

COURT OF APPEALS  
DIVISION TWO  
OF THE STATE OF WASHINGTON

FILED  
COURT OF APPEALS  
DIVISION II

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STATE OF WASHINGTON  
BY [Signature]  
DEPUTY

STATE OF WASHINGTON )  
 )  
 Respondent, )  
 )  
 v. )  
 )  
 JERALD A. HANSEN )  
 (your name) )  
 )  
 Appellant. )

No. 36116-7-II

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

I, Jerald A. Hansen, 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

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(PLEASE SEE ATTACHED PAGES)  
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Additional Ground 2

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

Date: 17<sup>th</sup> March, 2008

Signature: [Signature]

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1) Ineffective Assistance of Counsel--Both Mr. Brintnall & Mr. Barrars' refusal to provide adequate defence.

A) The court appointed Mr. Brintnall as Mr. Hansens' attorney on Oct. 12, 2005. Mr. Hansen fired his attorney on July 21, 2006, because of his refusal to return call's, make appointment's & investigate his case. In 9 month's Mr. Brintnall interviewed 1 client & did no other work on case. At the time Mr. Hansen fired Mr. Brintnall, it was 1 month to trial. Mr Brintnall lack of professional & refusal to represent Mr. Hansen damaged Mr. Hansens' defence with regard most specifically to time. Prosecution had from June of 2005 to February 2007 to work on there case, while Mr. Hansens' intrest were largely ignored. (RP 31-35)

B) The court appointed Mr. Barrar of Vancouver Defenders on July 21, 2006; This gave Mr. Barrar approximatly 6 month's to prepare the defence. However, Mr. Barrar refused to prepare any defence, for Mr. Hansen, nor would Mr. Barrar follow any of the suggestion's, recomendation's, or specific instruction's of his client. Mr Hansens' specific issues with Mr. Barrar's professional incompetence are as follow's:

- A) Withholding Evidence
- B) Refusal to investagate or utilize court appointed resourceses. (mortgage & financial expert, private investigatore)
- C) Refusal to answer Mr. Hansens' question's regarding his case.
- D) Refusal to follow Mr. Hansen's express written & verbal instrustion's.

- E) Refusal to contact key witness. ie Sheryl Perrie.
- F) Refusal to make contact and call Jenifer Brown as a key witness. Mrs. Brown testimony was of supreme & vital importance as she was physically present at 58 out of 68 of the transaction charged. Jenifer Brown was Mr. Mr. Hansens' licensed, WA State Notary and could have provided first hand direct testimony as to the truth of Mr. Hansens' own testimony, regarding that in each of the 58 count's she was present could have testified that Mr. Hansen did in fact go over the MPAP program with his client's that in fact each and every one, had requested the MPAP program.
- G) Mr. Barrar refused to contact any potential defence witnesses as instructed by Mr. Hansen. (RP 70-84, 677, 762, 855-863, 878-882)
- C) MR. Barrar intentionally lied to the court & Mr. Hansen. He told the Court and Mr. Hansen that he was in fact contacting, interviewing, subpoenaing witnesses, when in fact he was not. Mr. Hansen was not aware of this until the week prior to trial in Feb. 2007, When he went to the courthouse & requested a copy case on his file & discovered no subpoenas had been requested by Mr. Barrar, for defence witnesses. Mr. Barrar specifically lied to the Judge, in court when he told the Judge that he was about halfway through interviewing the 60 states witnesses (RP 52-53, 60-64, 70-81-, 855-863) and interviewed only 3 of the more than 70 defence witnesses he was instructed to contact by Mr. Hansen.

D) Defence Counsel, Mr. Barrar, refused to listen to or honor Mr. Hansens' instruction's & motion's for a continuance, displaying an adversarial attitude toward his client discouraging of his duplicity in preparing a defence. (RP 70-84)

E) Mr. Barrar threatend to abandon Mr. Hansen to his own defence after statement made by Mr. Hansen to the court on opening day of trial, prior to jury selection. (RP 857-858 )

F) Defence Counsel, Mr. Barrar, deprived Mr. Hansen right to be present at all trial proceeding's, when he waived Mr. Hansen's presence during trial, without consulting Mr. Hansen, nor having obtained his permission. (RP 837-840)

G) Defence Counsel, Mr. Barrar, did not follow up, represent or defend Mr. Hansen in any way between the date of conviction, Feb. 13, 2007 & Sentencing, March 16, 2007. Mr. Hansens' family had to contact character witnesses & statement's from those who had desired to testify on Mr. Hansen behalf. a primary example is Mrs Perry, The letter from Mrs. Perry is in the record & filed. (RP 860-863)

