

Original

WASHINGTON STATE COURT OF APPEALS
DIVISION TWO

Case # 36428-0-II

STATE OF WASHINGTON

VS.
Richard Brown

Correcting Error of Law in
Resurrection this Hour for U.S.C.A.
Magnitude

Appellate Attorney
Catherine E. Glinski , Attorney at Law
P.O. Box 761
Manchester, WA. 98353-0761

FILED
COURT OF APPEALS
DIVISION II
07 SEP 19 PM 12:21
STATE OF WASHINGTON
BY *mm*
DEPUTY

Thesis review " When a U.S.C.A. right is
attacked shouldn't Appellate Review
Determine a Reversal of Conviction

from THIS STATEMENT OF ADDITIONAL GROUNDS RULE _____

Aquittal for Brown becomes the analysis of a Jury
instruction with unconstitutional presumption see
Bollenback V. U.S., 1946,66 S.Ct. 402,405-406,
326 U.S. 607,614-615,90 L.Ed.350

APPELLATE BRIEF

STATEMENT OF ADDITIONAL CONSTITUTIONAL GROUNDS

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TO: Washington state court of appeals
Division Two Case # 36428-0-II
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To: Appellate Attorney= Catherine E. Glinski
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Randel Avery Sutton or Administrator
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614 Division St.
Port Orchard, WA. 98366-4681

From: Rick Brown # 904307
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State of Washington

vs.

Richard Brown

RELIEF REQUEST

Case # 36428-0-II

Case # 07-1-00446-6 Kitsap

U.S.C.A. Constitutional Resurrection

Relief Requested

Defendant moves the court for an order granting leave to amend its answer to assert a new theory of defense which was not raised in the original answer, but which was tried by the consent of the parties at the trial of this action, and which conforms to the evidence presented at the trial. The new theory of defense is (The court ruled that the prosecutor's motive in obtaining the evidence was to prepare for a trial, which was an abuse of process, see In re Grand Jury Proceedings (Appeal of Johanson) 632 F.2d at 1041), Winston, 40 Wash. at 274, Defense counsel's failure to inform the trial court of Mr. Quintero Morelos's alien status is excusable neglect under the rule and constitutes negligence sufficient to raise the circumstances referred to in Winston.

In re Pers. Restraint of Stenson, 153 Wn.2d 137, 146, 102 P.3d 151 (2004). If the language of a criminal rule is susceptible to more than one meaning, the rule lenity requires that we strictly construe it against the State and in favor of the accused. see State v. Gore, 101 Wn.2d 481, 485-86, 681 P.2d 227 (1984) I lost communication with my appellate attorney with submitted letters copy to Court of Appeal.

REILIEF REQUESTED

U.S.C.A. Constitutional Resurrection

Fraud on the court Review

Prosecutorial Mismanagement

case # 36428-0-II (C.O.)

"A conviction obtained by the introduction of perjured testimony violates due process if (1) the prosecution knowingly solicited the perjured testimony or (2) the prosecution failed to correct testimony it knew was perjured.. A new trial is required if the false testimony could in any reasonable likelihood have affected the judgment of the jury." see United States V. Vaziri, 164 F.3d 556, 563 (10th Cir. 1999)

(Criminal procedure, Fifth Amendment , p. 350)

IN THE COURT OF APPEALS DIVISION TWO
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON) case # 36428-0-II
) case # 07-1-00446-6 Kitsap
VS.)
)
Richard Brown)
)

Fraud on the Court review

Almost all of the principles that govern a claim of fraud on the court are derivable from the Hazel-Atlas case. the power exists in every court. If the fraud was on an appellate court, that court, rather than the trial court, should consider the matter " see Hazel-Atlas Glass Co. V. Hartford Empire Co., 1944, 64 S. Ct. 997, 1002-1003, 322 U.S. 238, 247-250, 88 L.Ed. 1250, 88 L.Ed. 1250

Prosecutorial mismanagement

When the prosecutor presented three counts of Delivery to the Court and proceeded to trial, the Jury recieved a double Jeopardy procedure that defrauds the judicial process and mr. Richard Brown was convicted on Delivery of a Controlled Substance,, Because of this Mistake this becomes a Appeallate review for the Constitutional merits and U.S.C.A. 5 Amend.

STATEMENT OF FACTS

case # 36428-0-II

case # 07-1-00446-6 Kitsap

FRAUD UPON COURT REVIEW

CONSPIRACY THEORY:

According to In Re Finch, 156 Wash, 608, 287, P.677,
Wash. , May 06, 1930 Mr. Brown was never taken from Jail to
attend the motion of limine heavy violation of U.S.C.A. 6 Amend
should the investigation for motion in Limine be granted
then the possibility of Error of Law is Manifested
see State V. Harrison, 148 Wash. 2d 550, 61 P.3d , 1104 Wash.
Jan. 23, 2003

According to Conspiracy how is State V. Sykes, 27 Wn.
app. 111, 615 P.2d 1345 (1080) guilty Verdict
Reversal of Conviction. Mr. Richard Brown was Conspired
against while the elements, cross-examination, police fraud
with Prosecutorial mismanagement prevented the Jury from
having competence to release Mr. Brown. th
The United States main function of the Sixth Amendment guarantee
is to see that Mr. Brown receive a Fair Trial.

But to convict with - out the right of confrontation
of witness violates Constitutional rights and promotes
Fraud upon the court in giving Mr. Brown a unjust guilty verdict.
This conviction is in violation of the U.S.C.A. 5,6,14 Amend.
and should be reversed on review of Appellate Court/Commissioner

case # 36428-0-II

case # 07-1-00446-6

THE MIRAND WARNINGS REVIEW

The court failed to grant mr. Brown the review of the police report and cross - examine them before trial and during. His public defender never objected see State V. Holland, 98 Wn.2d 507,656 P.2d 1056 (1983) "incriminating statements made by a juvenile to a mental health professional prior to a juvenile court decline hearing are privileged under the Fifth Amendment) While having a Motion in Limine without the right to confront the evidence violates the U.S.C.A. 6 Amendment to receive a Fair trial.

double Jeopardy review

The prosecutor present *THREE COUNTS OF DELIVERY to the Court and to the Jury, according to State V. Linton 132 P.3d 127, Wash. Apr. 13, 2006 how is multiple violation from one substance developed when a defendant is convicted of multiple violations of the SAME STATUTE the Double jeopardy analysis focus on what the legislature intends as the unit of prosecution in order to determine, the First step is to look at the statute: see State V. Leyda 157 Wash. 2d 335,138 P.3d 610, Wash. Jul. 20, 2006

STATEMENT OF THE ISSUE

case # 36428-0-II

case # 07-1-00446-6 Kitsap

EMPEACHMENT OF EVIDENCE REVIEW

On 5/09/07 Because Failure of State of wash. kitsap county to include a Lesser offense of The element of the crime of delivery, from No Authenticated police report , Mr. Brown was denied review for competency of Evidence developpe by the police of Kitsap County . see U.S.C. violation 5,6 Amend in State V. Soh, 115 Wash. App. 290, 62 P.3d 900, Wash. App. Div. 1, Feb. 03, 2003 (Where prosecutorial misconduct has materially affected Right To Fair Trial, Rule of Criminal procedure permitting trial court to dismiss crininal prosedure due to arbitrary action CrR 8.3 8.3 (b) dismissal= Empeachment of E Evidence.

