COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON Respondent, v. LINDAHL, PETER (your name) Appellant.	))))))))))	00-1-04870-1 CMM No. COA No. 35845-0-II STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

I, Peter Lindahl, 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

See appeal - I'm not sure what to say

Additional Ground 2

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

Date: 10/4/07

Signature: Peter Lindahl

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Sorry for the tardiness. It took several weeks for your letter to reach me. Also I was moved and didn't have all my legal work for 9 days. It takes about 10 days to get to the legal library to look anything up or use a type writter.

Thank you

Peter Lindahl

9-16-97

I have read all the lawyers arguments that I am being put into a position much worse than I was initiationally put in. All this is very true. I was basically forced into signing a lie. I was forced into lying that I intentionality killed Sheri. I was threatened and charged with 1st degree murder. I was threatened to take the deal for 2nd degree or suffer the consequences.

The appeals court vacated my sentence for 2nd degree murder on the grounds that I did not intend to kill Sheri. This was done because when I woke up enough to realize what had happened and I tried to save Sheri's life. I say woke up because I was incapacitated by insanity and it took a certain amount of time (I have no idea how much) before I realized what had happened. The "ANDRESS case" I reasoned how can you say I intended to kill

Sheri when I tried to save her life. I performed first-aid, called 9-1-1 for an ambulance and police. I stayed by Sheri helping her live, as best I could, until the end. This is the reason my sentance for 2nd degree murder was vacated. I do not understand how I could be ~~sen~~ charged with 1st degree when I could not be charge with 2nd degree murder because I had no intention of killing Sheri because I tried to save her life. How could the courts counter ite self so?

To truly understand what went wrong we have to go back years. Back to 1991 when I was arrested for Domestic Violence. At this time I had been ~~m~~ married for less than 2 yrs. I had a new baby (Kimberly sometimes shortened to Kimmy or Kim) less than one year old. I to was a horribly abusive marage. We had constant arguments. Almost all of the argumen I had no idea what my X-wife was mad about.

In the 97 wks. I was married (before the arrest) I had to leave the house, I bought before I was married, between 60 to 100 times because my wife was so insane with anger. Taking away work days, ect. I had to leave the house once every 3 to 5 days. I would have to back out of the house because if I turned my back to my wife she would hit me. One time she even beat me over the head with a bottle as I lay in bed with the sheet pulled over my head. If this had been a man doing this to a woman he would have been arrested for 1st or 2nd degree assault. I should have had my X arrested many times for what she did to me. But I believed in my marrage vows. After making those vows in frount of 115 family members and life long friends. I did not take lightly my promise of "In sickness and health." I

believed my wife (X now) was mentally ill to yell and hit me so often. My X from 1991 was extremly abusive.

When I did my appeal in 2004 I read the "Andress case." Somewhere in there the appelate judges wrote of a case where a man, I think he was committing a crime, pointed a gun at several people and said something like 'if you move I'll kill ~~you~~ or make it was shoot you.' Somebody moved or tried to get away and was killed. The shooter was charged with 2nd degree murder. The shooter claimed it was self defense because the person moved. The judges said something like 'this would be absurd ~~thus~~ justus to call this self defense because he was point a gun at unarmed people and threatening to ~~to~~ kill them if they moved. This would be absurd to call this self defense.'

In 1991 my X was yelling, screaming and just plain ~~gon~~ going crazy with anger. I ~~trye~~ tried to find out what she was mad about, I could not, I walked away

from her screaming, locked myself in the bedroom, took a shower and tried to calm down. The X use a screwdriver to break into the bedroom. When she threatened to 'throw me out of my house and take Kimmy. I tried to get away from my X because she was threatening to take my house and daughter, Armed men with guns came into my house, handcuffed me, dragged me off to a windowless dungeon, kidnapped my daughter, took my house and everything I had worked for my entire life. I believe this is what the appellate judges called absurd justus.

While in the Tacoma Jail (2005-07) I had regular access to the news paper. One of the articles I read gave the law for rape. It said 'if a man forced to have sex with the threat of kidnapping her children. It is rape. With a penalty of several years in jail.'