H) Defence Counsel, Mr. Barrar, never presented the prosecution nor the court on behalf of Mr. Hansen, in excess of 300 additional document's, proving that phisial evidence to support his innocence. (These documents included records of MPAP clients, client refund check's, stubs, bank statments, setelment statements, phone bill's etc.) In addition, there were 9 pages of question's prepared by Mr. Hansen for Br. Barrar to ask defendent while on the stand, which Mr. Barrar then refused to do. (RP 855-863)

2) Count 1- Sheryl Perrie- No Ground for Charge.

A) Prosecution dropped count 33 because a refund had been to the client. This demonstrates an inconsistency on the part of the prosecution, as they would not do so on the 1st degree theft charge. Mr. Hansen believes' this is due to their ability to apply a lengthier and more serious punishment if convicted. The refund to Mrs. Perrie was made many months before charges had been filed, and at Mrs. Perry request. (RP 54-57, 736-746, 823-825) (Exhibit 1-227-check)

PLEASE NOTE: An undisclosed count Mr. and Mrs. Jeff & Jenifer Browns' count had been also dropped because prosecution did not want them to testify.

FURTHER NOTE: That Sheryle Perrie did not testify at trial.

B) Mr. Hansen contends that count 1 being the most serious legally speaking & therefore the count by which sentencing guidelines are considered, the defence should have given this charge exceptional focus. However, given the fact that Mrs. Perrie was not present to cross examine. (RP 882, 856)

PLEASE NOTE: That Sheryle had requested to testify at the trial.

3) Court Appointed Counsel-Brintnall & Barrar- Refusal to Follow Court Explicit Instructions Regarding Co-Counsel. Despite court explicit instruction's to work together for a couple of weeks to help Mr. Barrar utilize the year lost of supposed defence preparation, Mr. Brintall & Mr. Barrar refused to do so. (RP 16-17, 26, 31-35, 39-41, 73, 75-76)

4) Count 54- Mrs. Kopp- Prosecution used testimony from witness who was not present durring negotiations- testimony is inadmissable hearsay.

Mrs. Kopp testified that she did not have first hand knowledge of the morgage loan nor the MPAP program. Mr. Hansen contends that Mrs. Kopp statement is inadmissable hearsay and that count 54 should be dismissed. (RP 473-474)

5) Count 3- Mrs. Yoskitake- Prosecution used testimony from witness who was not present durring negotiations- Testimony is inadmissable hearsay.

Mrs. Yoshitake testified that her husband was actually the individual that contracted for the MPAP program. Mr. Hansen contends that she was not present durring the loan negotiations & that her testimony was inabmissable hearsay, therefore count 3 should be dismissed. (RP 412-417)

6) Perjury & False Testimony by state witness from Equity Corp.

Mr. Kane testified to the accuracy of the data on his empl- yers' database & the defence stated to the court that this was primary & indespensible to the state proving there case. (RP 62-64)

The state stated that Mr. Kane, company rep. for Equity corp was one of their primery witnesses & indespensible in proving there case. (RP 62-64)

Mr. Kane testified as to the accuracy of the data on his companys' database, infering that their database contained the entirely of the communication between Mr. Reed/Mr. Hansen & Equity Corp. (RP 111-149)

William Reed testified as to Mr. Hansens' being the person who discoused the program & that he was indeed considered a legitimate representative of Equity Corp. (RP 443-447)

Mr. Kane verified that multiple agents were allowed under one agent number, per. company guidelines. (RP 134-136)

Mr. Reed testified & confirmed the intention to have the agent association number transferred to Mr. Hansen. (RP 802)

State repeatedly & methodically hammered into the jury's mind that Mr. Hansen was not a representative of Equity Corp. and even badgered him about it on the stand. (RP 760-761)

Mr. Washington & Mr. Prall demonstrated conclusively the lack of accuracy on the part of Equity Corp. data base. Letters were provided from Equity Corp. to those clients which were nowhere in the data base, proving their error. (RP 503-505, 596-606)

Another demonstration of error were names on Equity Corp. data base that were not one of Mr. Hansens' clients. (Marian Gidevrees)(RP 777-778)

Mr. Hansen contends that this testimony puts in question, not only Mr. Kane's testimony & accuracy in his company data base, but puts at question all of the states' allegations, that Mr. Hansen did not perform on behalf of his clients.

