Michael ORREN Corski. Found either, not even a trace. Why was the Hammer allowed into evidence under "objection" by the Honorable Ruth E. Reukauf. The only Reason was to add dramatization to the States case, Conducted by her good and close Friend D.A. Patti Powers. I think that it is so obvious. It's but another manipulation of the judical system in an attempt prove the States case. my attorney John Crowley and I heard Honorable Ruth E. Reukauf make the Following statement to another attorney at one of our pre-hearing, before any statements were Recorded — She said, that if any inmate that had been arrest and choose to come to her Court Room, IF they were that Foolish, she considered them guilty and would then treat them as such. Yes, it hearsay

page 652, 653, 654, 1-25. BLOOD SPLATTER-"supposedly"!
A photo of what the state said "MUST BE" blood splatter was allowed in as evidence, as to show the blood flow splatter of the victim, while being murder. Dr. Daniel Selove, Forensic Pathologist, and Erica Graham, Washington state crime lab, both stated under cross-examination. That the possible blood splatter was never test to assert with positive authenticate that it was the victim's blood type, DNA and was in fact hers, nor was there any attempt to prove if it was the accused Michael Corin Gorski's. The assumption was it must be blood- so it has to be the victim's. I say it's a display of shabby police investigation and a travesty that it was allowed in as evidence. It was never given the basic test to prove that it was blood, tomato juice or Fruit drink, or Red wine, etc, etc. Yet the photo was allow by Honorable Ruth E. Reukauf to help dramatize the homicide and it's violence in an attempt to ensure and a insure a conviction of accused Michael Corin Gorski. I thought this was a Capital case that would be and should be tried impartial, you know, justly and, Fair. You know, once a bell has be rung, it's been heard and cannot be altered. Therefore I ask for a Reversal of the conviction, a dismissal with extreme prejudice, and I Rightfully be sent home. All done under objection!

page 655, 16-22. Evidence contamination-tampered.
The victim Carolyn Faye Clift's body was moved before the investigation photos were taken. Thus making them tampered and inadmissable. Dr Selove, Forensic Pathologist Testified that in his words: "INDEED" the body had been moved-altered prior to the pictures being taken. Therefore the photo and any and all collected evidence having to do with the body should be Ruled inadmissal. How can it not?

There was such a Rush to convict on the cold case, that a shameful display of injustice displayed and manipulated in an attempt to convict. There a dismissal of charges must be ordered and done so with prejudice so the state can be shown their error of Bias. Due Process was huge at this trial. Huge! page 734, 1-2.

Julie Negoveen, yakima County Supervisor of the Evidence Room was brought up on 108-page indictment, and Found to have violated the international standards of Evidence maintance. Rules—standards in which she must be obligated to work by and conduct herself by. She was Found "GUILTY"- because she had violated the international standards in which she must work by. She violated Evidence maintance, which takes in "ANY AND ALL"- evidence in her charge. Remember the Findings on the Victim's purse and the Sorey, Sorey condition it was in, because it wasn't maintain-stored correctly- The bugs, the dirt. Honorable Ruth E. Reukauf allowed Deputy P.A. Powers and her staff to clean the inside and outside of the purse, polish it and then throw away what they did not want the JURY TO SEE. Like the bugs that crawled in the purse while in Julie Negoveen's maintenance-care, The bugs that Later died. Even Honorable Ruth E. Reukauf Referred to as why she was Ruling For the purse to be cleaned up. The Evidence and the purse, pictures, splatter etc, etc must be Ruled as inadmissable.

page 753, 12-25, page 754, 1-7. Evidence withheld.

The prosecution, while questioning Lead Det. Garcia- got him to inadvertent expand on a subject in which the prosecution did not want any cross examination on, much less open up the

information to be heard by the Jury. Yet be unintenstionally questioning the Detective opened up information about the victim's boyFriend, who was suppose be coming for visit that night. A boyFriend who Lived with another woman. That boyFriend Taylor Dalton, match the discription of the man seen at the apartment arpund the time of the homicide, and then Fit the discription of the man seen arguing with the victim at a Country-Westeern bar the night of the murder. He also had a truck that Fit the discription of a truck that was seen at the apartment the night of the homicide, and he Fail two polographs that asked did he commit the murders under My objection, Judge Ruth E. Reukauf would not allow Def. Garcia to be questioned about his Findings during his investigation and questioning of the boyFriend Taylor Dalton. The prosecution cannot be allowed to have their cake and eat it too! The indavertantly opened up their witness to Cross-examination. Had the Jury Heard the Story of Taylor Dalton, that testimony could of played a huge Role in swaying the Jury into an acquital of Mr. Garcia, and the honorable Ruth E. Reukauf knew that. IF the investigation of boyFriend Taylor Dalton came out, the prosecution case would of had golf ball size holes in the pour spout of Justice. By not allowing pertinent evidence, the Judge totally altered the case in Favor of the Prosecution. There a dismissal must be ordered, a dismissal with a Retrial, as the violation was that obscene.

'page 702, 19-25. Evidence mishandling and conduct.

The evidence of the hammer that was tested by State Labs (Jodi Sass) ... were testified given by Erica Graham - Washington state patrol Crime

Lab . . . which is the classic violation of the United States Supreme Court Ruling on Donald Bullcoming V. New Mexico-no. 09-10876, June 23, 2011. 564 U.S. 131 S. Ct. 2705. . . because the New Mexico Supreme Court permitted the testimonial state of one witness, to enter into evidence through the in-court testimony of a second person, The United States Supreme Court Reverse that courts judgement. For that Reason stated, the judgement of the New Mexico Supreme Court is Reversed, and the Case is Remanded For Further proceedings not-inconsistent with his opinion. . . Furtheermore, the Results of the test on the hammer came back negative For DNA of victim Cardyn Faye Clift and accused Michael Orren Gorski. . . they same Case can hold true about the blood Splatter. Yet, both were allowed under objection, and it left the wrong assumption For the Jury to delibrated on. I think the conclusion to this violation is a displax of the worst case of unfairness and it is a bad display of bias attempts by Judge Ruth E. Reukauf to secure a conviction For the prosecution. There should be no question whatsoever, a retrial is not possible, and with the elimination of the poor evidence the state has no case to proceed on with murder two. Therefore, the only Ruling possible is Reversal of charges and dismissal of any further actions against Michael Orren Gorski.

page 1086, 24-25. Evidence withheld.

The Carpet samples that were collected the night of the homicide were not presented in Court, nor were the Finding turn over to Michael Gorski. The address book and it's stored information were not presented in Court, nor were they turned over to Michael Gorski, they must do me with the conclusion that the Finds would only help the

defense of Michael Gorski and hurt the prosecution case to convict. This is a classic example of holding helpful evidence, while only using what can help prove guilt... This is not a equal playing Field Legally is it? Welcome to Yakima County Justice system. How can this Finding not completely cause the conviction to be Released? Wouldn't it be nice if the defensive Cettoeney's could hold out evidence that could help the prosecution. Yet that's not Fair is it?

page 1089, 1-9... also support and defend the above violation

page 1088, 1-5. Evidence withheld.

A hair Fiber was Found in a stab wound of the victim Carolyn Faye Clift by Pathologist Selove, and sent to the State Crimelab For Testing. Yet it's Findings were not presented in court nor were they turn over to Michael Gorski. Therefore we can only assume that the Test Finding would of only help Michael Gorski, while it would of hurt the prosecution case. Explain how this is a equal and Fair trial? This so violates the Fairness and findings of collected evidence in a Capital murder trial. I ask you, have you ever seen such unFairness and manipulation?

page 1089, 11-12, and 16-20. Evidence withheld.

The victim's telephone answering machine Recording tape was collected. It's Findings, who she called, who call her, what was her last call, what was the last call made to her and what messages were left on the tape? We all know that the prosecution has all those answers, and it does not support a case against Michael Gorski. Why else keep them? The Findings were not presented at the trial, nor were they turned over to Michael Gorski. Another display of a unlevel playField and injustice.

You have seen where carpet, hair fiber, address book, answering machine recorded tape were not handed over to Mr Gorski and his attorneys. The Finding of the information collected, the test Results Forever withheld. Why? What was the prosecution hidding? What was the cover up? You must agree that all those collected items were and highly important to this case OR any case. Yet they were withheld from the defense. How can this be allowed? I therefore ask you to overturn my conviction.

page 1144, 3-9. Forensic Exclusion of Evidence.
all Results of any collected and/or tested, For DNA and/or analysis or otherwise "Must" be presented and/or turned over to Michael Gorski and his attorney's. To not to do so is and sorry attempt to manipulated the trial and it's verdicts outcome and a shameful display of prosecutional un-Fairness. How is this just and Fair.

page 1462, 1-25. Evidence tampering
Here is where you will hear Honorable Ruth E. Reukauf state the purse has dead bugs in the purse because its be in storage too long, and that the sorry state of the purse is because its been in Storage so long. Under objection — the purse was cleaned up, items where selected as what could be thrown away and what was to be kept. and in the Ruling, a purse of a mentally ill person was converted into a clean organized purse of a sweet old lady whom was violently murdered. This is just a blatant display of Corruption. You know the Right thing to do is dismiss this conviction

Additional Ground — #3 Recusal Bias
1. Sherman V. State, 128 Wn 2d. 164, 206 (1995).
2. CJC canon 3 (D)(1) 1995.