My daughter, my house and everything I had worked for my entire life was taken. For 7 months my daughter was kidnapped without one person ever once telling me I was good enough to go to court and get my daughter back. When my X said 'me and my lawyer are trying to make it so you can never see your daughter again.' I believed her. I gave away everything to see my daughter. It took 6 DIFFERENT LAWYERS 9 YEARS JUST TO GET A VACATION WITH MY DAUGHTER. This is way worse than rape.

In 16 yrs. I have never been told how to get my children back once the; government, your wife or mother of your children take them. I have never been told what my rights are with my children.

The combination of all these horrors gave me Post Trematic Stress Disorder, P.T.S.D. At least 3 different Doctors of psychiatry have diagnosed this long before

the tragedy happened to Shari.

The prosecutting attorny belittled my P.T.S.D. Saying "its not like I got this by defending my country in Iraq." That is a insult to every Firefighter that has died or risked his/her life, while to save others peoples lives. In the nearly 20 yrs. I have served ~~my~~ and risked my life for my community I have seen a hundred or more deaths. From blood all over, screaming carnage of twisted automobile accidents, drive by shootings, charred bodies from being burned alive to the soft death of dying in bed of old age. Out of the 800 firefighter that I have worked with and made friends of, 8 of use have died serving our community. I knew and worked with most of them. But the grieving for their deaths, and the fear for my life, is nothing compaired to having my daughter, Kimmy, kidnapped and used for

extorsions.

About a year or two after I was divorced I was at a singles party. I was passing the time talking with a lady who was about 10 yrs. older than me. I don't think either one of us thought it was a match so the conversation was light and easy. Somehow she started telling me about work at Boeing and how her boss had sexually harassed her until she transfered departments. I told her 'I knew what it was like to work for a mean abusive ass hole... Over the years I had worked for a lot of them and had to quit or transfer. But when they take your kids, your house and everything that you have worked for your entire life, your Fucked! It cost me $70,000.00 (in 1991 dollars) more money than I even made in the time I was married. Just to be able to see my daughter again!' Maybe it was my perception, but I am sure I could see $

the great sorrow and horror in her eyes.

Those horrible experience and my P.T.S.D have caused me to flash back at many kinds of words, pictures, sounds or thoughts for the safty of my daughter. Many trigger can bring a whole cascade of thoughts and fear of my daughters being kidnapped. This is not a delusion. I did not imagine armed men with guns coming into my house and kidnapping my daughter.

At sentencing on 1/26/07 my attorny did an adequate job describing what it was like to pick up my daughter at my X's. But he (attorny) did not even to begin to express the fear I had when picking up Kimmy. At sentencing I described how it is not a threat to be hit or yelled at by a woman. But it was the fear of god put into me by my X. the fear of having my daughter kidnapped, again! Everytime I picked up or dropped

Kimmy off! My X was always threatening to make it so I couldn't see Kimmy again. For almost 9 years I went through this everytime I saw my X.

Because of having Kimmy kidnapped and used for extorsion, having armed men with guns come into my house, (I bought before I was married), hand cuff me, drag me off to some windowless dungeon, kidnap my daughter take my house, make me live in my car while I paid, the mortgage, taxes, insurance, water, sewer, garbage and electricity. Plus the threat and reality that if I go into my house I can be arrested and charged with a felony and spend up to 5 yrs. in jail, I was informed. Being forced to pay child support when if I go to see my daughter I can again be thrown in jail for up to 5 yrs., I was told and believed. to pay for daycare when I have all day off and would have been so happy to have seen and played with

all days. all this because, of "absurd justus" (as called by the appellate judge). All this because I tried to get away from my wife when she threatened "I'll throw you out of your house and take Kimmy." TRY AS I MIGHT I CAN NOT GET THE FEAR OUT OF MY MIND THAT WAS CAUSED BY HAVING MY DAUGHTER KIDNAPPED IN THIS FASHION.

