

70859-7

70859-7

Declaration of Additional
Grounds
James EARL Tucker

Court of Appelas No. 70859-7-1

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
~~2011~~ JUN -2 AM 11:56

I James Earl Tucker

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON

Court of Appelas No. 70859-7-1111:56

Did not Allegedly assault my wife Frances M. Tucker on 12-5-12. They offered me an assault 4. But I did not take it, because I did not allegedly assault Frances Tucker. And farther more if I allegedly Socked France Tucker Serval time in the face and Choked her until she nearly past out with a Cast on my hand, It would have be a lot more damage done, for instance there would be Straches on her neck and face Because it's like a baseball bat it's hard and rough like Sand paper. I gave them my Cast to be Checked for DNA. My wife Frances Tucker doing all of this because she though I was with another woman she kept calling my phone constantly when she heard a woman in the back round talk to me. I asked them to check my phone records because she accused me of calling her but they didn't. And she changed her Statement on the Stand supporting what I had already said to my attorney about being at a woman house. In the police report she said I was high and drunk, jumped on her for no reason. And she making a flase Statement by saying she didn't know where I was on 12-4-12. Then she changed her Statement. After they continue to question her, she told them the truth, about us being in Portland on December, 4-2012 at her mother's retirement party at her job. Further more on Frances Tucker Medical rerords the doctor Stated that there was no bruising marks on her neck niether Swelling on her windpipe nor cuts on her lips. So where the blood come from? Not from Mrs. Tucker lip.

Please when you look at the photos of her wearing the white T-Shirt you will see there is no blood on the T-Shirt.

They was misled thinking that there was blood on a T-Shirt that was never tested nor seen for DNA. Nor ~~never~~ giving to the police officer, nor to the medics, nor was there ever mention to the doctor at SWEDISH Hospital of a bloody T-Shirt. Mrs. Frances Tucker gave two pictures to the prosecutor saying she took them on her camera phone after the incident happen. When you look at the one picture taken off her camera phone in the bathroom of her in the MIRROR you can see there is no blood on her T-Shirt that she took in the mirror.

When my attorney question France Tucker if she had changed her clothes after incident, she said no. In the other picture that shows no face is the only picture they say there is blood on it. Let all the pictures showing France Tucker face in it, the T-Shirt, mind you that Mrs Tucker never changed her clothes after the incident happened, shows no blood.

During the closing argument my attorney Todd Brian, said a T-Shirt in the picture had blood on it. He was wrong to say that he did not know that because it was never giving to anyone nor tested for DNA.

And during the closing my attorney Mr Todd, also stated that if the jurys would have seen Mrs Tucker Medical records oh what a story it would have told. But it was up to the prosecutor to show you all. But I had ask Mr Todd to present the Medical record of Mrs Frances Tucker to the Jury and ~~not~~ to be mention in the closing argument. I also asked my attorneys to call the Doctor at SWEDISH Hospital

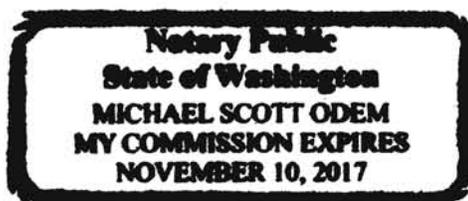
that examined Mrs Tucker as Swedish Hospital to Show that you can not be beating with a Cost, and not suffer severe damages. I signed papers for him to do this in stead we get a medic's that never examine the allege victim. In Stead he staed back and took notes that was said by Mrs Tucker and a other medic. He showldn't been able to testify on Heresa nor the police officer that arried late after allege victim was gone again Heresa My whole case was railroaded and I pray to God that he allow you to see that I didn't do anything to Mrs Tucker. May justice prevall, I feel everything happen for a reason, what ever that reason might be.

I am sending a Copies of Mrs Tucker Medical records.
No Scratches on the face or cuts on the lip
No Blood...