Honorable Ruth E. Reukauf. Yakima County Superior Judge, and Yakima County Senior Deputy D.A. Patricia Powers, worked together as co-workers Deputy D.A.'s under District attorney Jeff Sullivan during 1997, And did so during the 1997 homicide of Carolyn Faye Clift. They both were familiar with the case and investigation that followed. This was a 15-year old cold case file trial, big news. Judge Reukauf and D.A. Powers are still close friends to this day, they even socialize privately away from work. I say this is a huge conflict of interest. It violate everything that's fair in a trial. Judge Reukauf even assigned herself to this case, and done so with youthful giddy excitement, saying "OH, I want this case!" and stopped pre-trial hearing long enough to assign herself to preside over the case I Realize that they are suppose to be educated professional whom are above the law. But I believe the other 16 pages I just written state otherwise. Just wait until you Read the Rest of the Stmt. I ask For a Reversal of my Conviction.

Statement of additional ground — #4

JUEY - BENCH TRIAL SIMULTANEOUSLY.

1- State v. Wilcox, 341 P. 3d 1019 (Wa App Div. 3, 2015) GR - 4.4c

2- Bruton v. United States 391 U.S. 123 (1968),

3- Matthews v. Eldridge, 424 U.S. 319, 352 (1986)

Constitution amendment — 14

4- Article 1. Section 3 of Washington State Constitution.

A JURY-Bench Trial held simultaneously especially when Jury defendant Michael Gorski's contention of his innocence and non-involvement in Carolyn Fay Clift's homicide, and he is adament that Bench Co-defendant Frank Bruno knows and still is a liar, about all he said during his police interview, and that

and that Frank Bruguone is a conspirare, coerced or not. My hands were tied legally, Frank Bruguone and his attorney made it clear From the beginning that he would not take the stand and testify. And during my portion of the Jury trial I could not attack him and defend myself adamently in Front of the Jury, with Mr. Bruguone sitting next to me. The Jury would of thought us nuts, two guilty guys Fight one another in court during trial, while the prosecution sat back and smiled. When Judge Reinhardt asked Mr. Bruguone's attorney, Mr. Banda — "your taking no position" page 391, 21 ... Mr. Banda said "I have no Dog in this Fight!". — because he was Bench. Yet witness were called to testify against Frank B. Bruguone at my Jury trial. which implicated me with guilt by association, and I could not defend myself in cross-examination — by doing so I only implicated myself ~~to~~ Further with a guy whom said he was there the night Carolyn Faye Cliff was murdered... And this was all going on after the prosecutor pokes ~~tight~~ Frank Bruguone's police interview admission into her opening statement to "My" — Jury. The bell was Rung, and the ringing said From the get go, Mr. Gorski you are "guilty" — because I said so, because I was there, and I saw you, Yet I REFUSE to take the stand and Verify what I said. So the Jury has to believe what the prosecution said I said at my police interview about you. I was guilty Right From the start and D.A. Do was never brought it up again, she didn't have to prove her hearsay accusation, why would she, after all, she already Rang the bell Loud and clear For all to hear. Had I been on the Jury, I would thought Mr. Gorski was guilty also. I was implicate with thick Layer of guilt From the opening statement

The prosecution violated my rights by not having two opening statements. Because Mr. Breugnone and I were in such bad conflict. I was never able to confront my accuser, Frank Breugnone, And prosecutor Patti Powers, was never forced to defend/prove what she said during her open — she left it off as "FACT" - as "GOSPEL", how convenient. What happen to my Legal God given Right to cross-examine my accuser. This was Prosecution mis-conduct and Judical unfairness. They both knew they couldn't win separate Jury Trials. Therefore, I ask For Reversal, and dismissal with prejudice

page 831, 15-25 (Joint Party opponent).

As a bench trial, Mr. Breugnone is the prosecutions opponent. There Fore, nothing in Regards to Mr. Gerski's Jury trial should of been heard or presented about Mr. Breugnone, without my opportunity to cross examine. Why were witness brought Forth at my Jury trial, who testified against Frank Breugnone. The prosecution "was" - trying us together and the Honorable Ruth E. Reukauf allow this travesty to continue. I was "NEVER" allowed the legal right to cross-examine Frank Breugnone - and ask, did you say that, etc. and the same goes For his ex-wife, his ex girl Friend and megan nunley — they all gave testimony about Frank Breugnone. And I, well I was guilty by association and hand-tied by not be able to question Frank Breugnone. If ever there was a classic case of Brewton, this is one. This is what the United states Ruled in Favor of Brewton For... For a Case such as this. Therefore, I ask For my Real day in Court, anewhere Frank Breugnone can be called Forward to testify in. OR I ask For a Reversal of charges and dismissed with prejudice. Am I the only one that can see the injustice allowed by Judge Ruth E. Reukauf and DA. Powers?

Additional Ground #5 - Exclusion witness/testimony.

1. State V. Gefeller 76 Wash 2d. 449, 454-55 (1969).
2. Wallace V. Bell 387 F. Supp 3d 728 (E.D. Mich 2005).
3. Marshell V. Jerrico INC, 446 US 238 (1980)
4. United States V. Beebee-Tinoco 510 F. 3d. 1083 1092-93 (9th Cir 2007)

page 539, 40, 41, 42, 43, 44, 45, 46, 1-25. Exclusion Witness. Detective Garcia, under questioning by prosecutor powers, expanded his testimony to include his lengthy investigation/interview with the victim Carolyn Faye Clift's boyfriend Taylor Dalton. By doing so, he opened up the door to cross-examination about the subject by my attorney John Crowley. Judge Ruth E. Reukauf would not allow any questions about the investigation, interview, interrogation, even though it was Detective Garcia on the stand when volunteered that information. It violates my Right to Cross examine. Thus opening this up to:

Bruton V. United States 391 US 123 (1969) and State V. Wilcox 341 P 3d 1019 (Wa App Div 3 2015)

how can it not... but the Judge Relized that to allow this cross-examination with extremely tarish the prosecution's case beyond repair... it would leave the Jury with Piles of Reasonable doubt. But the prosecution's error in asking questions should not be allow to be covered up by the Judge, so she can save the case. It violated my Right to a fair and just trial. Therefore a Reversed in conviction should be so ordered.

page 1147, 19-23. Testimony exclusion. It had been said that the nature of the murder appeared to have been done by a trained military personal... as in the boyfriend Taylor Dalton. I volunteered to sign Legal documents so the prosecutor could check my military history and training. The prosecutor happly agree - but once it was found that I did

not have a military record, cos I had not ever been in the military. The prosecution and Judge Ruth E. Reukauf, would not allow the Jury to hear that information. Talk about cherry picking what the Jury is to Hear and see. You must Rule in Favor of a Reversal of charges, as it is extremely blatant of the travesty conducted by Judge Ruth E. Reukauf.

How is it she is still allowed to Reside as a County Superior court Judge?

Additional Grounds—#6 Bruton. 6th 14th amend.
1- Bruton v. united states, 391 U.S. 123, 135-37 (1968).
2- Johnson v. Tennis 549 F 3d 296 (3d Cir. Nov. 19 2008) (no., 07-1968)
3- united states v. Castro, 413 F 2d 891, 895 fn. 7 (1st Cir 1969)
4- united states v. Cardenas 9 F.3d 1139, 1154 (5th Cir 1993)
5- Rogers v. McMackin, 884 F. 2d 252, 257, (6th Cir 1989)
6- United states ex Rel. Paulisi v. Pinkney, 611 F. 2d 176, 178 (7th Cir 1979)
7- Cockrell v. Oberhauser, 413 F 3d 256, 258 (6th Cir 1969).
8- Crawford v. Washington 541 U.S. 36 (2004)
9- McCarthy v. State 65 S.W. 3d 47, 55 (Tex Crim App 2001)
10- Satterwhite v. Texas, 486 U.S. 249, 258-59, 108 S.Ct 1792, 1798 (1988).
11- Westbrook, 29 S.W 3d at 119,
12- Brooks v. State, 132 S.W. 3d 702, 708 (Tex. App-Dallas 2004 pet. Ref'd)
13- Delaware v. Van Arsdall, 475 U.S. 673, 684, 106 S.Ct. 1431, 1438 (1986).
14- Pointer v. Texas, 380 U.S. 400 (1965)
15- Chapman v. California, 386 U.S. 18 (1967)
16- Mutti v. State 25 S.W. 3d 300, 308 (Tex App-Austin 2000) No per.
17- Tex R. App P 44.2 (a), Brooks, 132 S.W. 3d at 711.
18- State v. Brewington, 352 N.C. 489, 511 (2000)

