63241-8 63241-8

ORIGINAL

Court of Appeals of Wash. State - Division one

Curtis S. Thompson) No. 63241-8-I; 63709-6-I
Appellant; VS.) Statement of Additional
State of Wash) Grounds for Review under
Respondant) RAP 10.10 (Expand RAP 9.6)

*(Seek "Evidentiary Hearing + to Expand the Record")

I Curtis S. Thompson have Received + Reviewed the opening Brief prepared by my Attorney for Appeal, + do not accept the minimal Grounds presented therein. I therefore "object to their Ineffective Assistance of Counsel" + seek Additional Appointment of "Independant Appellant Counsel" by Motion Submitted, + Extention of Time to file opening Brief. Summerized below are Additional Grounds for Review that should have been Raised but were not in their Brief.

Grounds one: "Judicial Bias + Prejudice" + "Abuse of Discretion" denying Defendant of a "Fair Trial, + Due Process" under the 6th + 14th Amendments of the U.S. Constitution; by not Dismissing Counsel J. Hicks when made aware of "Serious Conflicts of Interest" by: Discovery Violations; Forced Guilty Pleas; Breakdown

*(Need all Exhibits, Police Reports, + Pro Se Motions)

in Communication; BAR Complaints + Lawsuits filed; Withholding Evidence + Experts favorable to Defendant; + NO Investigation, Pretrial Motions, or Jury Instructions on Duress or Intoxification. Also by Not "Enforcing 8/31/05 Order" on Discovery; or "Change of Venue" motions; or motions for "Pro Se Status"; or to "Subpoena Witnesses + Documents"; or "Proposed Jury Instructions" on Duress, Intoxification, or Limitation (ER403); or "other Suspects" Evidence; or "State's many use's of Hearsay" Statements as Evidence; or Defendant in "Shackles on Hearsay" with No input from Defendant, + having to "Testify from Defense Table"; Attorney's "motion to Withdraw"; told Jury "must be Unanimous" when polled in first Trial (not allowing hung Jury) + Not polling Jury on "Media or Security" Measures; use of "Statements made at H.M.C." when Defendant Never Acknowledged Miranda Warnings; use of 5th Amendment "Silence" in D. Byer's case on Cross Examination; No Copies of "Proposed Testimony by 1985 Victims, or So-Called Confession"; Allowing "Badgering" on Cross Examination; Use of "Invalid Priors" in ER404(b), Cross Examination + Sentencing; Not Hearing Motions on "Return of Property CrR2.3(e); ordering Defendant held in "Restraint Chair" during M. Krell Deposition (in fecting IO) + Removing when Objected to in

Violation of "Right to Confront" + Question the Witness; The "Juror's for Cause" Not Dismissed; not Hearing CR 8.3 motions for "Dismissal for Discovery Violations + Use of Perjury" by State, or CR 7.5 motions for "New Trial"; Not Granting "Recusal" motion; the Allowing "Mug Shot (Speculative Injuries) + All the other Speculative Evidence" in the D. Byer's Case - Claiming "Insufficient Evidence to Convict".

Grounds Two: "Ineffective Assistance of Counsel" + A "Serious Conflict" with Counsel, denying Defendant of 6th + 14 Amendments Rights to "Effective Assistance of Conflict Free Counsel, + Due Process". Counsel was working under a "Serious Conflict" by: "Seeking to Force Defendant to Plead Guilty" to all charges (see Hearings on 10/8/07 + 10/15/07) + "Lying About Defendant had Refused to work with Expert Dr. G. Woods (who was hired by The Defenders Association) + due to a "Complete Breakdown in Communication + No Notice of Hearings (see Depos. of M. Krell on 9/4/08) + "No Investigations, or Interviews of Witnesses (to Include Defendants Testimony) + "Altering Evidence" (No Interviews of Defendant's Witnesses: Dr. G. Woods; Church Elders; D.S.H.S. Dr's; Alleged Mgr. D. Tellez, + (4) other Lay Witnesses who "Never saw Defendant Assault S.P.D. Officer's") + telling "Med. + Defendant Deceived

(4)

to be Assaulted by King Co. Jail Officer's"; + "Bar Complaints + Lawsuits" filed by Defendant; + The "Withholding of Favorable Evidence" ordered by The Court on 8/31/05 (including "Defender Assoc. Interviews of S.P.D. R. Higa + J. Huber, Video + Photo's At Allegro Apt. That show M. Krell Not wearing Flip Flops when she Kicked Defendant" + what "Direction Defendant came + went" from Apt.); + "other Suspects Evidence" in B. McDonald + D. Byer's Case's + Not Investigated because "S.P.D. Targeted The Defendant" from day one (see Media 8/26/04); + The "Not putting The State's Case's to Any Adversarial Testing" in Pretrial Motions; Not Objecting to Any Evidence or Testimony; Not "Cross Examine Witnesses on Inconsistant Statements" (by: L. Rice in "Police Report said Defendant hit her in eye", R. Blue said "Landed in Elevator", M. Krell said "Wearing Flip Flops", S.P.D. Officers R. Higa + J. Huber said "Ran N. Bound + Fight ensued", I. Porter said "Cleaned D. Byer's Apt. day before", B. McDonald said "She was penetrated 10 times - but Assailant Not correct" in Report); + the "Impaneling of Juror's who were Bias + Prejudicial" Such as (2) #8 + 9? who said "they personally knew Law Enforcement Officer's" in First Trial, + (2) #4 + 5? That said they "were Sex Abuse Victims" in D. Byer's Case; + the "Conceding of Guilt + that Defendant