WITNESS FAILURE TO REMEMBER

See State V. Newbern, 95Wn, App. 277, 975

Witness failure to identphy fraud on Court, see U.S. V.W.R. Grace, 434 F.Supp. 2d 861, D.Mont. April 25, 2006

The Right of confrontation," Mr. edwards also argues that detective quist's testamony violated his constitutional right to confront his accuser, see Crawford V. Washington 541 U.s 36,68,124 S.Ct. 1354, 158L.ed 2d 177 (2004)

EVIDENCE RELIED ON

Case # 36428-0-II

Case # 07-1-00446-6- Kitsap

EXCLUSIONARY MOTION OF MARANDA WARNINGS

Declaratory statements intended to affect the person-ality and psychological makeup of the suspect may constitute interrogation p. 857 of Washington Practice" see United States v. Grant, 549 F.2d 142 (4th Cir. 1977) and 435 U.S. 912,98 S.Ct. 1463 ,55 L.Ed.2d 502 (1978) conviction of co-defendant vacated on other grounds. In Richard Browns case the Codefendant a un-authorized police employee made a sale to Brown who recieved marked money but never delivered

Prejudicial Error review.

"A person may have constructive possession even if he controls the substance through an agent, see D.C.-U.S. V. Staten, 581 F.2d 878,189 U.S.App. D.C. 100

Distributing review of Narcotics

"The Term "distribute" is not restricted to distribution to the ultimate consumer, but may, in appropriated circumstances, refer to distribution from one conspirator to another see U.S.-U.S. v Pool, C.A. Fla., 660 F.2d 547

IN THE COURT OF APPEALS DIVISION TWO

IN THE STATE OF WASHINGTON

STATE OF WASHINGTON) Case # 36428-0-II
))
) Case # 07-1-00446-6
))
))
RICHARD BROWN))
))

REVERSAL OF CONVICTION POSSESSION

"On a charge of illegal possession of a narcotic, legality of the possession is a matter of defense which must be asserted by accused " C.J.S. p.810" see State v. Sanders, Div. 1, 832 P.2d 1326,66 Wash. app. 380, opinion corrected.

Exclusion
Reason

Case # 36428-0-II

Case # 07-1-00446-6

What is a Delivery for explanation

" The terms "deliver" or delivery" mean the actual, constructive, or attempted transfer of a controlled substance or attempted transfer of a controlled substance or a listed chemical, whether or not there exists an agency relationship see 21 C.J.S. § 802 (8) , (p. 819 C.J.S.) According to State V. Smith 87 Wn. App. 254, 941 P.2d 691 Court Reverse the Judgement, " Holding that a reconstruction of sworn testimony given by a police officer over the telephone in support of a warrant to search the defendant's premises was invalid in that it was based solely on the officer's notes and testimony, and that evidence seized pursuant to the warrant should have been suppressed, " p. 255 Aug. 1997) see Superior Court for Clallam County, Case # 94-1-00058-5, W. Brent Basden and Wolfley Hoffer & Basden, P.S., for Appellant (appointed counsel for appeal) for Thomas Whitcomb Smith, Appellant.

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case # 07-1-00446-6 Kitsap

Constitutional violation from Kitsap Co. review

U.S.C.A. 6 Amend violation

Mr. Richard Brown was denied the *RIGHT TO CONFRONT
STATES WITNESS,, SEE State V. Edwards, 13 Wn. App. 611,128 P.3d
631

Where in Crawford V. Washington 541 U.S. 36,68,124 S. Ct. 1354
,158 L.Ed ,2d 177 (2004)

Resurrection of constitutional Magnitude

Jury Instruction Fraud.

" without the right to confront the evidence, may pierce the
heart of legal process for Mr. Brown. to proceed toward trial.
where a statement from constitutional Impermissible factor allows
the jury to determine the sentence based on emotional factors "
see McCleskey, 481 U.S. at 291 N.T.(* violation of equal
protection to base enforcement of criminal Law on unjustifiable
standard such as Race, Religion,admission of evidence of
nonstatutory aggravating factor" *Opens to Wide a Door
for the influence of arbitrary factors, See Bartholmen
I, 98 Wn.2d at 195/ and murder, State V. Gentry 125 wn.2d
570.88 P.2d 1105

on

case # 36428-0#II

case # 07-1-00446-6 Kitsap

Noticeable Trial Court Error

On the Series of Event, See document # 1 the State information does not match Richard Browns case for the interpretation of What is the element of a crime of delivery becomes null and void without a Transaction completed.

At Trial Mr. Brown asked his Public Defender to cross-examine the witness and was denied* Violates his U.S.C.A. 6 Amend guarantee

On 4/11/07 the Omnibus Order Violation describes no submission of the police report that was not authenticated. This violates Mr. Browns right to a fair trial.

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Keeping evidence from Jury develops the Exclusionary
review

RULINGS ON EVIDENCE:

Special considerations exist that may alter the applica-
-tion of the Rule in criminal cases. First is the question
of sanction. The defendant has no fear that an acquittal
obtained on the basis of inadmissible evidence suggested
to the jury will be reversed.

these constitutional considerations suggest the wisdom
of removing the jury rather than holding bench conferences
or hearings in chambers to comply with Rule 103 (c)

see Fred Graham, The Secret Trial of John Connally,
the New Republic, June 21, 1975, pp. 7-8

Plain Error review

"Even if a party fails to comply with the provisions
of Rule 103(a) requiring an objection or offer of proof
before evidentiary errors can be raised on appeal, a
reversal may be possible under the "plain error"
provision of Rule 103(d)

The Confrontation Clause

"For example the difference between a 9mm and .32 are
the elements of material facts that the State failed
to examine during police & laboratory examination.
Without the right to examine the "Impact of a bullet on
the Body" make a substantial claim for Acquittal for basis
of inadmissible evidence, .