19- State V. Jones, 280 N.C. 322, 340 (1972).
20- State V. Brewington, 352 N.C. 489, 508-09 (2000).
21- U.S. V Flores-Rivera, 56 F 3d 319, 325 (1st Cir 1995)
22- Tennessee V. Street, 471 U.S. 409, 413 (1985, 105 S. Ct 2078, 85 L. Ed 2d 425.
23- United States V. Cruz-Diaz, 550 F 3d 169, 178 (1st Cir. 2008)

The "Bruton Rule" Forbids the use of a co-defendant confession implicating other defendant in a joint trial. A Bruton problem occurs when multiple defendants are joined For trial and defendant A makes an out-of-court confession or other statement that implicates Defendat B. The statement is admissible at the opening statement at trial against defendant B. normally is hearsay and not admissible against defendant B. In a joint trial, however, the Jury will hear the statement incriminate defendant B at the prosecutions opening when it was introduced and unless defendant A takes the stand on his own behalf. Defendant B will not have the chance to cross-examine this evidence against him, in violation of the Confrontation clause of the sixth amendment. The Bruton problem is in significant Respects a severance issue, because it only arises in joint trials when the Jury is exposed to evidence (opening) that is only admissible against one defendant but strongly implicates another defendant. A Bruton claim arises specifically involving the admission of a non-testifying co-defendant's out-of-court statement during a joint trial for the purpose of proving the truth of the matter asserted. Because Bruton Rests on the lack of opportunity to confront and cross-examine the co-defendant who confessed, the introduction of the statement is only permissible in a joint trial (Bench-Jury) if the co-defendant takes the stand and is subject to cross-examination. The united states Supreme Court held that the admission of a co-defendants confession (prosecutions opening) implicating the defendant is Reversible error where

the codefendant did not testify and the co-defendant and defendant are jointly tried. Bruton applies solely to jury trials. Sixth amendment Right of confrontation is violated by admitting the confession at the prosecution opening statement. The problem is the probable impact of the error on the jury in light of the confession heard. In a nutshell the question that I ask you in conducting the SAB is whether a Reasonable possibility exists that the error either alone or in context moved the jury from a state of nonpersuasion to one of persuasion as to the issue in question". I say how could it not, the JURY just heard the county prosecutor state that the bench co-defendant confessed to watch the crime of the @jury defendant on trial. After all, the prosecution said so, and a Detective got the confession during interrogation. THE BELL WAS RUNG! In addition there now exists the risk that the mere fact of association with the confessing defendant may now be prejudicial. There remains the problem now of an individual's rights being undermined in a joint trial — Bench/Jury. The prosecution who are now the beneficiaries of this undermining prefer joint trials. This preference arises both from a desire to conserve time and a realization that when evidence, which would be inadmissible in a single trial, is now admitted in a joint trial subject to a limiting instructions — especially when one of your best Friends and ex-Deputy D.A. is now the presiding judge on your side. Yet Judge Ruth E. Reukauf denied me the right to Cross-examination of co-defendant Frank R. Beugnone. Mr. Beugnone could not and would take the stand. Specifically, there is a violation of a defendant's right of confrontation every time a confession is heard, regardless of how it was heard (prosecution's opening) of a non-testifying codefendant which implicates the defendant is admitted into evidence. The United States Supreme Court said that its holding was required because Bruton decision "went to the roots of a FAIR HEARING AND TRIAL.

Bruton was distinguished on the basis that the mental gymnastics Required of the layman Jury in Bruton in considering evidence against only one of two defendants. The error Requirement that for a constitutional error to be harmless the state must show that the error made no contribution to the criminal conviction. The emphasis in Bruton on cross-examination would seem to indicate that the Supreme Court intended to assure a defendant more than a theoretical right to cross-examine his codefendants. At the prosecution opening, where she stated Bench Co-defendant's confession to the Jury of Mr. Gorski - Read the confession which incriminated Mr. Gorski, it would seem that Mr. Gorski has been effectively denied his right of confrontation. First it is an automatic Reversal test which requires a separate trial to be held whenever a codefendants confession incriminates another defendant. "HELLO!!" Sixth amendment cases which have been held Retroactive and which Require automatic Reversal. This error puts the burden on the prosecutor to prove beyond a Reasonable doubt that the error did not contribute to the verdict. But how could it not, it was a confession afterall, one that the prosecution made no attempt to Prove. I conclude that there is a Reasonable Likelihood that the error materially affected my Juries deliberation, how could it not. The character of the proceeding, what is at stake upon its outcome, and the Relation of the error asserted to casting the balance for decision on my case as a whole.

United States v. Brown, 179 F 2d 321.
United States v. Feinberg, 140 F. 2d 592.
United States v. McMaster, 343 F 2d 126.

The Rules can hardly be said to be out of keeping with Fundamental Fairness, and I see no Reason for striking it down on its face as a violation of the guarantee of "due Process".

page 402, 15-19. Prosecution opening.

By allowing MR. Gorski's JURY hear Bench Trial co-defendant MR. Brugnone's confession. It at once implicated MR. Gorski with guilt. My trial began as a lopsided one. Guilty until proven innocent. The prosecutor knew Frank Brugnone would not be testifying, so she was FREE to say ~~she~~ whatever. The D.A. knew I was not going to be able to confront MR. Brugnone. The guilty bell was Rang loud and clear. Can you see the complete injustice of this shameful display of unfairness and injustice? Therefore I ask for a Reversal of the conviction with prejudice. Send me home.

page 398, 9-18 Prosecution's opening.

A police interrogation interview is being heard in the opening statement. About what a police office heard what the Bench co-defendant said, and now as a third party the prosecutor is Repeating what the detectives said that the co-defendant said too him. — Need I say more. It is a classic display of HEARSAY, SHE SAID HE SAID! Bruton speaks Loud and clear here, as MR. Gorski had no venue to confront on cross-examination, nor did the prosecutor ever attempt to prove hee hearsay accusations about the third party out-of-court confession.

page 402, 12-14. Prosecution's opening.

once again the prosecution is allowed to involve what Frank Brugnone said about what MR. Gorski done. How is this Fair, Just and impartial.

page 424, 19-25. Vidation of Bench-Jury opening.

Frank Brugnone's TRIAL was Bench and was thus an opponent, and Mike Gorski was to be heard by the JURY. Yet the JURY was allowed to hear about some confession that Bench trial MR. Brugnone made under questioning by the Selah police. Reversal is in order!

page 428, 1-25. 429, 1-8. Bruton...

This is way the United States Supreme Court Ruled in Favor of Bruton. The Vidation is obvious.

page 7796, 1-9. Hearsay Testimony.
page 7795, 6-14 Hearsay Testimony.

Megan Nunely should not have been allowed to testify to the jury about a statement that co-defendat Mr. Brugnone said to her. First, it is hearsay if Mr. Brugnone Refuses to take the stand for cross-examination. Second, it makes Mr. Gorski guilty by association with no venue for confrontation of the person whom said it. My contentions of non-involvement and me being adamant that Frank Brugnone was a Liar, could not be proven, as I was eliminated from confronting Mr. Brugnone on Cross-examination. "As did you say that!" so how was this a Fair trial? Yet I was being slowly and methodically being found guilty with out the opportunity to defend myself under cross-examination. which is my Right under the law. THIS SCREAMS BRUTON! How can it not?

I was be Found guilty by association, with Megan Nunely saying Frank Brugnone ask her for a alibi a Few days after the homicide of Carolyn Faye Clift. Megan's hearsay cannot be proven with Cross-examinaton of Frank Brugnone by Mr. Gorski. A Reversal is in order.

page 830, 13-25 HEARSAY - Bruton.

Megan Nunely, is making a out-of-court statement that co-defendant Frank Brugnone said to her. It is a classic example of "HE SAID-SHE SAID" - with no proof to back up the hearsay. Your Ruling, megan nunely's hearsay statement should be Ruled inadmissible and the charges should be Reversed.

page 831, 5-19 TESTIMONY NO RELEVANT.

Megan Nunely's testimony is not against OR FOR Mr. Gorski, For any purpose. Either directed or implied, Then the testimony cannot be Revelent. IF it's offered for the truth of the matter asserted, which it most clearly is, then it must be excluded. According to the Legal hearsay Rule it indeed excludes itself. Then when "Bruton" - is added to this mix, which is a hearsay analysis, we again have the

Same issue, same problem. Therefore, Megan Nunley's testimony on the matter should not be heard by the Jury. AND; this speaks Volumes as to why this trial had to be conducted separately in the First place. But under Judge Ruth E. Reukauf, the trial was conducted with Bias impartial conviction. How can you not Reverse the conviction, and do so with prejudice.

page 1127, 19-25. 1128, 1-8. Bruton Objection.

It is a statement given that cannot be substantiated as it emitomizes the truth, as it cannot be cross-examine for verification ... Mr. Beugnone said something to Deanna Spince, who is allowed to now say what it is Frank Beugnone said to her. Third party? out-of-court? He said she said? Hearsay? — and all was conducted without the opportunity for confrontation Cross-examination. Therefore her testimony should be Ruled to be inadmissible and the charges Reversed. Deanna Spince should not have been called to testify in the First place, her testimony is not against or For Mr. Gorski, For any purpose Either directed or implied. Then her testimony cannot be Revelant. Deanna Spince should of been called at the Bench trial only. what she said in her hearsay had no bearings on Mr. Gorski's JURY trial.

page 1130, 1-13 Joint-trial-conducted separate.