Lied in Testifying, & that State's Witnesses Were Credible" in Closing Arguements; & Not Arguing "Jury Instructions on Intoxification & Intent (Abandoned All Defense's in First Trial) or Duress Defense" in First, or Second Trials; Not pursuing "Motions to Withdraw & Known Conflicts" to the Court; Allowing "Prior under ER403 & No objections, or Limitations on use" to Jury; Allowing "Speculations on Evidence" in D. Byer's Case (including Mug Shot, the Physical, & D.N.A.) & Gory & Repetitive Autopsy Photos; The "Asking Defendant for Gold Rolex Watch" for his Service's; the "Severing of Counts 1-14 Without Consent of Defendant" under CrR 3.3(c)(2)(i); The "Withholding of Evidence Favorable to the Defendant" (including: "Photo's taken At Scene of Arrest" by S.P.D. R. Haga; "911 Transcripts from Allegro" of J. Cho & J. Tonumatepoa; "Ripped shirt"; "All Video, & many other unknown). All of These Issue's would have been "Prejudiced" by Not being presented to Rebutt State's Case's. Counsel was Not working in Defendant's best Interest, & made The whole process a "Mockery & Travesty of Justice" by Not putting Any of The State's Evidence to any "Adversarial Testing". I seek an "Evidentiary Hearing on These Matters Grounds three: "Prosecutor Vindictiveness & Misconduct"

denying Defendant of 6th & 14th Amendments Rights to A "FAIR TRIAL & Due Process." The Prosecutor "Knowingly charged & Convicted The Defendant using Perjured Testimony" by L. Rice saying "hit her, or touched her to Rob, or with Sexual Motive" when testimony conflicted with Police Reports; R. Blue saying "hit in face & Landed in Lobby" when Testimony conflicted with Police Reports; R. Higa & J. Huber saying "chased N. Bound & fight ensued" when (5) Lay Witnesses & All of Video Not presented, & Photos taken by R. Higa & Ripped Shirt withheld; B. McDonald saying "Penetrated 10 times & Poured GAS" when the Police Reports said "Suspect Not arrest & smelled Bleach"; Medical Examiner saying "D. Byer's was stabbed in chest & Defensive Wounds" when Not supported by his Reports; S.P.D. Det. N. Jones saying "Flesh under D. Byer's Nails & Defensive (wounds) & Dirt under window (point of entry) when his Testimony was Not Supported by either Reports or Photos. Also The "Prosecutor Violated Courts Order for Discovery" under CrR 4.7(h)(3) given on 8/31/05 & motions CrR 7.5 & 8.3 Applied, due to "Withholding" All The Video from Allegro Apt., Photos taken by R. Higa, 911 Transcripts at Allegro, Allegro Mgr. D Tellez & Any other "Known

(7)

Witnesses or Evidence" under Brady V. Maryland 373 US. 83 (1963) & Not given to Defendant. If Not "Exculpatory & Material to Guilt or Sentence" this Evidence was "Withheld in Bad Faith" due to the "Discovery Order on 8/3/05 & the many Request for Access to Specific Items" under CrR 4.7(h)(3). This is why Defendant filed "Motions for Dismissal under CrR 8.3 & for New Trials under CrR 7.5." There was Also Prosecutor Misconduct by the use of "Invalid Prior Convictions" As Evidence, in Cross Examination, & Sentencing. Also by "Badgering" in Cross, & use of "Silence", & "So-Called Confession (1985)" in D. Byer's Case, & Not Providing Copy to Defendant, or proposed "Testimony of Prior Victims". In closing Arguements called the "Defendant a Liar" in his Testimony (invading the Province of the Jury) & "Arguing Facts Not in Evidence" such As Defendant "Narcissistic", & over "50 Defensive Wounds" in D. Byer's Case; & that "Juror's are the Voice of Society, & the Victim" (placing weight on them) & Crying before the Jury in D. Byer's Case. The Prosecutor was Also "Vindictive by Amending the Information" many times & At Last Minute, with No Notice to Defendant, or Entry of Plea. Due to these Violations & the Cumulative Effect The Defendant seeks Reversal, & Dismissal. Curtis S Thompson 12/3/10