Thank you for your time effort

James E. Tucker #273874
 Washington State penitentiary
 1313 N. 13th Ave
 Walla Walla, WA 99362

Sincerely: James Tucker
 5-28-2014
 James E. Tucker



Michael Scott Odem
 STATE OF WASHINGTON
 COUNTY OF WALLA WALLA
 EXPIRATION: 11/10/2017



FIRST HILL
747 Broadway
Seattle, WA 98122-4307

TUCKER, FRANCES M
MRN: 1000134821
DOB: 6/17/1965, Sex: F

SWEDISH

ED Records (continued)

IBUPROFEN (AKA MOTRIN) 600 MG ORAL TAB

Take 600 mg by mouth three times a day as needed.
USUALLY TAKES AT LEAST BID

LORATADINE (AKA CLARITIN) 10 MG ORAL TAB
TERBINAFINE (AKA LAMISIL) 250 MG ORAL TAB

Take 1 Tab by mouth every day.
Take 250 mg by mouth every day.

Filed on 12/14/12 at 8:25am

ALLERGIES

Allergies
Allergen
• Celexa (Citalopram)

Reactions
Hives

VITAL SIGNS

Vitals:
BP: 135/99 mmHg
Heart Rate: 75
Pulse Rate: 90 bpm
Resp: 16
Temp: 37.1 °C (98.8 °F)
SpO2: 96 %
Room Air?: Yes

PHYSICAL EXAM

Distress: The patient is in no distress. She is in no discomfort.
General Appearance: Obese, healthy-appearing, well-developed, well-nourished and alert.
Head: Atraumatic, normocephalic
Ears: external ears normal, canals clear
Eyes: Right eye normal. Left eye swollen shut due to swelling. Eye was opened manually and the EOM were intact. Conj hemorrhage of the left eye. Visual acuity in left eye is normal per my exam.
Nose: nares normal, mucosa normal
Oropharynx: Lower lip swollen, no laceration, no tooth fracture or acute injury, no malocclusion to mandible
Neck: neck supple, no cervical spine tenderness
Lungs: Chest wall tenderness, no bruising. Clear to auscultation, equal breath sounds, no wheezing or crackles, good air movement, no respiratory distress
Heart: Regular rate and rhythm. No murmurs or noted abnormal heart sounds
Abdomen: Benign and soft. Normal active bowel sounds. No tenderness in any quadrant, guarding, or rebound. There is no observed or palpable distention or mass.
Neuro: alert and oriented, conversant, 5/5 motor strength in bilateral upper and lower extremities
Extremities: Extremities atraumatic, warm, without cyanosis or edema.
Psych: Normal, appropriate interactions
Skin: Normal, pink warm and dry without rash or jaundice

DATA GATHERING



FIRST HILL
747 Broadway
Seattle, WA 98122-4307

TUCKER, FRANCES M
MRN: 1000134921
DOB: 6/17/1965, Sex: F

SWEDISH

IP-AVS

Visit Information

	Provider	Department
12/05/2012 0637	Jeremy Seth Berman, MD	F Emergency Department

Follow-up Information

Follow-up With	Details	Comments	Contact Info
Mioek, Mark A, MD	In 2 days		Primary Address: 1930 Post Alley Seattle Washington 98101 206-728-4143
User		Date/Time	
Berman, Jeremy Seth, MD		Wed Dec 5, 2012 8:31 AM	

Discharge Medication List as of 12/5/2012 8:32 AM

CONTINUE these medications which have NOT CHANGED

Details	AM	Noon	PM	Bedtime
loratadine (AKA CLARITIN) 10 mg Oral Tab 10 mg, DAILY Starting 8/2/2010, Until Discontinued, Disp-20, R-1, Oral, Fax	[]	[]	[]	[]
Ibuprofen (AKA MOTRIN) 600 mg Oral Tab 800 mg, TID PRN, Until Discontinued USUALLY TAKES AT LEAST BID Oral, Historical Med	[]	[]	[]	[]
acyclovir (AKA ZOVIRAX) 400 mg Oral Tab 800 mg, BID PRN, Until Discontinued, Oral, Historical Med	[]	[]	[]	[]
terbinafine (AKA LAMISIL) 250 mg Oral Tab 250 mg, DAILY, Until Discontinued, Oral, Historical Med	[]	[]	[]	[]

If you use tobacco or have used tobacco in the past twelve months, it is critical for you to stop NOW. Your life AND the lives of your family and children are shortened by YOUR smoking through direct and second-hand smoke.