To assure that both Mr. Gorski and Mr. Beugnone Received a Fair bias impartial trial, all conversations between Deanna Spince, Kendra Zieglerman and Megan Nunely — conversations that are all hearsay out of court-(third party), that they had with Frank Beugnone. should not of been heard at the Jury portion of the trial. They are all "Bruton" - without confrontation cross-examination of Frank Beugnone by Michael Gorski. A Bruton Ruling would not allow For any of the statements to be heard. Remember; as their testimony is not against OR For Mr Gorski, For any purpose, Either directed or implied. A Reversal should therefore be ordered and

all testimony from Deanna Spince, Kendra Zieglerman, Megan Nunley should be Ruled to be inadmissable page 1130, 1-13, 1130, 24-25, 1131, 1-3. Separate Trials. 4.4.

This speaks Loudly about guilty knowledge. And the "only" person that can speak to verify the guilt of Frank Beugnone, is Frank Beugnone himself. And he is not going to take the witness stand at Michael Gorski's Jury Trial, nor is he at his own Bench trial. Thus-Therefore, making any statement he said, or that he supposedly had said to Deanna Spince, Kendra Zieglerman and Megan Nunley, complete hearsay. Bruton? - This is at it's simpliest and most honest core. As none of the conversations he had with the three ladies, had anything to do with Michael Gorski. EXCEPT, make him guilty by association. Mr. Gorski was not able to Cross-examine Frank Beugnone. This is so (4.4). What more proof of a violation of Due Process needs to be offered here? What more proof needs to be seen that a separate trial to insure Fairness and partiality do you need to see? Mr. Gorski's Rights due to him under the laws have been grossly violated until they Resemble a travesty. Prosecution was given a huge Leave-way as to insure a guilty conviction of Michael Gorski. And guilt by association and guilt by hearsay without confrontational Cross-examination was the Key here. And all was done through witnesses called at the Jury trial, to give testimony against Frank Beugnone. Arugement For Severance is * (4.4)! It shall grant severance unless the deletion of all References to the moving defendant, and that is the statement that the state will be seeking to admit; "MEANING" - Frank Beugnone's statement is admitted. The JURY hears it will be apparent From circumstantial evidence that, there's a "WHITE ELEPHANT" in the Apartment, and he is Michael Orren Gorski, and yet he is prevented From any Cross-examination of his accuser in attempts to prove his innocence. Isn't that the due process that

is promise in the law? Isn't it? Appellant Judges, I am being tried and convicted by admission third party hearsay statements, made by Mr. Brugnone and the three ladies called to testify against him at my trial. Brutton, this is a big issue here, it's HUGE! Mr. Barsk's contention is of no knowledge or involvement with Frank Brugnone in the murder of Carolyn Faye Clift, and I am adament that Frank Brugnone lied about me, coerced or not. Therefore I ask for a Reversal of charges, and a dismissal with prejudice so I can be rightfully sent home.

page 1157, 58, 59, 60, 61, 62, 63, 1-25. STRICKEN Testimony.

I was unable to cross-examine Frank Brugnone about the statements his ex-wife Kendra Zieglerman said Frank made. * she was hateful, Mr. Brugnone had physically beat her up, kicked her son out of the house, cheated on her with another women, shot and killed her pet, threaten to kill her and deposit her body at the bottom of a lake, and he divorced her and left her homeless. ... She was Rightfully ugly at Frank Brugnone @ while on stand at my trial. And she wasn't asked one question by prosecution about me. Talk about guilty by association. Her testimony is not against or for Michael Goeski, for any purpose, either directed or implied. Reversal and dismissal should be the Ruling.

page 532, 1-25 Bias - Due process.

Judge Ruth E. Reukauf is steering - directing the prosecution on the correct procedural direction, c/o to do things correctly and not to forget. Thus, helping assist the prosecutor, her good Friend and assure my conviction. This violates all aspects to a just Fair and Impartial trial., by directing the prosecution drawing attention to details need to prove her case. As you notice in the transcripts, the judge never one did the same for the defense attorney. Welcome to Yakima County! what more proof do you need for a one sided lopsided case unjustly thrown at me? Bias? Due Process? Retrial? Mistrial? dismissal? It violates all of them. How can it not?

page 539, 40, 41, 42, 43, 44, 45, 46, 1-25. Bias-Due Process.

Once a witness is called to testify on the stand, and was not counseled correctly on what to say, how to say it and what not say. accidents can occur that open up unwant doors to unexpected and unwanted cross-examination. It is moments that all attorneys hope and dream for. And once the door is open, watch out as they say. Detective Garcia, under questioning by prosecutor Powers, expanded on his investigation, and done so to include his findings about the victims BoyFriend, Taylor Dalton... and the prosecution was upset, because they did not want the Jury to hear that the victim said he was suppose to visit her that night, and Taylor Dalton also said he was suppose to go visit her that night. Carolyn Faye Cliff bought-Rented VHS war movies for him to watch when he came over that night, she bought whiskey for them to drink that night, a man fitting his discription was seen at the scene of the homicide of Taylor Dalton, not Michael Goreski, and a man with Mr. Dalton's discription was seen arguing with the victim at the wagon wheel cafe and bar that night, his DNA was found in sperm on the sofa blanket in her apartment, his truck also fit the discription of the truck seen at the scene of the homicide that night and Taylor Dalton took two polygraphs and failed both, when asked, did you kill Carolyn Faye Cliff or have anything to do with her murder. —— The prosecution flipped out when my attorney attempted to question him on those very topics and also question him about being overheard out in the court hallway saying—I think that Michael Goreski is innocent. Judge Ruth E. Reukauf Ruled that that information had nothing to do with the trial... what do ya think? Yeah, me too. It was huge, and could broke the prosecutions case in two. What a huge, huge violation of Due Process, Fairness and a display of Judicial Bias.

The entire trial was so Bias in Favor of the prosecution. The display was so extremely shameful that one would of thought Honorable Ruth E. Reukauf and Prosecutor Powers had a pre-arranged game plan. Even the D.O.C officers thought so—but that's hearsay. Due Process was so violated, the evidence, shabby as it was, the evidence stored-maintained at YPD, the evidence and the test not turned over to Mr. Gorski.... The whole package does not warrant a conviction or even an arrest of murder-II.... No weapon was ever found. But by not allowing cross-examination of Detective Garcia and his expansion about the boyfriend was a horrible travesty. I ask for a Reversal of Charges and a dismissal with prejudice.

at 31-pages.... Violation stack up.... Judicial misconduct, unfair Due Process, Judicial Bias, this all violates my right FOR Due Process under the law! Huge! This cannot be the only Appeal with Yakima County about Judicial misconduct, Corruption, Bias with Violations of Due Process you have read or ever have seen. Can it?

page 760, 4-8. FULL Disclosure.
Once a Legal arguement of a witness statement is allow, It then becomes open to a Full and complete investigation through cross-examination, about the Full history of what was disclosed.... prosecution error in judgement when they attempted to clear Taylor Dalton of any guilt by questioning Detective.... They wanted there cake and wanted to eat it too. They wanted the good to come out, but wanted to stop the bad from coming out.

page 760, 24-25 Due Process.
Mr. Gorski was denied cross-examination of Detective Garcia about the statement Garcia made about the victim's boyfriend Taylor Dalton. I was denied due Process.

page 7 col, 17-28. Bias

allowing prosecution more time to conduct a investigation-(and was done by Judge Reukauf's suggestion)- in and attempt to prevent prosecution making errors that would hurt her case. Judge Reukauf, once again interrupted prosecutor Powers, to bring her attention to a error about to be made, and then suggested what she should be doing. Had Judge Ruth E. Reukauf allowed prosecution Powers to continue on her own direction she was going, it would of allowed For a Fair impartial damaging cross-examination and-OR an objection From defense. A "whoops moment". By a shameful bias to directional procedures, it thus canceled any attempt For Mr. Gorski to capitize on the prosecutors mistakes and errors. But isn't apart of what a trial is, a Legal chess game, waiting For your opponent to move a bad move, Yet the prosecution had her own coach in the Form of the Judge Ruth E. Reukauf. There Fore, I ask For a Ruling to overturn all charges

page. 824, 21-25 Bias-due process.

once again the Judge Ruth E. Reukauf is interrupting the trial and the prosecution during her questioning of a witness, to once again redirect and assist prosecutor Powers in the correct Legal procedure that she should be going by drawing prosecution's attention how to better present her case. Wow!

page 833, 1-10. Due Process

Being tried jointly violate my only opportunity For a Fair and impartial trial. Because of a joint Bench-Jury trial prosecution can present hearsay testimony, not having to prove and also eliminating any chance For Mr. Gorski to cross-examine any of his accusors. Therefore a Reversal of conviction should be ordered, and testimony of Cecil Toney, megan Nunley, Deanna Spence, Kendra Ziegleman should also be stricken and inadmissal.