It should be noted that my X and I had arranged for a marriage counseling prior to my D.V. arrest. After the D.V. we saw Dr. Christer Harris of Seattle. The doctor spent months convincing me that it was alright to be hit, have my children taken, my house taken and everything I had worked for my entire life. He did this under the threat that he controled whether I ever got to see Kimmy again. Under this threat he forced me to do all the things mentioned previously. The doctor told me not to get a lawyer or go to court to get my

to see my daughter, Kimmy or my property back. Never even once did he tell me that I was good enough to go to court to get my daughter back. Never once. For 7 months I lived like this. Not knowing if I could ever go to court and see Kimmy again. It just plain destroyed me.

Shari

This is a very sad story of an illegitimate baby, drugs emotional abuse and ultimately a death.

I met Shari while responding to emergencies where Shari worked at Daystar Retirement Home. I was a Lieutenant with Seattle Fire Department. Shari started calling the station and wanted to go on a date. When I picked Shari up I learned she was living at her parents. We went to Seafair that was going on at Seattle water frount. 3 hours after I picked Shari up on our 1st date she wanted to spend the night

at my house. 2 hours later Sheri's pregant. Sheri calls me a week later and says 'she's pregnant'. If a man could be rape, I felt as if I had been raped! I was never sure if the baby was mine until my mother and sister convinced me to have a paternity test.

I knew I would have to know Sheri for the rest of my life. I did not want my relation with Sheri to be anything like my X wifes. or maybe it was the sense of duty. Either way I started to be nice to Sheri, meeting her, helping her, ect. Because Sheri lived with her parents and they were moving to Arizona, Sheri would soon have no place to live. So I moved Sheri into my house and put her on my insurance. It was a difficult pregnancy and Sheri could not work.

Sheri said 'she got good grades and wanted to be a nurse* by going to school' I said I would send her

to school and pay her room, board, transportation and daycare. In fact I thought it was a good idea.

Chantel was born on May 7, 1999. In mid June Sheri refused to go to school. In August Sheri stopped eatting and got down to 90 lb. 2 weeks after I gave her $400.00 to buy groceries Sheri come home with 3 bags of candy. No groceries, no money and demanding more money. When school was about to start Sheri refused to go to. I was so mad I had to get up and leave the room. That night I told Sheri it was over. Start looking for a job and apartmend then move out.

I'm working full time at the fire department, almost full time at my apartment house, Sheri can't be trusted with money, I have to buy the groceries then come home and clean the house after Sheri has trashed it, then do the yard work. I'm through with Sheri, I didn't kiss Sheri for 1 1/2 years before

the end.

August 99 – I went hiking with 2 old friends. Howard, I've known for almost 30yrs. he is a lawyer. After the hike we stopped for a bit to eat and a beer. Howards advise is to 'give her $5000.00 to get ~~out~~ an apt. and get out of the house and make her sign something that I don't owe her anything more... think her as a thief, everyday she's in your house Sheri's stealing from you, your house, your pension and any money you might have'. I'm horrified at the state of the laws. I tell Howard that I've been thinking of moving out of my house until I can get Sheri out of my house. Howards horrified, he says 'Don't do that, you'll get your house back'. I feel so trapped. Sheri won't leave and if I leave Sheri takes my house I've ~~years~~ spent years building. I'm responsible mortgage, taxes etc. whether I'm in my car or the house. I'm not even married

and I feel threatened. Gail who I have now known for almost 40 years who I lived with for 2yrs. and thought I would spend the rest of my life with, says 'the women in Olympia have really got the laws... screwed up... It's really hard to get a guy to marry you' later Gail says 'get rid of her, cannot you see she's starving herself so you feel sorry for her... Get rid of the looser.' Gail is really pissed about what Sheri's doing to me.

Early 2000 - Skipping ahead and a ton of details. Like I said 'I didn't know Sheri had a drug habit.' Sheri won't leave, she's stealing $1400.00 a month, yelling at the baby, Chantel, Kimmy and me. Sheri is also threatening me.