Case # 36428-0-II

The Confrontation Clause may be violated by
permitting the jury to hear inadmissible hearsay
See Sir Walter Raleigh Loses Another One, 1972
8 Crim.L.bull. 99, 102-103

Constitution Due Process violation

The due process right to a fair trial may be violated if
the jury learns of other inadmissible evidence. See
Sheppard v. Maxwell, 1966, 86 S.Ct. 1507, 384 U.S. 333, 16
L.Ed.2d 600

Keeping Inadmissible Evidence from Jury

U.S.C.A. 6 Amend violation

An insufficient allegation of fraud or mistake
is subject to the liberal amendment provisions of Rule
15, New England Data Servs., Inc. v. Becher, C.A.1st
, 1987, 829 F.2d 286

Prosecutorial Misconduct "condition of the Mind"

by the rigid review of fraud or mistake, will become
right to reverse for U.S.C.A. remedies.

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INEFFECTIVE OF COUNCIL REVIEW 80% caucasian Bar members

ARGUMENT:

to explain why mr. Richard Brown did not receive
A fair trial we must examine the percentage of membership
within the legal law licensed guarantee for attorneys,,

(U.S.C.A.) Reversing disadvantage memorandum / Court Hour.

To reverse a Prim Facie disadvantage, Let's see the Hour
glass with sand inside this glass ball, where every pebble has
a meaning of being a solid form (that space is taken away
or its empowered by the member status of color which is
80 caucasian. see Personal Restraint of Hopkins, 137 Wn. 2d 897
976 P.2d 616(attorney representatives Nielsen, Broman & Ass
ociates, for Thomas J. Hopkins pro se.

To Honor this brief for Mr. Richard Brown would
establish the Integrity of the Judicial to function
properly in Correcting Error of Law and reversal of
his conviction.

case # 36428-0-II

case # 07-1-00446-6 Kitsap

Order to Expunge Record

Wherefor Order of Dismissal and Strike the Appellate
prosecutors Brief for Failure establishing the Rule of
Lenity. see delivery reversal of Conviction in State v.
Jackson, 82 Wash. App. 594, 918 P.2d 145, Wash. App. Div.2
July 12, 1996

Failure to Review Facts violation of U.S.C.A. 14 Amend.

Anytime a Acquittal is given the public Defender failure
to object reverses the Superior verdict of guilty because
the failure to object at sentencing grid where the
element of charge Delivery of a controlled substance is vague
and unannounced and open the door wide for failure of Justice
to reveal all the element of delivery. See State V. Comwell
127 Wash. App. 746, 112 P.3d, 1273, Wash. Div. 1, May 31, 2005
Requires the reversal of conviction for Mr. Richard Brown
because of the missing transaction never validated
at trial with a time card for review at the Motion in
limine Hearing subsequently disappeared from the court record.
Mr. Richard Brown was in Jail during hearing violated his
U.S.C.A. 6 amend.

LEGAL AUTHORITY

- Winston, 40 Wash. at 274, Appeal of Johanson, (Trial Abuse)
2. Language of Criminal rule, lenity see Stenson, 153 Wn.2d 137, 146, 102 P.3d 151 (2004) RRP, Reversal of conviction
 3. State V. Gore, 101 Wn.2d 481, 485-681 P.2d 227 (1984)
 4. Hazel- Atlas Glass Co. V. Hartford Empire Co., 1944 64 S.Ct. 997, 1002-1003, 322 U.S. 238, 247-250 L.Ed. 1250 (Fraud on the Court by Pros & Public Defender
 5. Prosecutorial Mismanagement U.S.C.A. 5 amend, U.S.v. Montgomery, 210 F.3d 446, 454-55 (5th Cir. 2000
 6. In Re Finch, 156 Wash, 608, 287, P.677, Wash. May 06, 1930
 7. State V. Harrison, 148 Wash. 2d 550, 61 P.3d, 1104 Wash. Jan. 23, 2003
 8. State V. Sykes, 27 Wn. App. 111, 615 P.2d 1345 (1080) Guilty Verdict reversal of Conviction
 9. State V. Holland, 98 Wn.2d 507, 656 P.2d 1056 (1983)
 10. State V. Linton 132 p.3d 127, Wash. Apr. 13, 2006 (multiple violation, same statute, is double jeopardy)
 11. State V. Leyda 157 Wash. 2d 335, 138 P.3d 610, Wash. Jul. 20, 2006
 12. State V. Soh, 115, Wash. App. 290, 62 P.3d 900, Wash. App. Div. 1, Feb. 03, 2003 (empeachment of Evidence)
 13. State V. Newbern, 95 Wn, App. 277, 975 (witness failure to remember) (U.S.C.A. 5, 6)
 14. Crawford V. Washington 541 U.S. 36, 68, 124 S.Ct. 1354 158 L.ed 177 (2004) (right of confrontation U.S.C.A. 6)

LEGAL AUTHORITY

15. State V. Sanders, Div. 1, 832 P.2d 1326, 66 Wash. App. 380, reversal of conviction narcotic possession
16. State V. Smith 87 Wn. App. 254, 941 P.2d 691 (reversal of conviction)
17. State V. Edwards, 13 Wn. App. 611, 128 P.3d 631
18. State V. Gentry 125 Wn. 2d 570.88 P.2d 1105
19. Personal Restraint of Hopkins, 137 Wn. 2d 897, 976 P.2d 616 (reversal of conviction, drug, delivery, attorney Nielsen, Broman & associates., for thomas j. Hopkins)
20. State V. Jackson, 82 Wash. App. 594, 918 P.2d 845, Wash. App. Div. 2, July 12, 1996 (delivery reversal of conviction)
21. Failure of Justice, State V. Comwell 127 Wash. App. 746, 112 P.3d 1273, Wash. Div. 1, May 31, 2005, (reversal of conviction)
22. State V. Colquitt, P.3d, 2006 WL 1768099 Wash. App. Div. 2. June 19, 2006 (U.S.C.A. 5)
23. State V. Sonneland, 80, 2d 343, 494 P.2d 469, Wash. March 09, 1972) [U.S.C.A. 6 Amend]
24. State V. Gaines, 154 Wash. 2d 711, 116, P.3d 898, Wash. Jul. 28, 2005 [U.S.C.A. 4]
25. Fraud, insufficient authentication of police report Burmeister V. State Farm Insurance Co. 92 Wn. App. 359, 966 P.2d 11
26. Lesser Restrictive Alternative, see State V. Swiger, 149 P.3d 372, Wash. Dec. 21, 2006 [# 78097-8]
27. State V. Law 154 Wash. 2d 85, 110 P.3d 717, Wash App. 21, 2005 [Delivery, reversal of conviction , controlled substance]