page 1144, 2-5, 6-10. Bias Judicial.
The violation here is a obvious one. And prosecutor Powers proves the violation, and I quote her here: "What I'm specifically Referencing is comments From Frank Rezugnene to these two Women along the lines of hurting them and disposing of both of them after killing them, etc-etc!" Clearly hearsay third party he said she said out-of-court statement. The issue, what does any of the information have to do with Michael Gorski's Jury trial? All that Line of questioning should be done at the Bench trial instead. As none of the testimony is not against or for Michael Gorski, For any purpose directed or implied. Frank E. Rezugnene was being allowed to be tried at my Jury trial, and witnesses were against him were allow to testify against him at my Jury trial. Obviously I was found guilty by association — as prosecution had "NO" witness they could bring to the Jury trial to testify against me. None but one, Wade Kennedy, and he turned out to be joke.
Please Reverse and send me home! It's the Right thing to do all this point isn't it.

page 1142, 1-25. 1141, 18-25. SEVERANCE.
Having a Jury-Bench trial held turned out to be a complete travesty. Judge Ruth E. Riewauf called the trial a "Mental gymnastics" — one in which was held with Bias and exercise impartial demonstrations towards Michael Gorski. The parallel Legal bars were not evenly Balanced with equal Due process and Judicial Fairness.
I.E. - The prosecution was allowed to preform in any direction wanted while being assisted, while Mr. Gorski had to stand back and watch because he was not allowed to confront and-or Cross-examine. Impartial?! Well no the trial wasn't. Just and Fair by Law!? Well no it was not. Judge Ruth E. Rewauf, stated she had never Presided over a Bench-Jury trial, and she had never seen one, and therefore had no experience in one. During her

Research For assistance in doing a Bench-Jury Trial, she Found only two, one was at State level and the other was at Federal level. In her attempts to contact the Judges, she Found that both cases were so old that everyone involved had long since passed away. And obviously at my trial, errors were made and Rulings were not Fair and-or correct. Therefore, a Ruling of Reversal of Charges should be ordered. With prejudice.

page 1462, 1-25 Victim's purse-Dueprocess.

The victim's purse should not have been cleaned out, cleanup and Forever altered, period. And nothing should of been thrown away. The Jury should of been allowed to see the purse and its contents in the condition it was collected in 1991, and allow them to come to there conclusion. It was tampering and altering evidence. Judge Ruth E. Reukauf also stated the reason she was allowing the purse cleanup, was because it had been in YDD-maintenance-care for 15-years, and because of that, the purse now has dead bugs and dust in it... which eluded to a chain of custody issue while the purse was in Julie Negovern's care and protection, and she was Found guilty and Charges of a 108-page violation.

page 1522, 22-25; 1523, 1-25; 1154, 1-25; 1525, 1-7. objection. UNITED STATES V. GREEN 94 Wash 2d 216, 221 (1980)

Dismissal with prejudice as there is nothing that binds Michael Gorski to the murder of Carolyn Faye Cliff. Not one piece of binding evidence suggest in anyway that Michael Green Gorski killed Carolyn Faye Cliff, nor does anything show or prove that he participated in her death. Due process violation? This conviction needs to be Reversed, it screams For justice and sending Michael Gorski home is the Right, Fair and just thing to do.

Additional Ground #7. Impeachment

1- State V. Hylton 154 WA App 945 (Div. 2. 2010).
2- Davis V. Alaska 415 US 308, 316-17 (1974).
3- State V. Dickenson, 48 Wash. App 457, 470 (1987).
4- State V. Davila, 183 wa. App. 154 (Div 3 - 2014).
5- United States V. Jackson 345 F.3d 59, 70 (2nd Cir. 2003).
6- Wallace V. Bell 387 F. Supp. 3d 928 (E.D. Mich 2005).
7- Marshell V. Jerrico Inc 446 US 238 (1980).
8- United States V. Bezbeer-Tinoco, 510 F 3d 1083, 1922-93 (2nd Cir 2003)
9- State V. Ryan, 103 Wash 2d 165 (1984).
10- Ohio V. Roberts 448 US 56 (1980).
11- State V. Green 94 Wash 2d 216, 221 (1980).

page 469, 2-6 Impeachment Cecil Toney

Selah police chief Baird upon Receiving the 11:19pm 911-call....went to the apartment complex of the homicide of Carolyn Faye Cliff, And ~~exc~~ extensively canvassed the area, the apartment complex parking lot and all surrounding areas For a six block circle, the Re-canvassed the apartment area and apartment parking lot. He Reported that he neither seen anyone standing around or any type of suspicious activity. 11:25pm-to-12 midnight. and then block OFF the & adjacent streets in Front of the parking lot—to the apartments. The point, he did not Report Frank Belgnone or Michael Gorski in the apartment complex during 11:25pm and midnight, which is one of the three different times that Cecil Toney claimed to had seen us. The second point, had Cecil toney tried to travel up Bartlet street—he would not be allowed to because of the police cars, EMV and Firetruck blocking the area. Third point—Cecil had to by Lying.

page 766, 11-25. 767, 68, 69, 70, 1-25 Impeachment-Due Process. Prosecution want Cecil Toney's employement as a Selah police officer Read into Record. I.E. she opened up his intire history as a ex-Selah police Record up For Fair

Cross-examination. Prosecution attempted show Cecil Toney as a ex-Selah policemen. Well trained and someone to be trusted. Upon cross-examination they-the prosecution found that Cecil Toney was only employeed for two years, and was teerminate for steeling gas out of patrol cars, steeling money out of the patrol cars and for making duplicated security Keys. (I.E.)-he was teerminated in disgrace. The prosecution desperately needed Cecil Toney's testimony—It was Key in the case. As he is the one and only that can place Michael Goreski and Frank Bergrene at the scene at around the time of Carolyn Fayecliff. Without him, the States case holds no water. And the State needed him to be believable as someone you can trust. Honorable Judge Ruth E. Reukauf would not allow his teermination to be heared "As it had nothing to do with the homicide"—(Remember that line-it will come in later on Rebuttal)... So the judge Ruled his teermination could not be heard." But "-his hiring and extensive training as a police officee could be heared. Talk about Bias impartially and Lack of Due process. So The Jury heared what a good-n-honest cop he was. And that Lie he told along with his honorable employment made him a good witness to the Jury. How was that Fair and just? This alone calls For misconduct so severe that the conviction must be overturn.

Page 772, 3-7. 771, 72, 73, 74, 75, 76, 77, 78, 1-25. Impeachment: So Bias phoney employement history was Read into the Records. This hiting a home Run and Ringing the Bell. He place Michael Goreski and Frank Bergrene at the scene the night of the homicide. Mr. Goreski was again Left unable to cross-examine for purposes of exposing Cecil Toney...

Cecil Toney's ex-wife Megan Nunley was dating michael Gorski, and Mr. Toney had threaten Mr. Goreski with Prison time if he did not Leave his ex-wife along as he Wanted to get back together with her... You will find in

the transcript that Cecil Toney is from Sneed, Washington. a small town of a few hundred people just a couple miles away from Selah. A town where everyone knows everyone. Yet the night of the homicide he cannot Remember the names of the six good friends he was out with, he cannot Remember what they looked like, where they live, or where they work. . . his date whom he drove to the Selah apartments to, where Carolyn Reve Cliff lived — he cannot Remember name, what she looked like, what apartment building she lived in, and he took her home because she was afraid her ex-boyfriend may hurt her. But he drops her off in the dark — on a street with no lights. And he claims to have drove down the Boothet street at the time Sgt. Powell said he had it blocked off, and Mr. Toney said he seen no police cars, but he did park his truck at the same spot Mrs. Appleton seen a truck and his truck also matched her description. Cecil Toney, the good ex-cop that he was did not report seeing anything to the police two day after the homicide. Yet his memory magically comes back 10-years later that he sent the two idiots Michael Gorsky and Frank Bruckner in the apartment complex crouching down behind cars. Yet he was allowed to testify as a good honest truth worthy ex-cop. . . without his testimony there is no probable Reason to believe Michael Gorsky was there.

page 816, 1-25 impeachment Cecil Toney.

Cecil Toney had three different stories, First he said it was the night before the homicide at 12:-to-1230am, Then he changed his story to the day of the homicide at 12-midnight-to-1230AM, Then when being questioned by prosecutor Powers - he said 12-12:30, Prosecutor ask if he was sure, and he said yes. She asked do you need to re-check your statement you gave and again he said no, it was 12 midnight to 12:30 AM. Then Then he was asked if he would like to read Det. Gray's police notes he took of his interview with Mr. Toney.

