

08146-0

08146-0

Statement of additional Grounds. Co. =

STATE of Washington
 Plaintiff,
 vs.
 Roger Holmes
 Defendant

No. 11-1-00187-0
 CoA 68146-0-I

RECEIVED

AUG - 6 2012

Washington Appellate Project

① The Seattle Police Dept Committal Perjury by falsifying and fabricating evidence in the affidavit by stating that Michelle Garza told officer Delafuente she was assaulted by Roger Holmes, when in fact the Seattle Police Dept have never spoken with ms. Garza. the King county' Prosecutors office committed Prosecutorial misconduct by going along with the tainted affidavit. the King county Prosecutors office obtained the Proble Cause arrest warrant under false assumptions and Pretence. Alleged victim Michelle Garza told officer Delafuente she would provide a statement at H.M.C. but was unable to do so, the officer deceived the court by saying under oath Ms. Garza said all the accusations, against MR. Holmes when in fact she havant, Officer Delafuente lied on the affidavit to get the Proble cause arrest

FILED
 COURT OF APPEALS
 STATE OF WASHINGTON
 2012 AUG - 6 PM 12:58

warrant, that is Perjury and the conviction should be overturned. This case probly wouldn't have made it to trial if the Judge knew that the Police never obtained a statement from MS. Garza. This Case should not been filed, because of lack of evidence, the Police lied at the Proble cause hearing. by saying MS. Garza directly said to them MR. Holmes assaulted her but MS. Garza Never gave a statement to the Police, that is Perjury so the conviction should be overturned. ② MR. Holmes speedy trial right was violated ③ Judge Wilson who issued the N.C.O. against MR. Holmes Never instructed MR. Holmes what to do if Michelle Garza came to where he was at. STATE OF WA V. Kevin M. Bremer WASH APP. 1052 (WASH APP. Div. 2 10/27/09 R.C.W. 9A.72.085)

FILED
COURT OF APPEALS DIV. 1
STATE OF WASHINGTON
2009/AUG/26 PM 4:55

Roger M. Holmes
x *R. Holmes*

SMUR
FORGERY
Doc & Medical
False AFFIDAVIT

SEATTLE POLICE DEPARTMENT
GENERAL OFFENSE HARDCOPY (ORIGINAL RELEASE)
KC PROSECUTOR COPY

GO 2010-399365 (OPEN)

1303 - 1 ASSLT-AGG-DV-BODYFORCE

Related text page(s)

Document: NARRATIVE

Author: 7407 - DELAFUENTE, SANDRA J

Related date/time: Nov-16-2010 0330

On 11/16/2010 at approx 0145 hours officers were dispatched to [redacted] to investigate in assault. Upon arrival SFD was already on scene providing aid to V/G [redacted]. V/G [redacted] complained of back pain, stomach pain and stated her head hurt. I observed red marks on her face. V/G [redacted] stated to S/HOLMES assaulted her last week and has been abusive for years. *HAVENT KNOWN HER FOR YRS*

this to EMT.
V/G [redacted] stated she was going to [redacted] home of W/C [redacted] sister of S/HOLMES. V/G [redacted] stated W/C [redacted] asked her to come by the house because she had some money for her *Live*. V/G [redacted] stated she drove around the block a few times before stopping in front of the house. V/G [redacted] stated she should not have gone to the house. V/G [redacted] wasn't sure if S/HOLMES was still in jail *Live*. When she stopped the car S/HOLMES walked out of the house towards her car. V/G [redacted] accelerated but S/HOLMES grabbed onto the passenger side window and shattered it. He entered the car through the passenger side, reached over and grabbed V/G [redacted] and started choking her. S/HOLMES also punched her in the face and head. The car stopped on the nw corner of [redacted] where S/HOLMES pulled V/G [redacted] out of the vehicle and threw her on the ground. V/G [redacted] stated S/HOLMES kicked her in the stomach and back. He also slammed her head on the sidewalk.

V/G [redacted] stated the next thing she remembered was waking up in the wet grass and someone touching her shoulder asking her if she was alright. V/G [redacted] was very concerned about her five month old puppy and her car. She stated she just bought the car, a 1995 Cadillac Eldorado 2-dr, white with a peanut butter brown top for her daughter. V/G [redacted] could not remember the license plate. V/G [redacted] stated she hasn't even transferred the title over into her name.