7) Unethical & Illegal Investigative Practices by Attorney  
Generals' Office & their Investigators.

The attorney generals office, in investigating this case unduly influenced all of Mr. Hansens' former client's. While he was prohibited from contacting any of his client's during the investigation & preparation for the trial & given his attorney refusal to interview them, his clients were coerced, lied to, influenced & threatened by the Attorney Generals' Office. Their investigative team and with regards to Sheryl Perrie was harassed at home & at work

PLEASE NOTE: That Sheryl Perrie was one of Mr. Hansens' requested witnesses, to have testify on his behalf.

FURTHER NOTE: That Sheryl Perrie had requested to testify, However, the state felt that this would not help there case against Mr. Hansen,

Mr. Hansen Employer, Shon Weeb, was threatened with a suspension of his brokers' license & closing of his office if he did not send client files to the AG's office, despite the fact that certian clients had informed the AG's office and Wind Rivers', CCC that that they were not give files. Mr. Hansen ex wife was called in the midst of the trial & told Mr. Hansen was implicating her in his scheme & trying to make her responsible for criminal act's. This was furtherest from the truth. In addition to the letter's sent to all former clients & the call's, questions & invettigative practice put in question their whole case. (RP 859-860)

- 8) Charges 3, 8, 62, 63, 64, 65, 66, 67, 68 Should all be dropped, due to Court order/no contact order imposed by former employer Country Home Finance & their legal department.

On December 14, 2004, Mr. Hansen was fired by Country Home Finance and told that he could no longer contact any client's he had originated business with during his employment. The consequence's of his complying with their legal department had a detrimental effect on those clients who had loans and MPAP program's closing on or following September 1, 2004. Due to the nature of the time lines necessary to be followed in initiating the program, December 2004 was the earliest date that the above mentioned count's could be followed through on. The implication of the no contact order precluded Mr. Hansens' ability to follow through these 9 client's.

Mr. Hansen had been informed by Country Home Financing that it would be them that would be doing the closing of these 9 loans. Furthermore, it was Country Home Financing that recieved the \$30-40,000.00 in commission's. It was also there responcebilty to fullfill the terms of said loan's not Mr. Hansen, given the fact that he was no longer handling the loan's.

Mr. Hansen contends that he was legally barred from compleating the above meantioned loans, and therefore said count's should be dismissed. (RP 631-632, 547)

- 9) Mr Hansen contends that this case should have been brought in as a Civil action rather than a Criminal action.

As it has been demenstrated here that Mr. Hansen was a legitimate Equity Corp. Representative, and given the fact that

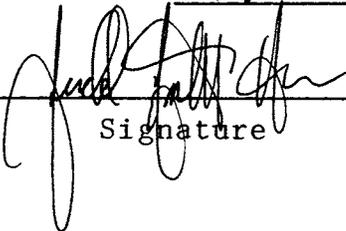
for each client who paid for the MPAP program, that program awaits their fulfilling of their obligation's in order for the program to comence, this should have never been a criminal matter. They paid for a program for which Mr. Hansen is and was prepared to fulfill his obligation to these clients, once they had provided Mr. Hansen the required document's, as instructed by Mr. Hansen. Mr. Hansen contends that none of the charged client's provided him with the required document's need to comence the MPAP program.

- 10) Judge Bennet-Clark County Superior Court-Failure to uphold and protect Mr. Hansens' Constitutional Right's.

Judge Bennet continued the trial absent Mr. Hansen. This was done without Mr. Hansen knowledge, or permission. (RP 837-840).

- 11) Mr. Hansen contends that the comulative effect of not only the argument's presented in this statement of additional grounds for review, but also the grounds outlined in his attorneys' brief, may of rendered his trial unfair.

Dated this 17<sup>th</sup> day of March 2008.

  
Signature

CERTIFICATE OF SERVICE OF MAILING

I certify under penalty of perjury under the laws of the State of Washington that I mailed a true and correct copy of the above " STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW", to Scott A. Marlow, Washington State Attorney General's Off, 800 5th Ave Ste 2000, Seattle WA. 98104-3188, and to Anne Mowry Crusser, Law Office of Anne Creser, P.O. Box 1670 124 N 1st Ste 4, Kalama WA. 98625-1501, by depositing same in the United States Mail, first class postage pre-paid.

Dated this 17<sup>th</sup> day of March 2008.

Presented By: \_\_\_\_\_

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