Toney did not ask for any assistence to Refresh his memory — Yet it was pushed at him, in a shameful attempt to get him to change his time to 11:5pm — 11:30pm, which he did. . . after he Read the notes, he then Realized what a error he was making. The violation is so blatent and shameful. . . all due process and Fairness was thrown out the window Do you Really believe the judge would of done the same Ruling For Mr. Gorski? And besides, the law Reads, unless the witness is confused or cannot Remember and they ask For notes to Refresh their memory — the information cannot be offered or given. And a special note, the judge would not allow the Rest OF Detectives notes he wrote in his interview with Cecil Toney. Why? Because The Detective summarized his interview with the impression that he though Cecil Toney was a liar. Why is Judge Ruth E. Reukauf trying so hard to allow the prosecution to cherry Pick evidence to assure a conviction, Yet denies any evidence that helps prove Mr. Gorski's innocence or discredit the prosecution's witness. Bias, leading, misconduct, impeach?

page 822, 2-8. impeachment. Cecil Toney.

Cecil Toney, by law, should not of been able to look at a policemen personal notes unless he was the one to ask For them.

page 823, 1-25. Impeachment.

once Cecil Toney looked at the notes, it all turned in 100% hearsay. Be it on anyone! It is a huge violation.

page 1454, 2-25. Impeachment cecil toney.

There exists a extremely strong Audio-Video of Cecil Toney in a police interview, where he adamantly admits to seeing Michael Gorski and Frank Berg-none the "DAY BEFORE" — at the Selah apartments where Carolyn Faye Curt was murdered. Yet the Audio-Video was not allowed to be seen or heard in Court by the Jury By Honorable Ruth E. Reukauf. Why NOT? Yet Cecil was allowed to change his mind and story three time — did you get that? He was allowed to

He was allowed to change his story three times, until it match-
ed the story and time Frame the prosecution and Judge
needed. You Realize From 11:30pm — to 9:AM, Bartlet street
was closed, block off and Full of police cars, EMS, Firetrucks....
Cecil could not of traveled there — Yet the prosecution
needed, had to have his testimony. He was their Key wit-
ness, and he was a joke... can't you see all the impartial
help he Receive by Judge Reukauf's Latitude, Biased it
was. Therefore you must agree that Cecil toney's
testimony must be stricken inadmissible and he should be
Forever impeached. And the conviction should be Reversed,
Rightfully so.... This entire case Reeks of due process
violation. There are so many violations involved, Burden
is obvious, and so it's Due process, Evidence is bad,
and I deserve a honest Fair Just trial, better yet,
the Right thing calls For dismissal with extreme prejud-
ice and Michael Gaeski sent home.... Even Co-Lead
Detective told my brother, her ex-school teacher.
That she thought I was innocent, and we should
hire a private investigator to look into ex-boyFriend
Taylor Dalton.... she said had your brother not lied
about going in her apart at 5:30pm, he wouldn't be
here. And yes it's hearsay. But my brother will be called
to testify at another trial... iF there is one... My
wife also has a letter that co-defendant Frank
Bellgrade wrote to her while he was being processed
at Shelton, where he says that he would like to
make things Right For once and all time. That he
Lied to the police about Michael Gaeski during his
interrogation. And ask if my wife, our Family and me
could Find it in our hearts to Forgive him... That letter,
and it's envelope are in safekeeping... You must
believe me when I say, I do not belong here.
It's sad the shape of things in Yakima County Justice
system. And sad I cannot use my brother or Frank's apologize
letter in the Appellant process. JUSTICE.

Additional Ground #9 #12. SEVERANCE.

1. Commonwealth vs. Juan Collado, 426 mass. 675 December 1, 1997 - February 12, 1998.
2. Commonwealth Vs Collado, 42 mass. App. Ct 464 (1997).
   under G. L. c. 263, s. 6, and mass. R. Crim. P. 19 (a), 378 mass. 888 (1979) [note 2]
3. Bruton v. United States, 391 U.S. 123 135-136 (1968).
4. Commonwealth v. Adams, 416 mass 55, 58 (1998).
5. Commonwealth v. Colon-Cruz, 408 mass 533, 543, (1990).
9. Chapman v. California, 386 U.S. 18 (1967).
10. Mutton v. State 25 S.W. 3d 300, 308 (Tex. App-Austin 2000, No pet.)
11. Crawford v. Washington 541, US 36 (2004) 124 S ct 1354, 1369 158 L. Ed 2d 177
12. State v. Wilcoxon, 341 P 3d 1019 (WA App Div. 3 2015). C-R 4.4c
13. U.S. v. Flores-Rivera, 56 F. 3d 319, 325 (1st Cir 1995).
14. Tennessee v. Street. 471 U.S. 409, 413 (1985), 105 S. ct. 2078, 85 L. Ed. 2d 425.
15. Crawford v. Washington 541, US 36, 59 (2004), 124 S. ct. 1354, 1369, 158 L. Ed. 2d 177.

page 1134, 24-25. 1135, 36, 37, 38, 1-25. 1139, 1-19. SEVERANCE Court's Rules and WPIC's — The Court Rules on severance. * Severance shall be granted unless deletion of ALL References of the moving defendant will be eliminated and prejury, ANY, ANY"... And no deletion has been made There FOR YOUR HONOR'S, severance must be ordered by Division-3 appellant court Judges. And no information-conversation-testimony that Frank Brugnone, made to the police, Deanna Spinoe, Kendra Zielgeman, Megan Nunley and Detective Richard Beumley should be Ruled Forever inadmissible at Michael Gorski's trials-past or Future. Prosecutions opening statement screams Bias and impartial Judicial Conduct, and it shouts Violations OF MR. Gorski's Right under "DUE PROCESS".

The Bruton problem, at least in its classic form, arises when there are co-defendants and introduction

of a confession of one defendant that would violate the confrontation Rights of the other defendant but not those of the declarant. (Prosecutions opening)- Bruton, in other words, assumes the answers to the substantive confrontation questions.

The statement's self-inculpatory nature Lends it credibility, while simultaneously overshadowing its often self-serving purpose. How can it not?

IF Defendant (A) made a statement that was Repeated by prosecution "hearsay", but doesn't testify, a jury sitting on Defendant (B's) case can't hear any of (A's) statement in any Form. And NO Limiting instruction trumps the Sixth Amendment Rights of Michael Gorski.

forbidden comments, honest, Fair-minded jurors might Very well have brought in not-guilty verdicts, under these circumstances, it is completely impossible For us to say that the state has demonstrated, beyond a Reasonable doubt, that the prosecutor's comments (HER OPENING) and the trial Judge's instruction did not contribute to Michael Gorski's conviction. THAT's BIG-HUGE!

The Bruton problem is in significant Respects a severance issue, because it only arises in joint trials when the Jury is exposed to evidence (in Any Form) that is only admissible against on defendant but strongly implicates another defendant. A Bruton claim arises specifically involving the admission of a non-testifying co-defendant's out-of-court statement during a joint trial For the purpose of proving the truth of the matter ~~sheer~~ Asserted. And that, is what Prosecutor Powers did during her opening at my jury trial when she repeated Frank Brugmone's confession he made while being interrogated by Selah Detective Richard Brumley. The trial should of been separated and the confession heard at Mr. Brugmone's Bench Trial... OR The trial could of been joint but held separate.

Therefore, I ask for a Reversal of the convictions... You must agree, that this trial should of been severed; and Mr. Gorski should not have been charge for murder-II, as the lack of evidence does not support the arrest, trial or conviction. Dismissal with prejudice.

Additional Ground #10 Bone Club.

Court was held numerous times. The court house-building security staff were never called, to be informed to stay on duty. The general public could not knock on the court house windows (as if they really would)- because trial was being held on the 5th floor of the court house building. In fact, all doors to the building were locked, as to not allow entrance-only exits. How do I know, because my family and friends at trial were told to check it out. It was completely impossible to enter the building after 4:pm. This violation is easily proven- Read the transcripts, Judge Ruth E. Reukauf made NO Reference on Record to notify any P.O.C Security — she simply continued on with the trial From 4:pm -to- 5:30pm. I understand that the Division-3 appellant court does not like the Bone Club issue. But this violation of Bone Club is blatant, so much so that not even State v. Andy can justify Yakima's actions. Therefore, you must call For a Retrial.

Additional Ground #10. Impeach Mrs. Appleton.

1- Mathew v. Eldridge, 424 U.S. 319, 332 (1976).
2- United States 14th amendment. Art-1, Section 3 of U.S. Constitution.
3- United States v. Berberian, 510 F 3d 1083, 1092-93, (9th Cir. 2007).
4- Wallace v. Bell 387 F. Supp 3d 728 (E.D. Mich 2005).
5- Marshell v. Jerico Inc, 446 US 238 (1980)
6- Bruton v. United States, 391 U.S. 123 135-136 (1968).