V/G [redacted] stated S/HOLMES mother lives at 25 Av/Holgate. Officer conducted an area check in the area of [redacted] but it was negative for the car or S/HOLMES.

Officers contacted W/C [redacted] at [redacted], she stated S/HOLMES had only been at the house for forty-five minutes before V/G [redacted] had arrived. W/C [redacted] saw S/HOLMES break the car window but stated both V/G [redacted] and S/HOLMES were arguing with each other. W/C [redacted] said she saw the car drive down the street but didn't see anything further.

AMR 898 arrived and transported V/G [redacted] to HMC. I informed V/G [redacted] I would be meeting her at HMC so she could provide a statement. V/G [redacted] stated she understood. At HMC V/G [redacted] was asleep. The AMR driver informed me that V/G [redacted] told him she had taken two Zantex about two hours prior then one Zantex about an hour ago with a couple of Mike Hard lemonade's. V/G [redacted] was unable to provide a statement at HMC. I asked V/G [redacted] if she wanted to.

SEATTLE POLICE DEPARTMENT
GENERAL OFFENSE HARDCOPY (ORIGINAL RELEASE)
KC PROSECUTOR COPY

GO 2010-399365 (OPEN)

1303 - 1 ASSLT-AGG-DV-BODYFORCE

report her car stolen, she stated no

A No Contact Order #171291, issued on 10/11/2010 and expires on 10/11/2011 was located in the system for S/HOLMES as the respondent and V/G [REDACTED] as the Protected person.

Pictures were not taken of V/G [REDACTED]. DV Supplemental Report was sent to SPD Data.

V/G [REDACTED] was given a business card with the case number.

I screened the call with Sgt. Hotnit at the precinct.

Did not get this info direct / From Mrs. GARZA got it from AMR driver or overheard Mrs. GARZA talking w/ AMR driver.

I hereby declare (certify) under penalty of perjury under the laws of the State of Washington that this report is true and correct to the best of my knowledge and belief (RCW 9A.72.085)

Electronically signed:

7407 DELAFUENTE, SANDRA J

Date: Nov-16-2010 Place: Seattle, WA

LIBED

1 A. They all kind of look like the same corners. I would
2 say this is the northwest corner.

3 Q. You can show the jury. You say this, what do you mean
4 by this?

5 A. Well, I know when I pulled up, I was on a corner. I
6 wouldn't be able to tell you specifically unless you
7 told me this street name and that was the location.
8 But when I pulled up, we were -- they were in this
9 area and I was here.

10 Q. Let me kind of take us a step back. When you saw
11 Ms. Garza, where was she? Was she in an intersection
12 or was she in the middle of the street?

13 A. She was on the corner, the northwest corner of East
14 Denny, and I want to say 30th.

15 Q. Is it a four-way intersection?

16 A. It is, yes.

17 Q. And the home -- you said that there was an officer
18 that went and contacted somebody who you understood to
19 be Mr. Holmes' sister. Where was that relative to the
20 intersection?

21 A. North.

22 Q. You say north, how many homes would you say, give or
23 take, away from the corner would it have been?

24 A. I would approximately say mid block. I don't know if
25 that's clear enough.

1 Q. But it wasn't one of the homes on the corner in the
2 intersection itself?

3 A. Not that I recall. But again, I didn't go to the
4 home. I stood by her most of the time, and at HMC.

5 Q. Explain to the jury what you remember about how she
6 acted?

7 A. She was disoriented, confused, as I was trying to
8 figure out what had happened so I could understand
9 what was going on. She was crying and just very, very
10 concerned.

11 Q. Did she seem intoxicated?

12 A. No, I wouldn't say she seemed intoxicated to me.
13 Just, like I said, confused, kind of disoriented.

14 Q. Now, were you able to talk to her and take any sort of
15 statement at the scene?

16 A. No. I mean, I spoke with her, but it was just trying
17 to get details to find out what are we looking for, if
18 we are looking for somebody, who, what, that sort of
19 thing. It was at HMC that I was hoping to get a
20 statement.

21 Q. You keep using the acronym HMC. What are you
22 referring to?

23 A. I'm sorry, Harborview Medical Center, the hospital.

24 Q. Did you respond to Harborview?

25 A. I did.

FILED
COURT OF APPEALS
STATE OF WASHINGTON
2012 AUG -6 PM 4:53