LEGAL AUTHORITY (federal)

1. United States V. Grant, 549 F.2d 942 (4th Cir. 1977)
and 435 U.S. 912,98 S.Ct. 1463,55 L.ed.2d 502 (1978)
2. U.S. V. Staten, 581 F.2d 878, 189 U.S. App. D.C. 100
3. U.S. v. Pool, C.A. Fla., 660 F.2d 547 (p. 15)
prejudicial error review
4. Bollenback V. U.S., 1946,66 S.Ct. 402, 405-406,
326 U.S. 607,614-615,90 L.ed.350
front cover (Acquittal)
5. Holloway V. Arkansas, 1978,98 S.Ct. 1173,435 U.S. 475
55 L.Ed.2d 426 (Improperly requiring Joint representation
over timely objection necessitates automatic reversal of
conviction,since prejudice is presumed.
6. McCleskey, 481 U.S. at 291 N.T. (violation of equal
protection)
7. Sheppard V. Maxwell, 1966, 86 S.Ct. 11507,384 U.S. 333,
16 L.Ed. 2d 600 (Constitution Due Process violation 14)
8. Inadmissiable Evidence, see New England Data Servs., Inc.
V. Becher, C.A. 1st, Becher, C.A.1st, 1987, 829 286
9. Brookhart V. Janis,384 U.S. 1,3,16, L.ed.2d 314
86 S.C.t. 1245 (1966)
10. Smith V. Illionois, 390 U.S. 129,131,19 L.ed 2d 156, 88
S.Ct. 748 (1968)
11. United States V. Zehrbach, 47 F3d 1252,1265 (3d Cir. 1995)

PROPOSED ORDER GRANTING
REVERSAL OF CONVICTION

case # 36428-0-II

case # 07-1-00446-6 Kitsap

CONCLUSION OF United States Constitution Merits
for review.

The State of Washington Kitsap co. Prosecuting attorney violated U.S.C.A. 5th amend in failure to present all the element of the charg of delivery.. where Delivery is not valid Because of the Unathentintificated Police report with the languag of Exclusionary Motion in Mirand Warning Violated Mr. Richard Browns U.S.C.A. 5th Amend see State V. Colquitt, P.3d, 2006 W1 1768099 Wash. App. Div. 2, June 29,2006

With the 6 Amend guarantee of United States Amendment you must have the giver and Buyer to make a Transaction valid* No Evidence came with Mr. Brown to Jail nor did it follow him as Evidence in Trial requires Reversal of Conviction in the U.S.C.A. 6 Amendment gaurantee, see State V. Sonneland, 80, 2d 343,494 P.2d 469, Wash. March 09,1972

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case # 07-1-00446-6 Kitsap

Conclusion: cont.

How is it that Mr. Brown can receive a unjust trial but according to Delivery of contrabanded substance the defendant charges were reversed on Appeal. see State V. Gaines, 154 Wash. 2d 711 116 P.3d 193, Wash. Jul. 28, 2005 (U.S.C.A. amend 4= Police and suppression of evidence illegal searched, Fraud review when the police did not authenticate the report in Burmeister V. State Farm Insurance Co. 92 Wn. App. 359, 966 P.2d 921 , shouldn't Mr. Brown Release on Personal recognances a Proposed less Restrictive Alternative would be in the best interest, see state V. Swiger, 149 P.3d 372, Wash., Dec. 21, 2006 (# 78097-8) Delevery reversal of conviction see State V. Law 154 Wash. 2d 85, 110 P.3d 717, Wash. apr. 21, 2005, Because of Prosecutorial mismanagement Mr. Brown's United States Constitutional 6 Amend has been Violated. Where the Fourteenth Amendment of Confession of Witness becomes deprivation of liberty.

Case # 36428-0-II

Case 07-1-00446-6 Kitsap

Constitutional Error of 1st Magnitud review

...According to Chambers at 294" I believe the Majority opinion deprives John Parris of one of the Most fundamental rights of our system of Justice-* The right to Confront and cross-examine the chief witness against him..Petitioner was thus denied the right of effective Cross-examination which would be constitutional error of the *First Magnitude and no amount of showing of want of prejudice would cure it. (citation omitted)" see Davis V. Alaska, 415 U.S. 308, 318,39 L.ed. 2d 347 quoting from Brookhart v. Janis,384 U.S. 1,3,16, L.ed.,2d 314, 86 S. C.T. 1245 (1966) and Smith V. Illionois, 390 U.S. 129,131,19 L.ed2d 956,88 S.Ct. 748 (1968), Violation of that right requires that this Conviction be Reversed.

Reversal of Conviction is required

Mr. Brown Conviction should be reversed according to additional supports see State V. Valladares 31 Wn. App. 63

* Constitutional Law-Right of Confrontation-purpose the purpose behind the right given a criminal defendant by the SIXTH AMENDMENT OF THE UNITED STATES OF AMERICA: to Confront witnesses against him is to allow Cross-examination to test the perception, Memory, ~~Ed~~ Credibility and narrative powers of the Witness.

case # 36428-0-II
case # 07-1-00446-6 Kitsap

BIBLIOGRAPHY

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2. Federal Practice and Procedure, Wright, Published by
St. Paul, Minn, West Publishing Co. 1982
3. Riverside Webster's II, New College Dictionary
published by Houghton Mifflin Company,
4. Criminal Procedure Checklists, volume 1, fifth Amendment
2002 edition, by Michele G. Hermann
Publisher, West Group, 610 Opperman Drive, St. Paul,
MN. 55164 (tel. (800) 328-4880

NOTES

DECLARATION OF SERVICE

I, Richard Brown, certify that I deposited today in the internal mail system of McNeil Island Corrections Center a properly stamped and

addressed envelope directed to: Washington State Court of Appeals
Division Two case # 36428-0-II
950 Broadway, Suite 300
Tacoma, Washington 98402-4454

(2) Catherine E. Glinski
P.O. box 761
Manchester, WA. 98353-0761

(3) Prosecutor Office, Appellate
Randel Avery Sutton
MSC 35
614 Division St.
Port Orchard, WA. 98366-4681

Containing the following document(s): Legal Brief pages 1-24

Dear Court of Appeals Clerk please make copies of this Brief and mail copy to Catherine E. Glinski and Kitsap Co. Prosecutor address above

and mail a stamped date of entry page to Richard Brown.
THANK YOU VERY MUCH

FILED
COURT OF APPEALS
DIVISION II
07 SEP 13 PM 12:31
STATE OF WASHINGTON
BY _____ DEPUTY

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

Submitted this 11 day of September, 2007, at McNeil Island

Corrections Center, Steilacoom, Washington.

