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APPELLATE COURT OF THE STATE OF WASHINGTON

In re the:

STATE OF WASHINGTON

No. 65432-2

Plaintiff:

David Elliott Jefferson

STATEMENT OF ADDITIONAL

GROUND Under RAP 10.10

Defendant:

(I) Ground 1

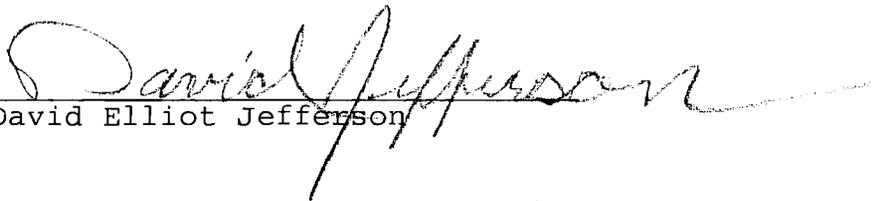
Unlawful Arrest

In Washington RCW 10.31.100 States "A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor when the offense is committed in the presence of the officer..." here in the Appellant's case officer Escobar states "he had probable cause to stop Mr. Jefferson when he seen him step out in to the choke point but never states that the choke point was a labeled "Restricted area" and Mr. Jefferson ignored these warnings and still proceeded to enter in violation of 9A.52.080 criminal trespass.

The Appellant Mr. Jefferson argues that upon entry into this area which officer Escobar claims was "restricted" had no "restricted area" signs above on poles or below on the ground, neither officer Escobar or officer Collins states that these warnings were there and the Appellant Mr. Jefferson seen them or was clearly standing in a labeled "restricted area" when officer Escobar and Collins made contact with him which would clearly show that he ignored these warnings... ignoring of "No Trespassing" signs is important factor that is looked at to determine if an alleged trespasser is aware that the owner of the premises does not welcome uninvited visitors state v Johnson 75 WN. App 692, 879 P.2d 984 (1994) review denied, 126 WN. 2d 1004, 891 P.2d 38 (1995). The state never makes this argument that Mr. Jefferson deliberately ignores these warnings however, Mr. Jefferson's entering of this area may not have been at the point of the "restricted area" being that this choke point would have had these warnings above on poles and walls and below on the ground because it would be a serious danger for Pedestrians officer Escobar never states these warnings were there for probable cause to even stop Mr. Jefferson for questioning, neither officer Escobar or Collins stated that Mr. Jefferson by passed a "restricted area" warning or was standing in a labeled warning area for probable cause reasons. Mr. Jefferson stepping into this point was not so offensive to compel more than a verbal warning to go back by these officer's, however, they decided to detain Mr. Jefferson for more than just a verbal warning. Mr. Jefferson could not have been in side of a "restricted area" being that something of this sort would have been labeled "restricted area" for the public to see and a Detective would have notice these posted warning above and below and documented some

one standing in a labled "restricted area" for purposes of trespassing under RCW 9A.52.080. There's no documentation of these facts by Detective Escobar who did not have probable cause under thes facts to continually detain Mr. Jefferson for a prolonged interrogation. His arrest was unlawful.

Respectfully submitted the 18 day of January 2011.


David Elliot Jefferson

CERTIFICATE OF SERVICE

No. 65432-2-I

I, David F. Jefferson, being first duly sworn on oath,

deposes and says:

That I am a citizen of the United States over the age of eighteen years and competent to be a witness herein.

That on the 21 day of Jan, 2011, I delivered true and correct copies of the following documents in the above-entitled cause, to which this certificate is attached, by US Mail:

①

Washington Appellate
Wells Tower Suite #701
1511 Third Ave
Seattle WA 98101

②

King County prosecuting Attorney
Norm Maleng: Regional Justice Center
401 Fourth Ave No
Kent: Washington 98032 4429

③

COURT of APPEALS of the state of Washington
Division I One Union Square
600 University Street
Seattle WA 98101-4170

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COURT OF APPEALS
STATE OF WASHINGTON
FILED

David Jefferson
Signed

1-21-11

1400 p.m.