Spring 2000 - By springtime the combined stress of Sheri threatening to make something up so I can not see my youngest daughter, Chantel, Sheri not getting

out of my house, stealing money from me, yelling at me, yelling at the kids, being angry, plus the normal stress of work and the apartment building, have all combined to cause a nervous breakdown. I was put on sick leave for stress and given no return to work date. Having Sheri in my house was like having an escaped convict force his way into my house, steal money from me and threaten if I ever did anything to stop him. ~~That~~ He would make it so I never saw my daughters again. It felt like this because that is ~~wat~~ what it was. What can I do? If I touch Sheri for stealing money the police come, arrest me, take my kids, house and everything I have worked for my entire life. ~~Or~~ Plus I won't be able to access my office that is in my house for the records on the apartment building.

When I was laid off (sick leave) I was diagnosed with P.T.S.D. by ~~a~~ I believe by at least 3 different ~~the~~ psychiatrists. I'm put on anxiety medications. I take the medication at night because I'm having night mares of having my children kidnapped or taken. I wake up in the middle of the night with the bed sheets soaking wet from the night mares of having my children kidnapped. The dreams are so horrible and vivid I can not get back to sleep. I'm sleeping 4 or 5 hours a night. I'm positive this is caused by Sheri threatening me about the kids, plus the other things.

The medications helped with the anxiety, I thought I had found a way to evict Sheri and the apartments started to make money. I was allowed to return to work.

Spring/summer 2000 - Sheri become so angry and threatening about my daughters I had to call 911. I was

terrified because the dispatcher kept saying "its alright" She said "I'll send a police car." I was so afraid the police would come and arrest me, take my children and everything. I was so afraid I left before the police arrived and arrested me even though I was the one that called for help.

I'm including this next paragraph to illustrate what it is like just to remember the fear I experienced from over 7 years ago.

9/29/07 Writting the last 8 lines has caused; My voice is horse from yelling. Even though the room is cool I have to take my shirt off and am sweating so profusely I have to use my shirt repeatedly to wipe the sweat off my forhead before the sweat drips on the paper.

The prison gaurd has just come to my cell to ask if I'm alright. Someone had reported that

I was going crazy. I am now ~~afr~~ afraid they will take me to the hospital for a suicide watch.

ck to 2000 - I tried to get a restraining order on Sheri. I asked the Pierce County Sheriff, the Bonney Lake Police dispatcher and several different lawyers, no one knew how to get Sheri out of my house! Finally my apartment eviction lawyer thought he knew how to get Sheri out. In 15 months all attemps to get Sheri out of my house failed.

In the 17 months that Chantel (the baby) lived with me not one time was I allowed, by Sheri, to take Chantel anywhere. Not even to her ~~grad~~ grandmothers house just 10 miles away.

If not letting a parent play or be with their children ~~or be~~ isn't abusive, I don't know what could be.

I find myself sweating, angry, talking to myself, unable to consentrate, staring off into space for long

periods of time, sometimes crying or near crying, always sad. For these reasons I am going to copy what I have already written without editing. If I do not do it this way I fear I will never finish. I will stare off into space, broken, unable to do a thing, lost in the terrible thoughts of the past.

Because everywhere I have worked for the last 20 yrs. someone has had their children taken.

You say its not kidnapping. It is for me. Because I have never been told how to get my children back once the mother and government have taken my children.

I'm asking you judges why should I have to prove in addition to believing my beautiful daughter would be kidnapped and I would never see them again? Why should I have to prove additionally I was completely insane? That I had no idea in the world who I was

~~on~~, what I was doing or what was going on? Why should I be given this additional burden they police ~~&~~ and government don't have?

I read the law sometime after I arrived at Stafford Creek prison in Aug/Sept. 2002. I don't have a copy, but I ~~rememb~~ remember it well. It says something like, 'If you believe that any of the following is about to happen to you or someone else it is justifiable homicide; Murder, Kidnapping Rape plus some other... even if it proves to be false later.' There are no exeptions; ~~I was threatened~~ for your grandfather, mother, brother, sister, husband, wife, daughter, son. government, military, police, thief, ~~burg~~ ~~burg~~ ~~&~~ burglar, gangster, no exeptions. I was threatened and believed that armed men with guns would take my beautiful daughters, Kimberly and Chantel and would never see them again. In fact it is even worse than I believed. Kimmy and Chantel have been separated and I believe