By Richard Brown
(Signature) D.o.C.# 904307
RICHARD BROWN
(Name, DOC # and Cell) B112/2
McNeil Island Corrections Center
P.O. BOX 88-1000
Steilacoom, WA 98388-1000

Case # 36428-0-II

case # 07-1-00446-5 Kitsap

Motion to Proceed with
Exhibits omitted from Trial
but noted after Acquittal of
on charge for Richard Brown.

STATEMENT OF ADDITIONAL GROUNDS

United States Constitutional merits.

I Richard Brown have filed my Statement of additional
Ground Sept. 11, 2007 approx.. where I have Read my
Appellate Brief of Defendant representative Catherine Glinski
I have noted she omitted the Exhibits of a Unauthenticated
police search and seizure where I have Exhibits to provide the
court of Arrest noted in Court and Trial of a Dog and Money.
But no reference to my \$1,750.00 U.S Currency that was
stolen from me at Arrest by the Bremerton Police Dept.

Evidence Relied on

the exhibit herein are 1. Notice of Seizure, March 14, 2007
Police report # 06-010965
City of Bremerton Police Dept.
Special Operation Group
P.O Box 2147
Bremerton, WA 98310

Exhibit # 2 Telephonic Hearing, Risk Management
superior Court of Kitsap County
Sept. 28, 2007

07 SEP 24 AM 9:39

STATE OF WASHINGTON
BY Amn
DEPUTY

IN THE COURT OF APPEALS DIVISION TWO

IN THE STATE OF WASHINGTON

STATE OF WASHINGTON)	case # 36428-0-II
)	case # 07-1-00446-5 Kitsap
VS)	
)	Statement of Additional
Richard Brown)	Grounds , Constitutional(U.S.C.A.)
)	

Addendum to Appellate Brief
of Richard Brown

The Brief of Richard Brown included unlawful Search and seizure that violates U.S.C.A. 4 and 5 Amend.

the Pros. Attorney Kate Sigafos and Public defender Craig Kibbe demonstrated conspiracy in Withholding Evidence of unlawful arrest that was noted in Court but not presented with test. Without the laboratory analysis Picture of Arrest or Dog or People involved this violated U.S.C.A 6 Amend * The Right of Confrontation, see Richard Browns notes of Statement of Additional Grounds.

The Appellate Defense Attorney Catherine Glinski left out the Names of the State of Washington Pros. Attorney and Public Defender, Hereing classified in the above paragraph. The somitted Evidence Violated Richard Browns Right to a Fair and Partial Trial and Promotes Prejudice

PREDJUDICIAL ERROR REVIEW

"Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith." p.345 § 404.1 Handbook of

case # 36428-0-II

case # 07-1-00446-5 Kitsap

Addendum to Statement of Additional Grounds

U.S.C.A. CONSTITUTIONAL GROUNDS

...(Handbook of Federal Evidence, by Michael H. Graham)

My Appellate representative gave reference to Rule 404 (b) but never developed the U.S.C.A. violation that the State of Washington Pros. Damaged in Withholding the Money that is erroneous action of a unlawful search and seizure where a testimony of a informant swayed the juror to acquitt Mr. Brown of Delivery of Controlled Substance bu convicted him on another Count of Delivery of controlled Substance Violated the U.S.C.A. 4 Amend.

REPUTATION OF CHARACTER

WHEN A FACT THAT REPUTATION MAY ENTER AS A METHOD of proving character, Rules 405 and 608. Over the years, owing perhaps to the far greater frequency with which it is encountered in criminal cases. see P.350, Handbook of Federal Evidence. "by Longstanding tradition the unfair prejudice to the defendant in being portrayed as a "bad man" is felt to substantially outweigh any probative value the evidence might possess see Michelson V. United States, 335 U.S. 469, 475-76, 69 S.Ct. 213, 218-19, 93 L.Ed. 168 (1948)

case # 36428-0-II/ case 07-1-00446-5 Kitsap

- Exhibit # 1 March 14, 2007 Search and Seizure
- Exhibit # 2 Court Transcript
- Exhibit # 3 Superior Court Seizure Hearing Sept. 28, 2007
- Exhibit 4 Statement of Additional Brief. (Sept. 10, 2007)
- Exhibit 5 Court of appeals Letter to Richard Brown
- Exhibit

— Trial May 8 2007

*US v. [unclear] v. [unclear]
4/5 [unclear]
exclusionary rule*



copy of Appeal #

36928-0-II

City of Bremerton Police Department
Special Operations Group
PO Box 2147
Bremerton, WA 98310

copy

NOTICE OF SEIZURE AND INTENDED FORFEITURE

TO: Richard James Brown (#2007002260)

RE: Report # 06-010965

Date of Seizure: March 14, 2007

YOU ARE HEREBY NOTIFIED THAT THE PROPERTY IDENTIFIED BELOW HAS BEEN SEIZED BY THE BREMERTON POLICE DEPARTMENT - SPECIAL OPERATIONS GROUP UNDER AUTHORITY OF RCW 69.50.505 (a) AND (b). THE ARTICLES SEIZED ARE:

Currency \$750.00

THE INTENT OF THE BREMERTON POLICE DEPARTMENT SPECIAL OPERATIONS GROUP IS TO HAVE THE ABOVE DESCRIBED PROPERTY FORFEITED PURSUANT TO RCW 69.50.505 (c). THIS STATUTE STATES THAT PROPERTY USED IN CONNECTION WITH AN OFFENSE INVOLVING A CONTROLLED SUBSTANCE IS SUBJECT TO FORFEITURE.

