

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON)
)
 Respondent,)
)
 v.)
)
 BOB R. KASEWETER,)
)
 Appellant.)

No. 36234-1-II

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

2007 OCT 30 PM 5:44

FILED
COURT OF APPEALS DIVISION
STATE OF WASHINGTON

I, Bob Kaseweter, 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

CERTIFICATE OF SERVICE
I certify that I mailed
copies of 5
to L. Silverstein
& B. Shannon
11/2/07 Date KSC Signed

Additional Ground 2

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

Date: 10/25/07

Signature: Bob Kaseweter

Additional Background

At the time of the facts of April 23, 1992, Roderia Ogle was 21 years of age and at Kaseveter's trial stated that she had been living at her parents' home in southwest Portland. 6/15/93 RP4. In that same testimony Ogle stated, "I usually didn't go to my parents' house at night." In response to defense counsel's comment, "But there were frequent times they didn't know where you were." (referring to Ogle's parents) Ogle testified, "they pretty much never knew where I was." 6/15/93 RP49. In contrast, at that time Kaseveter frequently spent time at Ogle's family home in response to repeated invitations from Ogle's parents and Ogle's brother-in-law. 6/15/93 RP34-35. Moreover, Ogle's parents had previously expressed that should Kaseveter visit their home and discover his name on the door he was encouraged to enter the unlocked residence to await the arrival of a family member.

Therefore to characterize Kaseveter's entry of Ogle's parents' residence, where Ogle was "incarcerated" (6/15/93 RP49) yet not actually staying, as entry of her residence for some sinister purpose or as an example of "erratic behavior" (CP 45-46) is disingenuous and misstates the facts. That Kaseveter visited the Ogle residence where during the preceding 2 1/2-3 years he had been repeatedly invited to spend time with members of the Ogle family would hardly be considered "emotional and erratic behavior."

Additional Background 2

Ogle and Kaseveter attended Easter worship services together in March/April of 1992. 6/15/93 RP9. Ogle testified that upon leaving the church that day she drove her vehicle to a Planned Parenthood office located "... about half a mile I think, maybe quarter of a mile" from the church. Ogle went on to state that while at Planned Parenthood she found a note that she believed had been written by Kaseveter. At no time during Ogle's testimony was it stated that the note had been placed on her vehicle while it was located at the Planned Parenthood facility, therefore to state that Ogle testified about Kaseveter "... following her to Planned Parenthood to leave a note..." (CP 45-46) misstates the facts of the case and creates the inference that Kaseveter was pursuing Ogle and that such action was

in some way menacing or threatening toward her. A more logical conclusion which more accurately reflects Ogle's testimony would be that any note written by Kasewater would have been placed on Ogle's vehicle during the period when the two were attending church on Easter morning and that Ogle's subsequent discovery of the note occurred after she traveled the short distance from the church to the Planned Parenthood facility.

Additional Ground 3

According to Judge Judge's findings, he also found that Kasewater's use of Kasewater up to a week prior to the murder of Dr. King was not a subordinate no government role of the CIA and its parts. Kasewater would be responsible for this country's employment and a capacity to meet on the ground to exchange information, bank and deposit information, and engage in a number of activities related to the operations of the CIA. Kasewater in writing for the CIA on 6/15/93 FBI, 3. 10/3/93.

Ground 3 is one of the aspects of the relationship between Kasewater and Donohue, that being evidence of the agreement of a plan establishment, to a plan of conspiracy or cooperation, leading to testimony stating that Kasewater and Donohue "discussed something" and that "Kasewater remains an object to Donohue's CIA" (CDUS-116) requires a significant degree of cooperation and assistance of the CIA to achieve multiple objectives.

Additional Ground 4

Additional testimony made by Robert Shannon during the trial was interrupted and pointedly asked "whether a jury could have found Donohue guilty of these crimes without that evidence, (referring to Judge's findings recorded testimony) what evidence besides Mr. Shannon's recorded testimony, forgetting that recorded testimony, what is left from which a jury could have found beyond a reasonable doubt that [Kasewater] was an accomplice to the crime?" Mr. Shannon's reply was, "I would say that it would be difficult for the state in that situation, 10/25/93, p. 141. Judge Judge continued the exchange with Mr. Shannon and stated, "Okay. But you're in agreement that

the circumstantial evidence by itself would not be enough to convict [Kaseweter], that's what I am trying to find out." So when Mr. Shannon says, "I would say that's possible Your Honor." 10/25/06 CP143 Given the politeness of inquiries by Judge Lewis and begrudgingly forthright responses provided by Mr. Shannon it is apparent that the state possesses no physical evidence of Kaseweter's involvement in the commission of an crime. Moreover, absent such evidence the sole factor being used by the state to suggest Kaseweter's culpability is the now recanted trial testimony of James Shirk. Yet according to the court's own ruling James Shirk's original testimony was "inordinately influenced" by his brother and nothing James Shirk has said is reliable. CP45. In this instance the state has expressed that it would be difficult to convince a jury of Kaseweter's complicity based solely on the circumstantial evidence. And the court has ruled that the testimony of James Shirk is not reliable. If the circumstantial evidence is insufficient, and the trial testimony used to convince the jury has been ruled not reliable, on what basis was Kaseweter's petition for a new trial denied?

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DECLARATION OF MAILING OR DELIVERY

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the below date, a true copy of the document filed under **Court of Appeals No. 36234-1-II** to which this declaration is affixed/attached, was mailed or caused to be delivered to each attorney or party or record for respondent: **Robert Shannon - Clark County Prosecuting Attorney**, appellant and/or other party **Jacqueline Mc Murtrie - UW Law Clinic**, at the regular office or residence or drop-off box at the prosecutor's office.


MARIA ARRANZA RILEY, Legal Assistant
Washington Appellate Project

Date: October 30, 2007