CaroLee Appleton wavered and changed her story of what she heard and saw three times over 16 years. She told three separate times, descriptions and places

over the last 16-years. She was and is very sick and Feeble and Fragile, not healthy. She needs assited Living, She has a care giver with her at all times and is on a oxygen tank. First she ~~[illegible]~~ said that she did not hear anything, and see did not see anything. That was a Few days after the homicide in 1997. ... when she was healthier and more alert. A Few years later, she told officer Rodriguez, that she seen to young boys, ages late 20's, early 30's with short butch cut hair, and they got into a small car. Then she makes a discription that was in her Statement of Discovery - discribing two older men coming to the apartment with whiskey, she does blending to separate tales together to make one story. Then, Retired Bromley takes over the cold case File in 2010 - he interviews her For the 3/4- time since the 1997 homicide, and she magically Remembers times, ~~[illegible]~~ with clarity, and trucks with clarity; and now discribes older men - more like Mr. Gorski and Mr. Bellmore. ... Sounds like she was coached using the system. ... at any Rate - she has became hearsay with 3/4- separate stories using testimony she said in 1997 about to other men that's in Mr. Gorski's discovery papers. ... At any Rate, she is not a witness that can be trusted with ~~[illegible]~~ what she Remember or Repeats. Therefore her testimony should be inadmissible and Forever stricken From being heard again - impeach her.

Addtional Grounds #11. Rebuttal Vidation & Bias due Process.

1- State V. Green, 94 Wash 2d 216, 221 (1980).
2- United States V. Beebee-Tinoco, 510 F 3d 1083, 1092-93 (9th Cir. 2009).
3- Marshall V. Jerico Inc 446 US 238 (1980).

IF you Remember on Statement Ground #7 of the impeachment of Cecil Toney - ex Selah policemen, who was terminated For theft of Dept-gas card money. ... that Judge

Ruth E. Reukauf Ruled that his history of termination From the Selah police department was inadmissible, as she said "As his termination has nothing to do with the homocide" — It was her shameful Bias attempt to Keep the prosecution's key witness testimony — and to assure he would be truthful honest and believable during his testimony. Now, wait until you hear and Read the transcripts of what that did to my key witness, who worked for a police department.

My witness was Paige Olney. She testified that the night of the homicide of Carolyn Faye Cliff. ... she was in Selah at the Wagon wheel cafe and Western Bar with Carolyn Faye Cliff. Paige Olney was a very strong and impressive witness. Extremely Sure and precise and accurate about times and description of people seen that night. First and Foremost, Paige Olney was able to verify that Carolyn Faye Cliff was alive and well after I left her apartment, and in so doing verified I was at my alibis house, megan Munkey. When asked by the prosecution how she had such a good memory that was so accurate and precise. Paige Olney said because she worked for the Yakima Indian Police department. The strength of that Reply left the jury, Judge and Prosecutor stunned. As Paige Olney's testimony was confirmed in stone as honest, trustworthy and believable. Mrs. Olney was able to discribe a man who was arguing with Carolyn Faye Cliff at 9:pm and that they left shortly afterwards. Paige Olney was able to say that I was not at the bar. The next day of the trial, the Prosecutor brought in a Rebuttal witness. The chief of Police of the Yakima police department, and had him testify that Paige Olney no longer worked for the Police department, because she had been terminated, and when prosecutor ask why she was terminated (in a attempt to discredit her) The chief said only the Human Resource manager had that information. All this happen in Front of the Juries eyes and

ears. Wow! Remember the honorable Ruth E. Reukauf said the Cecil Taney's termination had anything to do with the homicide or the trial, and she allow his police training to be heared as to assure he was a good honest trust worthy ex-selah cop. All done to assure that his testimony would be strong and unquestionable. Yet Paige Olney's police termnated had everything to do with the homicide and trial of Carolyn Paige Cliff. It was the Judge, assuring that Paige Olney's testimony would come into question as someone who Lie and there-Fore cannot be believe. Judge Ruth E. Reukauf knew what she was doing. She was helping - assuring that the state's case of hee good Feiend Prosecutor Powers would be strong, and also assured the Michael Gorski's defensive case would be weak and supported by a disgraced police officer who lies and was termnated. So you tell me Appellant Judge — what grounds did Judge Reukauf have to Run on the same topic in two complete separate ways? The answer, if you need one, is misconduct, Bias to prosecution, Corrupt, Lack of due process . . . as I said, I was called guilty at the opening statement; I could not comment, then it was assured my strengths would be stripped and the weakness of the Prosecution would be covered-up and hid. This a classic example of "Double standards", and also of injustice in the Yakima County Judicial system. . . The old District attorney Haggerty did not seek Re-election out of disgrace, and Deputy D.A. Powers Retired under the eye of the new district Attorney of Yakima County. Whom, Ran on a ticket with the premise to Cleanup the District Attorney's office and make it more Trust worthy. There just is no credibility at this lopsided shabby shameful trial. I ask For a Reversal of charges and conviction and then I also ask for my dismissal with prejudice so I will never have to deal with a bias system that set me up. Thank you.

I am not a appelant Judge.
I am not a trial attorney.
I am not a county prosecutor.
I am not a superior court Judge.
I am not a Police Detective.

But I am a good and honest man, not perfect, with Imperfection and Faults. I am not or never have been a murderer. And this past 40-months has all but killed me. I have lost both my Retirement accounts. My savings account is gone. my checking account is gone. My home had to be sold, and I owned it FREE and clear, it was sold FOR $75,000- less than I paid for it 15-years ago, the market was down. I have lost my job that I was paid $70.00 per year for. Now my wife Lives in a small one bed-Room apartment like the one Carolyn Faye Cliff Lived in, and has to work part-time on a graveyard shift at 65-yrs old. I have missed the birth of three grand-children. And I did not kill Carolyn Faye Cliff. But I did lie about being in her apartment earlier that day, because I did not want to be mixed up in a murder trial in anyway. And that lie got me here. well that and the team of Judge Ruth E. Reukauf and prosecutor Pabbi Powers. I've lost everything but Family and my Faith in God. My dignity is one of honor and Worthiness. So I ask you all, to take a close look at this case, my brief, my SAG—and then with your past accumulated experience. Look into the trial and digest Judge Ruth E. Reukauf's meanings and actions then, dissect into legal parts to analyze, and you will see my trial For what it's Really was, a bias attempt to manipulate Laws to prove a old cold case File and put a Feather in their legal Resume. Then you will do the correct legal thing and exonerate - vindicate me, with Reversal of Conviction with prejudice and send me home. ASAP!
not everyone in prison is guilty!

With Respect
Michael Orden Booth 8/15-15

Rudyard Kipling
If

If

If you can keep your head when all about you
Are losing theirs and blaming it on you;
If you can trust yourself when all men doubt you,
But make allowance for their doubting too;
If you can wait and not be tired by waiting,
Or, being lied about, don't deal in lies,
Or, being hated, don't give way to hating,
And yet don't look too good, nor talk too wise;

If you can dream - and not make dreams your master;
If you can think - and not make thoughts your aim;
If you can meet with triumph and disaster
And treat those two imposters just the same;
If you can bear to hear the truth you've spoken
Twisted by knaves to make a trap for fools,
Or watch the things you gave your life to broken,
And stoop and build 'em up with wornout tools;

If you can make one heap of all your winnings
And risk it on one turn of pitch-and-toss,
And lose, and start again at your beginnings
And never breath a word about your loss;
If you can force your heart and nerve and sinew
To serve your turn long after they are gone,
And so hold on when there is nothing in you
Except the Will which says to them: "Hold on";

If you can talk with crowds and keep your virtue,
Or walk with kings - nor lose the common touch;
If neither foes nor loving friends can hurt you;
If all men count with you, but none too much;
If you can fill the unforgiving minute
With sixty seconds' worth of distance run -
Yours is the Earth and everything that's in it,
And - which is more - you'll be a Man my son!

Renee S. Townsley
Clerk/Administrator

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The Court of Appeals
of the
State of Washington
Division III

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August 6, 2015

Michael Orren Gorski, #230776
Washington State Penitentiary
1313 North 13th Ave.
Walla Walla, WA 99362

CASE # 315291 (consolidated with #315631)
State of Washington v. Frank Eugene Brugnone (/Michael Gorski)
YAKIMA COUNTY SUPERIOR COURT No. 111009861

Dear Appellant:

We received your "SAG of Appellant Michael Gorski" on August 4, 2015. In addition, we received your "Statement of Additional Grounds for Review" on August 5, 2015, referring this Court to your "SAG of Appellant Michael Gorski". Both documents are being returned to you as rejected for filing for non-compliance of General Rule 14. A copy of RAP 10.10 and General Rule 14 is enclosed.

Your attention is directed to the margin requirements and use of colored markings. Please correct the margins of your statement as well as remove all red print. This Court will accept blue or black ink.

The corrected statement of additional grounds, if any, is now due August 26, 2015. Please refer to the anchor case number 315291 on all documents filed with this Court related to the above matters.

Sincerely,

Renee S. Townsley

Renee S. Townsley
Clerk/Administrator

RST:jld

c: Susan Marie Gasch
Gasch Law Office
Email

Marie Jean Trombley
Attorney at Law
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David Brian Trefry
Yakima County Prosecutors Office
Email

D 00-2015

1 of 1

STATE OF WASHINGTON
plaintiff / Respondent,

FILED
AUG 12 2015
COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By

vs.
MICHEAL ORREN GORSKI
defendant / appellant.