If you fail to notify this agency in writing of any claim of ownership or right to possession of the said items within forty-five (45) days of seizure, the items seized shall be deemed forfeited. If you notify this agency in writing of a claim of ownership or right of possession of the said items within forty-five (45) days of this seizure, you shall be afforded a reasonable opportunity to be heard as to the claim of right. This notice and any such hearing shall be in accordance with RCW 34.05. Write to the following:

Bremerton Police Department
Special Operations Group
PO Box 2147
Bremerton, WA 98310
(360) 473-5217

RETURN OF SERVICE

I, the undersigned officer of the Kitsap County Corrections Division, do hereby state that I served a copy of the Notice of Seizure and Intended Forfeiture in the above entitled case on the _____ Day of March, 2007, at _____ hours, at the address of 614 Division Street (Kitsap County Jail), Kitsap County, Washington, by personally delivering such

NOTICE OF SEIZURE AND INTENDED FORFEITURE to:

SIGNATURE of Richard James Brown

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

Dated: _____

By: _____

619 DIVISION
Post Gambler R.D
Bremerton 98310

*The Superior Court of the State of Washington
County of Kitsap*

DEPARTMENT No. 2
LEILA MILLS, JUDGE

614 DIVISION STREET, MS-24
PORT ORCHARD, WASHINGTON 98366
(360) 337-7140

September 10, 2007

RECEIVED FOR FILING
KITAP COUNTY CLERK
SEP 10 2007
DAVID W. PETERSON

Richard Brown, #904307
McNeil Island CC, Bed 112/2
PO Box 881000
Steilacoom, WA 98388

Kate Sigafoos
Deputy Prosecuting Attorney
614 Division Street, MS-35
Port Orchard, WA 98366-4681

Re: *State of Washington v. Richard Brown*; Cause No. **07-1-00446-5**

Dear Counsel,

Enclosed please find a conformed copy of the Note for Motion for Return of Property. Also enclosed are copies of Mr. Brown's pleadings regarding the requested return of property. The motion will be heard on Friday, September 28, 2007 on Judge Mills' departmental calendar. I will arrange with the Department of Corrections to have Mr. Brown available to appear telephonically.

If you have any additional questions regarding this matter, you may contact me at the above listed address.

Sincerely,



Kelly Crabtree
Law Clerk for Judge Leila Mills

Enclosure
cc: file

Craig Kibbe
Attorney at Law
569 Division Street, Ste. A
Port Orchard, WA 98366

COPY



RECEIVED FOR FILING
KITSAP COUNTY CLERK

SEP 10 2007

DAVID W. PETERSON

To Court of Appeal
36429-0-#

SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KITSAP COUNTY

<p>STATE OF WASHINGTON, Plaintiff,</p> <p>v.</p> <p>RICHARD BROWN, Defendant.</p>	<p>No. <u>07-1-00446-5</u></p> <p>DECLARATION OF MAILING</p>
---------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------

I, Kelly P. Crabtree, state as follows:

On September 10, 2007, I mailed the following document(s):

- (a) Conformed copy of Note for 9-28-07 Docket
- (b) Copy of the defendant's pleadings
- (c) Cover letter

by first class mail, postage prepaid to:

Richard Brown, #904307
 McNeil Island CC Bed 112/2
 PO Box 881000
 Steilacoom, WA 98388

Copy to:
 Craig Kibbe
 Attorney at Law
 569 Division Street, Ste. A
 Port Orchard, WA 98366

In addition, I placed the above-listed document(s) in interdepartmental mail to:

Kate Sigafos
 Kitsap County Prosecutor's Office
 614 Division Street, MS-35
 Port Orchard, WA 98366

Dated: 9/10/07
 Port Orchard, Washington


 Kelly P. Crabtree

Declaration of Mailing

- 1 -

COPY

JUDGE LEILA MILLS
 Kitsap County Superior Court
 614 Division Street
 Port Orchard, WA 98366
 (360) 337-7140

9

RECEIVED FOR FILING
KITSAP COUNTY CLERK

SEP 10 2007

DAVID W. PETERSON

To Court of Apped # 36428-0-11

IN THE SUPERIOR COURT
OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KITSAP

STATE OF WASHINGTON)
)
Plaintiff,)
)
v.)
RICHARD BROWN)
)
Defendant.)

No. 07-1-00146-85
NOTE FOR MOTION DOCKET
AND NOTICE OF HEARING
BK NO. (#2007002260)
RE: Report # 06-010965

To: Clerk of the Superior Court
Prosecuting Attorney of KITSAP County.

Comes now the defendant who asks the Court to take notice that he will bring on for hearing a Motion for Return of Seized Property. The hearing is requested to be held during the regular motion calendar on:

The defendant is currently incarcerated. He therefore waives his right to be present at the hearing.

The nature of the case is to have his RETURN of ^{one thousand} Seven Hundred And Fifty US Dollars

Dated: 8/10/07 Richard Brown

Signature

RICHARD BROWN #901307

Print or Type Name and DOC No.

Bed 112/2
MANCIL Island CORRECTION CENTER
Steilacoom, WASH. 98388

MOTION FOR DOCKET
1 of 9

COPY

To Court of Appeal #36429-0-II

IN THE SUPERIOR COURT
OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF Kitsap

STATE OF WASHINGTON)
)
 Plaintiff,)
)
 v.)
 Richard Brown)
 Defendant.)

No. 06-010965
MOTION FOR RETURN
OF SEIZED PROPERTY,
(unlawful seized)
(property.)

Richard Brown, defendant, referred to below and acting pro se, pursuant to CrR 2.3(e) and State v. Everett District Court, 90 Wn.2d 794, 585 P.2d 1177 (1978), respectfully moves this Court for a hearing regarding the return of certain property belonging to him (schedule attached), which was taken from the premises located at ^{Kitsap Jail} 614 Division Port Orchard WA 98365, Washington, on MARCH 14, 2007, by ~~Jail employee~~ ^{Police officer} dated unlawfully. The return of these seized items by Kitsap County, under cause number(s) 06-010965, should be granted.

Dated this 10 day of August, 2007.

By Richard Brown
Signature
Richard Brown #904307
Print or Type Name and DOC No.

To Court of Appeal # 36428 -0-II

IN THE SUPERIOR COURT
OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF Kitsop

STATE OF WASHINGTON)

Plaintiff,)

v.)

Richard Brown)

Defendant.)

No. 06-010965

MEMORANDUM OF LAW
IN SUPPORT OF MOTION
OF RETURN OF
SEIZED PROPERTY

Richard Brown, defendant, acting pro se, has in the accompanying "Motion For Return of Seized Property" moved this court for a hearing regarding the return of his property.

Although the wording of CrR 2.3(e) explicitly refers to "unlawful" seizures of property, the comments to the rule state that the rule supercedes a statute repealed in 1984 that governed disposition of property seized. State v. Everett District Court, 90 Wn.2d 794, 585 P.2d 1177 (1978). Federal law interprets the federal counterpart of the rule to apply to lawfully seized evidence as well as unlawfully seized evidence. United States v. Wright, 610 F.2d 930 (D.C. Cir. 1979). Therefore, CrR 2.3(e) also governs the disposition of lawfully seized property (after the property is no longer needed as evidence).