have not seen each other in almost 7yrs. Both Kimmy and Chantel have had their names changed. I assume that Kimmy and Chantel do not even know where each other lives even though they are in the same city only 10 to 20 minutes apart and within 10 miles. Chantel may not even know she has a sister. It has effected my brother and his wife as well. They were sued for helping set up a trust fund for Kimberly and Chantel. Even though legally the trust fund for the children was suppost to be safe. Something about the wrong form name used made ~~it~~ an outside chance some judge would want to set a new president and allow the law suit to go forward against the standard rules. That is how I understand it. My brother and his wife to stop the stress to them and their marrage ended it by paging out of thier pockets $40,000.00 cash and $600.00 per month until about 2022. I will start paying

that $600.00 per month for them starting in spring 08. I don't think there is a cent left for the children. I can not stop thinking of Sheri chasing me through my house screaming "I make your divorce look like a cake walk" anther way to say I'll ruin your life.

Within the last 3 yrs. (2005-07) I have read in the paper and watched on T.V. the following; 1. One of the southern states the police shot 110 bullets (they had time to reload once) hitting the deceased 84 times. The police spokeswoman said 'the only reason they didn't shoot him more is they ran out of bullets' 2. Recently the New York police ~~dept.~~ killed a man the day before his wedding. They said they 'thought they saw a gun.' I think he was ~~unar~~ unarmed and not breaking any law. 3. Right in ~~Snowhom~~ Snohomish, Co. Wa. the police car vidio showed the cops at a road block hiding behind their cars. The police said they 'thought they saw a gun.' They shot

90 bullets hitting the victim 4 times. I believe he was in his car (stolden) with the windows rolled up, a pocket knife in his pocket.

For the ~~20~~ almost 20yrs. I spent in the fire departma I have been to many incidents where we rolled up and then the dispatcher would say 'possible guns involved.' As a firefighter we had no wepons or protection. I saw, from the police car vidio, the police behind literally ~~tuting~~ tons of steel, most likely all of them with bullet proof vests on, armed with rapid firing, rapid reloading guns pointed directly at the driver. From my experiece, even if the man did have a gun (he didn't), I would not have felt threatened. Especially from the protected and ready position the police were in.

I am asking you to please allow me to appeal based on what the lawyer, Sheri Arnold, has stated. Also

allow me to appeal on the basis that I believed my children were in danger. That I believed that I would never see my children again, my children would be kidnapped forever and I would never see my children again. I have not seen my children for almost 7 yrs. and may never see Kimmy and Chantel again.

I believe the purpose of the police and the court system is to protect, make people feel and be safe. But the Pierce County Court system and the psychiatric treatment caused this insane fear of the mothers of my children and government. Please follow the law and let me use the law that I believed my children were going to be kidnapped forever. Please allow me to use the same law the police use 'where they thought or immagined they were in danger even though they weren't.'

I was threatened to the point where I went insane from fear down to the very bottom of my soul for

my daughters, Kimmy and Chantel. Why do I have the additional burden of having to prove I was completely insane? While the police only have to say 'I thought I was in danger' even though they were not. For the police it is the courts responsibility to prove that the police didn't believe or think they were in danger. I want to be able to use the law that the police and government use to defend themselves. I want the courts to have to prove that I never thought for a moment that my children were in danger of being kidnapped or ~~the~~ taken from me, ~~for every~~ period. If the law only applies against the people and not to the police and government then we have lost our freedom.

I know what happened is horrible. Poor Sheri died because I believed her threats. I should never have believed Sheri's threats against me and

my daughters. I nelt and prayed where Sheri died. It was very emotional. I promised on Sheri's blood, on where she died, some how, some way some good would come from her death. That her ~~dea~~ sacrifice would not be ~~for nothing~~ in vain.

A small start to this would be for the state to admit that the kidnapping of Kimmy in 1991 caused the psychological problems that eventuality lead to Sheri's death.