For help in quitting, review the Smoking Cessation Information Brochure, call the Swedish Douglas Health Information Center at 206-386-2502, and / or call or visit the Washington State Quit Line at 1-877-270-7887 (STOP), <<http://www.quitline.com/>> .

Your loved ones will thank you.

Discharge Instructions

← over →



FIRST HILL
747 Broadway
Seattle, WA 98122-4307

TUCKER, FRANCES M
MRN: 1000134821
DOB: 6/17/1965, Sex: F

SWEDISH

ED Records (continued)

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Allergies

Allergen

- Celebra (Citalopram)

Reactions

Hives

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Extremities: Extremities atraumatic, warm, without cyanosis or edema.

Psych: Normal, appropriate interactions

Skin: Normal, pink warm and dry without rash or jaundice

DATA GATHERING

DECLARATION

I, James E. Tucker, declare that, on May 28-2014 I

deposited the foregoing document(s),

- Statement of Additional Grounds / 70859-7-I
- Frances M. Tucker / Swedish Discharge Sheet

or a copy thereof, in the internal mail system of Washington State Penitentiary and made arrangements for postage, addressed to:

- Court of Appeals Division One, One Union Square
600 University Way, Seattle, Wa. 98101
- King County Prosecutors Office, 500 4th Ave, Seattle, Wa. 98104
- Nielsen Braman & Koch, P. L. L. C., 1908 E. Madison St. Seattle, Wa. 98102

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated at Walla Walla, Washington on May, 28, 2014,

Signature and number: James Tucker #273874

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THE COURT OF APPEALS STATE OF WASHINGTON
DIVISION I

FILED
COURT OF APPEALS DIV. I
STATE OF WASHINGTON
JUN -2 11:56

STATE OF WASHINGTON:

NO. 70859-7-I

Respondent

VS.

**STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW**

TUCKER, JAMES

Appellant

I JAMES TUCKER, 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 my statement of additional Grounds for Review when this appeal is considered on the merits.

ADDITIONAL GROUNDS I

1 I James Tucker Am writing this in regourd to my appeal on
2 my case #70859-7-I There is something I would like to point out.

3 This is more evidence. Per RAR 16 (b) restraint means; A
4 petitioner is under restrant' if the petitioner has limited freedom
5 because of a court order in a civil or criminal proceeding, the
6 petitioner is confined, the petitioner is subject to Imminent
7 confinement" See re PRP of Powell. There for I will focus RAP 10. 10(e)
8 which focuses on Reports of Proceeding which is a pro se statement
9 of additional grounds for Review.

10 This is to identify for the court of the Report of the proceedings
11 verbatim the picture on the alledged victims cell phone of a T-Shirt
(June 18th 2013)
12 to have / had blood on it as Ms. Mangiaracina stated" We would
13 like to abject those. They are Cumulative. We already have in
14 fact, better quaility photos of Frances Tucker's face, this is
15 a photo of aphoto" Ms. Mangiaracina goes on to say" As for the bloody
16 T-Shirt you honestly can't tell what it is in the photos. Witnesses
(page 70 & Page 6 June 18th 2013 Of the Report.)
17 in this case, Officers and Medical tects were not the persons who
18 Examained the victim at the Scene,