CrR 2.3(e) requires that an evidentiary hearing be held to determine which party has the better claim to

To Court of Appeal #36429-0-FF

CAUSE NO. 07-1-00446-6

possession of property. As noted in State v. Card, 48 Wn.App. 781, 741 P.2d 65 (1987):

We find no law in Washington dealing directly with who has the initial burden of proof in a claim for possession of property legally seized after trial or plea of guilty. Cases from other jurisdictions provide some general guidance. A party from whom things are seized retains a protectable property interest in the seized materials.

Warden, Md. Penitentiary v. Hayden, 387 U.S. 294, 307-308, 87 S.Ct. 1642, 18 L.Ed. 2d. 782 (1967); United States v. Hubbard, 650 F.2d 293, 303 (D.C. Cir. 1979).

Lawful seizure of property may affect the timing of return but never the owner's right to eventual return.

Id.

In Wright, officials seized \$2,100 in a drug raid under a warrant. The charges were dropped and the defendants moved for return of the money. At a hearing on the motion to return the property, a seizing officer testified he took the money from the defendant's person and apartment. The defendants did not testify, basing their claim of ownership on the officer's testimony and argument that the government had not met its burden to show the money was contraband or the proceeds of crime. The court rejected the government's contention that the defendants had an obligation to prove they are entitled to the money. The court held seizure of property from someone is prima facie evidence of that person's entitlement, particularly when the seized property is money. Unless there are serious reasons, presented by the government or adverse claimants, to doubt a person's right to property seized from him, he need not come forward with additional evidence of ownership. Wright, 610 F.2d at 939.

A procedural rule of court cannot be used to take away substantial rights. State v. Fleming, 41 Wn.App.

MEMORANDUM OF LAW

1 of 9

18

To Court of Appeals #36428-0-#

CAUSE NO. 07-1-00446-6

33, 36, 701 P.2d 815 (1985). The approach of the federal court in Wright protects the claimant's property interest by placing the burden initially on the State to show the seized property is fruit of the crime.

Additionally, since the court accepted jurisdiction over defendant's Money County cause number(s) 7-06-010965, it is requested that the items seized under the applicable search warrant, and dispursed to Jailer pockets County by unlawful arrest of U.S. Warrant, also be returned to the defendant.

In conclusion, the State of Washington, through law enforcement officers of Kitsap County, are currently in possession of personal property which has neither been claimed as stolen by anyone in the general public, nor proven to be fruits of criminal activities in a court of law. Possession of personal property, under a claim of right, is evidence of ownership except by claim of a true owner, if there is one.

Absent any cognizable claim of ownership or right of possession adverse to the defendant, loss of earning power \$1750.00 (1,750.00), the property currently held by the State of Washington, in Kitsap County Jail County, should be returned to defendant.

Dated this 10 day of August, 2007.

By: Richard Brown
Signature

RICHARD BROWN #904307 (Print Name & DOC
McNeil Island Corrections Center
PO Box 881000
Steilacoom WA 98388

Bed write
11/2

MEMORANDUM OF LAW

5 of 9

To Court of Apped # 36428-0-11

THE STATE OF WASHINGTON)
COUNTY OF KITSAP) SS.

AFFIDAVIT IN SUPPORT OF
MOTION FOR RETURN OF
SEIZED PROPERTY

(unlawful seized property)
Violation U.S.C.A. 4 Amd, 5

I, RICHARD BROWN, declare under penalty of
perjury, under the law of the State of Washington, that
the following is true and correct. CAUSE NO, 07-1-00446-6

Richard Brown ^{D.O.C.} 904307 112-2

McNeil Island Correction

Steilacoom, WA 98388

Judge / COURT commissio

PROS. ATTORNEY

COURT CLERK / bailiff

Settlement

RISK management officer

Please Deposit The \$1750.00 Plus Interest

Department of Connections Account

904307, of Claimant Richard Brown
of McNeil Island Correction Center

P.O. Box 88-1000

Steilacoom, WA 98388

Schedule of property taken from: _____

CAUSE NO, 07-1-00446-6

HISTORY

Recit +
Telephonic

on 3/14/07 I was arrested by Bremerton SOG unit (BPD) when I was transferred to the County Jail. The jailers seized US currency of \$150.00. once this currency was seized jailers telephoned Bremerton SOG Detetives, who told jailers to seize Funds. This currency had know connection, with the charge of Delivery of controlled substance, which occurred 5 months before my arrest, when I was arrested I had \$150.00 US currency. from the sale of a vehicle. None of the funds were Marked for police identification

See police report # 06-010965 march 14, 2007
The report is missing 1,000.00 please note for record
I just received the notice and respond
within 45 day according to RCW 34.05 with
A Risk management claim form.

SCHEDULE OF SEIZED PROPERTY

7 of 9

Fiscal

To Court of Appeal
36428-0-II

IN THE SUPERIOR COURT
OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF Kitsap

STATE OF WASHINGTON)	No. <u>07-1-00446-6</u>
)	
Plaintiff,)	ORDER TO SHOW CAUSE
)	
v.)	
)	
<u>Richard Brown</u>)	
)	
Defendant.)	
_____)	

Upon the motion of the defendant,
_____, for an Order to Show Cause;

IT IS HEREBY ORDERED that plaintiff, and all other interested parties, show cause before this Court at _____ a.m./p.m. on the _____ day of _____, 20____. The Presiding Court asks why it should not return to the defendant that property seized by means of a search warrant from _____, Washington, on the _____ day of _____, 20____.

Upon the failure of plaintiff or other interested parties to appear and show cause by the date and time of the evidentiary hearing as required by CrR 2.3(e), the Court will order the property restored to the defendant.

DONE IN OPEN COURT this _____ day of _____, 20____.

Judge

CLAIM FOR DAMAGES
RISK MANAGEMENT DEPARTMENT
COUNTY OF KITSAP

To Court of Appeals
36428-0-II

(MESSAGE)
Telephone Home: 253 572-1547
Work: _____

Please take notice, that RICHARD BROWN
Print Full Name

Who now resides at MENEIL ISLAND CORRECTION #904307
Bed NO. B-2-112-2 P.O. Box 88-1000-Steilacoom, WA

And who, for six months prior to accrual of claim or date of accident, has
resided at SAME AS ABOVE

claim D

Claims damages of and from KITSAP County in the sum of \$ 1,750.00
arising out of the following circumstances:

DESCRIBE CLAIM. GIVING DATE & TIME INJURY OR DAMAGE OCCURRED, PLACE & FULL PARTICULARS, ACCURATELY LOCATING AND DESCRIBING DEFECTS CAUSING INJURY OR DAMAGE AND ALL ACTS OF NEGLIGENCE CLAIMED: (Use additional pages, if necessary).