If the courts will not allow me to use the law that the police use for justifiable homicide. Please at least tell the truth. Tell the truth how my daughter Kimmy was kidnapped and used for extorsion. How it just destroyed me to have every principle of honesty and kindness broken. How it shattered my faith in marrage and the court system. How I ended up with P.T.S.D. from having my daughter

kidnapped. How for 9 yrs. everytime I went to pick up or drop off Kimmy I was terrified of having her kidnapped again. How every place I have worked for last 20 yrs. somebodies had their children taken from them. How it took 6 lawyers 9 yrs. just to get a vaction with Kimmy. How I have never been able to take Kimmy out of daycare when I wasn't working. How for 4 months when I was injuried I had to pay for daycare and could not even take Kimmy out of daycare when I was only 2 miles from the daycare. How my wife had armed men with guns come into house, ~~and~~ drag me off to a windowless dungeon, kidnap my daughter, take my house that I bought before I was married and take everything I had worked for my entire life. How my wife after having my daughter Kimmy

Kimmy kidnapped for 7 months threatened "My lawyer and I are trying to make it so you never see Kimmy again." How I believed it. How I was extorted out of my house and terrible visitting rights with my daughter. Please tell the truth of how for 9 yrs I was constantly abused with threats of 1st having Kimmy kidnapped and then when Chantel was born I was threatened with having her kidnapped too. I am so sick of the lies. I want you to please tell the truth so we can fix the system that caused me to believe my daughters were in danger. Tell how I was ~~emotiona~~ emotionally and mentally prepared to have Chantel kidnapped by her mother even before Chantel was even born. How this would not have happened if Sheri had limited her threats to Chantel only. But when Sheri included threats of getting together with my X wife and make it so I never

see either Kimmy or Chantel, I went insane. How it is not uncommond to go insane when a parent believes their children are in danger. How I went insane trying to protect my children from being kidnapped and ~~to~~ taken from me forever. I know I should not have believed this, but I did! It was instint to protect my children. ~~It~~ It is just plain crazy that I would have believed my children would be kidnapped and I would never see them again.

Please tell that this would not have happened if Sheri had not picked the lock and chased me until I was cornered, screaming 'I'll get together with your X and we'll make it so you never see Kimmy or Chantel again... I got you, I got you, you'll never see your children again' I believed it and did things I would never do if I had not believed and gone/been

insane.

Please tell the truth so this never happens to another woman, man, family or children again. I have faced the possibility of death many times in my life through work or life experiences. But nothing has so effected me as having my kids kidnapped. Tell the truth so this never happens to another family or woman like poor Sheri again.

Please tell how this would not have happened if when I called 9-1-1 I could have ~~gotten~~ got Sheri out of my house without the fear that the police would come arrest me, take my children, house and everything I had worked my entire life for. If when I asked for a restraining order against Sheri this wouldn't have happened.

I believe that these are the reasons why the prosicutor originally recommended the

very lowest range, removed the wepons enhancement and allowed me to ask for an eqeptional sentance below the standard range. I have not gone to the law library for 2 yrs. and it is impossible to go for at least 10 days. I remmember from 2 plus yrs. ago the sentencing guide lines stating grounds for an eqeptional sentence below the standard range are; if for years the perputrator was abused by the victim. certanly having your children kidnapp and used for extorsion ~~qufies~~ qualifies as abuse. certanly being hit and threatened to have your children taken qualifies as abuse. If it qualifies as rape it must qualify as ~~a~~ abuse.

I'm not sure where to end. I love my daughters Kimmy and Chantel. I have not seen or heard from

them for almost 7 yrs. My thoughts of Kimmy, running, laughing, hugging me and saying "Thank you daddy" have not ended. Nor have my thoughts of Chantel ended, of having her learning to walk, her wanting me to carry her of her crying for me if I wasn't holding her. I hope my memories of Kimmy and Chantel never end.

Please grant my appeal for the reasons the lawyer has stated. Also please grant my appeal based on I believed my children would be kidnapped for ever.

P.S. I debaited with myself if I should send this in. I am ~~off~~ afraid ~~that~~ that the prosecuting attorny will turn everything around and make it into a great big god dam lie. I watched a show on the History channel and it gave

me strength. The show was about the gestapo in World War II N.A.Z.I. Germany. In the show it told of how a accusation could get you sent to a consentration camp and almost certain death. For some reason this has given me strength to fight for the truth.

Respectfully
Peter Lindahl 10/4/07