NO. 31563-1-III
(consolidated to NO. 31529-1-III

APPEAL FROM THE YAKIMA COUNTY SUPERIOR COURT
Honorable Ruth E. Reukauf, Judge.

Dear Judges, Division-3. Appellant Court.

I am sending along a subsequental addition to the Statement of addition grounds I have already prepared and sent. It is a Ruling by the washington state Supreme Court, and it's Ruling. As you can see, it supports my accusation of a violation FOR my Rights to a open court public trial. In my SAG-one of my violate statements was a bone club issue. And my violation has be confirmed by the Washington state Supreme Court and it's justices. Please Foerward this along so it may be apart of my Orginal SAG. Thankyou!

Michael O. Gorski 8/8-15

WEEKLY ROUNDUP FOR SEPTEMBER 26th, 2014

Washington Supreme Court

The open courts cases are summarized by guest editor King County DPA Erin Becker:

Open Courts and Defendant Waivers Justice C. Johnson, joined by Justice Owens, held that the closure of the courtroom without a Bone-Club analysis is structural error for which a new trial is the only remedy, and that the court must actually articulate and weigh the factors on the record, not just say they have been met. A defendant can raise the public trial issue for the first time on appeal, notwithstanding RAP 2.5(a)(3), and there is no such thing as a de minimis closure under Washington law. Further, the doctrine of waiver is inconsistent with Bone-Club, which requires the court to inquire into whether anyone objects; the defendant cannot waive the public's right. However, a defendant may be able to waive his own right if there is an affirmative and unequivocal personal expression of waiver from the defendant or the equivalent colloquy, as required for waiver of a jury trial. A defendant's waiver of his own presence at the in-chambers individual questioning is not tantamount to a waiver of the right to a public trial. A waiver will not be effective unless the defendant was informed of his right to a public trial and the consequences of waiving the right.

Justice Stephens, joined by Justice Fairhurst concurred. They largely agreed, although wrote to clarify that waiver of the right to a public trial is not inconsistent with Bone-Club.

Justice McCloud, joined by Justices J. Johnson and Gonzalez, dissented in part. They agreed that waiver could not be presumed from silence or the waiver of another right, agreed that a defendant can waive his own right to a public trial, and indicated that a waiver need not be as detailed as Justice C. Johnson's opinion suggests.

Justice Wiggins, joined by Chief Justice Madsen, dissented. They agreed that the right to a public trial could be waived. However, they wrote that not every closure constituted structural error, because not every error affects the fairness of the trial. Where the error is not structural, as here, RAP 2.5(a) should apply to preclude review. They would resolve the cases without reaching the merits on the grounds of waiver and/or failure to preserve the error.

State v. Frawley, No. 80727-2 (Sep. 25, 2014).

Open Courts and Jury Instructions and Questions The parties had a jury instructions conference in chambers, followed by an open court proceeding at which the parties could raise objections/take exception to the instructions. The defendant did not agree to this proceeding, and he was not present for it. Later, the deliberating jury asked two questions; the court answered in writing. There was no record made regarding whether or how the jury's questions were discussed before the court provided the written answer to the jury.

Justice McCloud, writing for Chief Justice Madsen and Justices C. Johnson, Owens, Fairhurst, Stephens, Gonzalez, J. Johnson, applied the experience and logic test and settled precedent. They concluded that, under Sublett, the public trial right does not attach to the discussion of jury instructions during deliberations, so it doesn't attach to the discussion of jury instructions before deliberations either. With respect to the issue of the court's answering the jury's two questions, the Court applied RAP 2.5(a)(3) to hold that, although a closure would have been prejudicial, the record does not show a closure—an error—occurred.

Justice Wiggins concurred, writing that the logic and experience test should be discarded as it is incorrect and harmful, but would resolve the case on the basis that the defendant failure to either object below or show that a closure occurred, so RAP 2.5(a) precludes review. **State v. Koss**, No. 85306-1 (Sept. 25, 2014).

Second, they apply the experience and logic test. Looking first at experience, sidebars have historically occurred outside the view of the public, would be practically difficult to have to move the jury in and out all the time, and there is no evidence the public has traditionally played a role. They emphasize that whether an event is a sidebar is part of the experience prong inquiry; it is only a sidebar if it is limited in content to the traditional subject area of sidebars, is done to avoid disrupting flow of trial, and is on the record or promptly memorialized.

As for the logic prong, they conclude that it is difficult to conceive of an interest served by ensuring public access to sidebars; that evidentiary rulings do not invoke concerns re perjury, transparency, or appearance of fairness; that contemporaneous memorialization negates any concerns about secrecy; that nothing is added by allowing public to intrude on the huddle in real time; and that the evidentiary issues addressed are so complex and foreign to spectators and exclusively within the province of the trial judge that nothing is gained by opening them to the public.

Wiggins again concurs on the theory that the experience and logic test should be rejected as incorrect and harmful, but that review is not warranted because the defendant failed to object, citing RAP 2.5(a)(3).

Justice Owens, joined by Justices Fairhurst and McCloud, dissented. They agreed that true sidebars that occur in open court are fine, but disputed that these proceedings were really sidebars. Applying the experience prong, they contended that judges don't typically leave the courtroom to discuss evidentiary challenges, and the court's convenience was not a good enough reason to violate the constitution. They conclude that where history or local practice conflict, the court must err on side of openness. Applying the logic prong, they contend that the purpose of openness is to ensure that judges and lawyers are accountable for what occurs in court, that they act with decorum, and that they consider the consequences of their actions. These values are especially important in considering the admissibility of evidence, which can decide the outcome of the trial. Excluding the public from these hearings erodes confidence in the outcome of the proceedings, and family members as well as students and practitioners commonly attend trial and they want to see and understand the evidentiary arguments. **State v. Smith**, No. 85809-8 (Sept. 25, 2014).

closure was proper even in the absence of the court's weighing of the factors on the record. In Grisby, however, there was no justifiable reason for the closure.
Wiggins dissented, again reiterating that not every closure is structural error, the closures here were not, so RAP 2.5(a)(3) should have precluded review when the defendants failed to object. **State v. Shearer**, No. 86216-8 (Sept. 25, 2014).

Open Courts and Juror Questionnaires The defendant's lawyer proposed a juror questionnaire and in-chambers questioning. The trial court gave the jurors questionnaires, and told them that they were under oath and that their responses were confidential and would be sealed. The court then conferred with counsel (but not the defendant) in chambers, and they mutually agreed to excuse four jurors on the basis of their questionnaire responses alone, due to the four jurors' knowledge of the defendant's two prior trials, both of which had resulted in murder convictions later overturned on appeal.
Justice Gonzalez, joined by Chief Justice Madsen and Justices C. Johnson and J. Johnson, held that the proceeding at issue was not substantially similar to the jury selection procedures at issue in Wise and Morris. Voir dire had not yet begun; it begins when the jurors are sworn to try the particular case, and when the judge identifies the parties and counsel and outlines the nature of the case pursuant to CrR 6.4(b). Thus, whether the public trial right attached was an issue of first impression. They applied the experience and logic test, and concluded that the right did not attach.
As to experience, no cases show that the examination of jury questionnaires is done in public. Rather, it was similar to the use of a screening tool in Beskurt. Thus, experience does not require an open proceeding. Under the logic prong, public access would have little role in reviewing questionnaires to screen out those with prior knowledge of the case, so logic doesn't require an open proceeding. The plurality repeatedly approves State v. Wilson, 174 Wn. App. 328 (Div. II 2013), which held that the public trial was not implicated when a bailiff excused two jurors solely for illness-related reasons.
The plurality alos held that review was not improvidently granted, even though the Court of Appeals had also reversed on the basis that Slert's right to be present was violated and the Court has not granted review on that issue, because maybe the Court of Appeals would reconsider and find that that error was harmless beyond a reasonable doubt.
Justice Wiggins concurred in the result because, even though the logic and experience test is incorrect and harmful and the public trial right attaches to voir dire, the defendant did not object, error here would not be structural, so RAP 2.5(a)(3) would preclude review.
Justice Stephens, joined by Justices Owens, Fairhurst, and McCloud, dissented, concluding that the procedure at issue was functionally voir dire—the examination of jurors for their fitness to serve on the particular case. The questionnaires substituted for voir dire. The jurors should have been questioned in open court, and the conviction should be reversed. They also indicate that the sparseness of the record, at least as to whether the jurors had been sworn, was due to the trial court's failure to conduct a Bone-Club analysis, which would have created a fuller record. **State v. Slert**, No. 87844-7 (Sept. 25, 2014).

Open Courts and Side Bars The court held numerous sidebar conferences during trial on both ministerial and evidentiary issues. Due to the unusual configuration of the courtroom which prevented discussions at the bar without the jury overhearing, sidebar conferences were conducted in the hallway, but were recorded.
Justice J. Johnson, joined by Chief Justice Madsen and Justices C. Johnson, Stephens, and Gonzalez, concluded that sidebars do not implicate the public trial right. First, they held that it was irrelevant that the sidebars occurred in the hallway; they would reach the same result if the hearings were on the record and in chambers.