ON 3/14/07 I WAS ARRESTED BY BREMERTON SOG UNIT (BPD)
WHEN I WAS TRANSFERRED TO THE COUNTY JAIL. THE JAILERS
SEIZED U.S. CURRENCY OF 1,750.00. ONCE THIS CURRENCY
WAS SEIZED JAILERS, TELEPHONED BREMERTON SOG DETECTIVES
WHO TOLD JAILERS TO SEIZE FUNDS. THIS CURRENCY, HAD KNOWN
CONNECTION, WITH THE CHARGE OF DELIVERY OF CONTROLLED SUBSTANCE
WHICH THE CHARGE OCCURRED 5 MONTH BEFORE MY ARREST. WHEN
I WAS ARRESTED, I HAD 1,750.00 US CURRENCY, FROM THE SALE
OF A VEHICLE. NONE OF THE FUNDS WERE MARKED FOR POLICE I.D.

ACCURATELY DESCRIBE INJURIES OR DAMAGE:

LOSS OF EARNING POWER AND LOSS OF LEGAL
REPRESENTATION, \$1,750.00 TO A ATTORNEY WOULD
KEPT ME FROM PRISON.

STATE ITEMS OF DAMAGE CLAIMED, ITEMIZE ALL EXPENSES AND LOSSES:

UNITED STATE CURRENCY

128

WHAT MAY BE SEIZED:

" by comparison, where an officer who had entered to arrest for a past sale of marijuana saw a bottle of tablets on the dresser in the midst of other personal items, seizure of the bottle was *illegal because there was no basis for concluding that it was more probable that the bottle contained illegal drugs as compared to some lawfully possessed medicine see *Eiseman*, is *State v. Brown*, 132 N.J. Super. 180, 333 A.2d 264 (1995) , Mr. Richard Brown's seizure of money and officer state we need this \$1,750.00 for evidence Violated U.S.C.A 4 and 5 Amend

Statement of Additional ground

RAP 10.10

Case # 07-1-00446-5

~~36478-0-II~~

According to Fraud Review

(Conspiracy/Terrorism of phos. Kitsep. Co)

"A state may not, through the action of its officer, contrive a conviction through the pretense of a trial used as a means of depriving a detainee of liberty through a deliberate deception of court and jury by presentation of testimony known to be perjured or a confession obtained by violence, nor may it permit an accused to be hurried to a conviction.

where the whole proceeding is but a mask, without supplying corrective process violated defendants

U.S.C.A. Const. Amend 14

See Voigt v. Webb, 47 F. Supp. 743

9/20/07

x Richard Brown #904307

McNeil Island Correction Center

P.O. Box 88-1000

Steilacoom, WA 98388

1/5
L.S.M. & Son
Research

RAP

DECLARATION OF SERVICE

Count of Appeal
36428-0-II

I, RICHARD BROWN, certify that I deposited today in the internal mail system of McNeil Island Corrections Center a properly stamped and addressed envelope directed to:

To Count of Appeal Division Two
950 Broadway, Suite 300
Tacoma, WA. 98402-4151

To Appeal Attorney
CATHRINE E. GLINSKI
ATTORNEY AT LAW
P.O. BOX 761
Manchester, WA 98353

K. Tappas. Appeal Attorney
Randall Aveny Sutton
MSC 35
614 Division St.
Port Orchard, WA. 98366

Containing the following document(s) (1) MOTION TO Proceed with previously filed Statement of Additional Grounds RHP 18

(2) motion to Proceed with Exhibits omitted from

Title (3) Statement of Additional Grounds U.S.C.A

(4) Addendum to Statement of Additional Grounds

(5) Exhibits - supporting (6) what may be seized

Please Court Clerk send copies of above request -

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

Submitted this 20 day of Sept, 2007, at McNeil Island

Corrections Center, Steilacoom, Washington.

By Richard Brown
(Signature)

~~90430~~ Richard Brown
(Name, DOC # and Cell) 904307
McNeil Island Corrections Center
P.O. BOX 88-1000 B-112-2
Steilacoom, WA 98388-1000

SEP 24 AM 9:39
DEPUTY
CLERK
COURT OF APPEALS
DIVISION II

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

07 SEP 27 PM 1:25

STATE OF WASHINGTON
BY CM DEPUTY

STATE OF WASHINGTON)
)
Respondent,)
)
v.)
Richard Brown)
(your name))
)
Appellant.)

No. # 36428-0-II
Lower Court # 07-1-00446-5
STATEMENT OF ADDITIONAL
GROUND FOR REVIEW

(See Appellate Brief filed
Sept. 10 2007 with
with Statement of Additional Ground

I, Richard Brown, 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 Appellate Brief of State
- U.S.C.A. 1st Amend
 - U.S.C.A. 6th Amend - Jony peremptory
 - U.S.C.A. 5th Amend - Miranda search and seizure
 - U.S.C.A. 4th Amend -
 - Reversal of conviction, United State Constitution general
 - prosec. mismanagement violation U.S.C.A. 6th Amend
 - Right of confrontation - violation U.S.C.A. 6th Amend

Additional Ground 2

- See - Appellate Brief of Catherine Glinster
file Sept 14 2007
- Ineffectiveness of Council

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

Date: 9/24/07

Signature: Richard Brown #904307
B112/2
McNeil Island Correction Center
P.O. Box 88-1000
Steilacoom, WA. 98388

ced

NO. 36428-0-II
LOWER 07-1-00446-5

Declaration of Service:

please court clerk send copy
of my Statement of Additional
grounds and addendum -

07 SEP 27 PM 1:26
STATE OF WASHINGTON
BY DEPUTY

County of King

To: Catherine Ginski
Attorney at Law
P.O. Box 761
Manchester, WA 98353-0761

1

prosec Attorney Randall Avery Sutton
KITSAP CO. PROSECUTOR OFFICE
MSC 35 614 DIVISION ST
Port Orchard, WA 98366-4681

I Richard Brown have mailed
this Statement of Additional grounds
to Court of Appeal on Sept. 26, 2007
for Const. Tutory merits.

Richard Brown

Richard Brown
Richard Brown # 904307
B112/2
McNesic Island Connection Court
P.O. Box 88-1000
Steilacoom, WA. 98388