19 According to court records the fire medic arrived at about 6;04 A.M.
20 And the officers did Not Arrive until 6;12 A.M.. So which Means That
21 fire medics Arrived Before the officers (See Page 14 Reports of ~~JUNE~~ 17-2013
22 Proceedings) Also, As the victim talked to the Fire medics was an
23 Error. In the verbatim Reports the court stated about a pre-crawford
24 case indicating allegations. Statements made to a paramedic are Not...
25 dont fall within the Medical diagnosis and treatment exception the
26 Court Acknowledges that statements should be excluded when made while
27

1 Officers are present or in the room, See Page June 17th 2013 of report
2 court Proceedings.#15.It is duly Noted that a foundation has been laid
3 that Her Statement , It's a white background what looks to be sort of a
4 magenta or' Purple marking on it, It could be described. I Don't think it
5 adds to anything, There was No D.N.A. Test to Support that Conclusion.

6 She goes on to say, It is Not entirely clear what it is on those Photos?
7 See Page #6. Of the Report Of Proceedings from the June 18th, 2013 Report

8 See Exhibit A. Yet, if you look at the two(2) Picture from the E.M.T.
9 There is no blood on Her or Her T-Shirt and she said she never changed
10 cloths on the stand for witnesses. (See page 54 June 18th 2013) Also
11 the Doctor that Examined Her at Swedish Hospital said there was no Laserations
12 to Her lip. (See page 48 - 50 June 18th of the Report of Proceedings.)

13 See Exhibit B. The Shirt was never turned in for Evidence, tested blood
14 to support Her statement and my trial attorney Mr. Tood Concured. The Officer
15 And the E.M.T. test that came in to Court. Niether one was the ones to Examine
16 the said victim at the Scene. As recorded previosly on June 17th, 2013 by
17 Court Reporter, Ms. Mangiaracina stated we have better Photos availible and
18 as to the state's Exhibit #5 Ms. Truckers bloody T-Shirt should be inadmissable
19 as to Ms. Tucker took there photos Herself (See Report of Proceeding -
20 June 18th 2013 Page 54) More over, Ms, Frances Tucker stated when asked;

21 Is that a bloody T-Shirt from the night of this event or the morning of
22 this event ? She said " The night of the event!" As we go on through cross-
23 exammation of Ms. Tucker She was asked; And does that photo that you have
24 in front of you appear to be a fair and accurate depiction of the bloodied
25 Shirt you photographed ? Ms. Tucker replied "Yes" Futhermore, Ms. Tucker
26 was asked by the state's Mr. Sanchez " And did you take that photograph before
27 or after you took the photograph of this bloodied Shirt that we have not Seen ?

1 She stated " I am not sure if it was before or after, but it was at the
2 same setting when I took the pictures. (See Report of Preceedings June-
3 18th, 2013 Page 55) There fore Ms. Tucker's testimony makes Her an
4 uncredible witness that may have committed perjury. Also, during Cross-
5 Exammination by the defence M^S.Manginracina asked Ms. Tucker " That you
6 yourself took with your cellphone" Right here, of the T-Shirt, and of your
7 face, Is this the T-Shirt that you are wearing ? The T-Short in the photo,
8 are you wearing that T-Short in this picture ? She replied" I don't know"
9 Defence Say's "You don't know" You don't remember taking your shirt, or you
10 don't know if this is a clean shirt or if this is the dirty shirt you are
11 wearing ? She replied " NO" (See Report of Proceedings June 18th 2013 Page 70)

12 The Prosecutor for the state asked Ms. Tucker, Do You recognize what I
13 have handed you there ? She Said"Yes" Ms. Tucker stated that She used Her
14 cell phone to take photos of a bloodied shirt and She stated in Court that those
15 pictures were accurate and fair. (See page 54 June 18th 2013 report of
16 Proceedings) Ms. Tucker May haveperjured Herself as to Her conflicting
17 testimony when She stated She took photos of HerSelf while I was asleep and
18 this conflict makes this witness Ms. Tucker an uncredible witness.

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