

COURT OF APPEALS  
DIVISION TWO  
OF THE STATE OF WASHINGTON

COURT OF APPEALS  
DIVISION II

09 JUN - 11 PM 10:11

STATE OF WASHINGTON )  
)  
Respondent, )  
)  
v. )  
)  
Mr. Jeffrey D. Peck )  
(your name) )  
)  
Appellant. )

No. 38519-8 - STATE )  
BY: [Signature] )  
STATEMENT OF ADDITIONAL )  
GROUNDS FOR REVIEW )

I, Mr. Jeffrey D. Peck, 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

I was pro se though out fighting my case ms Brammell  
counsel of Record tricked me into giving up my pro se status  
right "before" trial, when the trial first started I tried  
to get my pro se status restored But the Judge Denied  
my ability to proceed as a pro se Defendant I should have  
been allowed to proceed as a pro se Defendant for my trial  
ake v. Oklahoma 1470 68 S. Ct 087 84 L Ed 2d 53 (1985)  
SUPREME COURT OF THE UNITED STATES INDIANA V. EDWARDS No. 07 208  
Farella v. California, us. 806

Additional Ground 2

I Had "2" investigators on Board totted 16 hrs of investigation that  
clearly proved Mendelson stole this motor cycle, witnesses to this  
effect, and I was not present, the only real question in my case  
is weather mendelson told me this motorcycle was in fact stolen  
which He never did yet none of this info was presented at  
my trial as expert witnesses It Dam well should have  
( see attachments )

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

Date: May 29, 09

Signature: Mr. Jeffrey D. Peck

**State vs. (D) Jeffery Peck**

**Case Number: 08-1-0520-1**

<b>Person(s) Interviewed</b>	(d) Jeffery Peck, (w) Chucks Okeefe ph: 360-352-8526. 816 Adams st, Olympia. (w) James Scarborough (transient) (w) Steve Nelson
<b>Date</b>	4/17/2008
<b>Attorney</b>	Margaret Brammall
<b>Prosecutor</b>	
<b>Victim Advocate</b>	

## Interview

On 4/17/2008, I interviewed (d) Jeffery, who gave me the following statement:

I met Steven Mendelson (aka Straven) at a party at (v) chuck's house three days prior to this incident. I ran into him downtown and he asked me if I had a place to store his motorcycle. He stated that he was asked to leave the place where he was staying, and needed a place to store his bike. He took me to (w) Chuck's house where the bike was stored underneath a blue tarp. I told him I had a garage out in Rochester so we hopped on the bike and rode out to the storage shed. As we rode through Tumwater, we were pulled over by the police, supposedly for riding recklessly. That is when I first found out that the bike was stolen.

I then interviewed (w) Chuk who gave me the following statement; Steve a.k.a. Straven came to a party of mine, and asked if he could stay here for a bit. On 3/16/2008 I woke up to a motorcycle in the carport out back. On the next day 3/17/2008 I got into an altercation with Steve Mendelson and he was asked to leave. The next day (d) Jeffery and Steve rode off on the bike.

*D. Vincent Self*  
I interviewed (w) James (who was working outside of the house where (w) Chuk lived.) Stated that he was walking past the "Fish Tale Ale" with Andy (no last name), Jeff (no last name) Jason (no last name) and Steve Mendelson a.k.a. Straven. He noticed a key on the seat of the motorcycle in question. I said, "Hey look at that! Someone left the key to their motorcycle in Plainview. As we walked back to (w) chuck's house, Steve a.k.a. "straven" along with one of the other guys went back to the bike. About an hour or so later, they came back to the house, drank and just 'chilled" with everyone else.

On 4/28/2008 I interviewed (w) Steve at TCJ; he made the statement that his friend Pete (unknown last name. who lives in a duplex where the motorcycle in question was parked) was asked by a young guy with long black hair, big nose and in his 20's, if he wanted to buy the motorcycle in question. He said it was his bike and wanted to get rid of it.

**From:** Watchmen Investigations <services@watchmenpi.com>  
**To:** Margaret Brammall <Brammam@co.thurston.wa.us>  
**CC:** Christina Kressin <Kressic@co.thurston.wa.us>, Tracy Sims <Simst@co.thur...>  
**Date:** 8/29/2008 12:46 PM  
**Subject:** Fwd: Jeff Peck  
**Attachments:** Charles O'Keefe Interview.pdf

I forgot to mention that during my interview with Chooch, he mentioned that he saw Steven Mendelson at the Olympia Hemp fest this weekend. This surprised me especially after talking with Mendelson's attorney, Ching, who told me Mendelson was in a sort of custodial rehab in Spokane, WA scheduled to return on 29 Sep 08.

v/r

Gordon  
Watchmen Investigations  
P.O. Box 5307  
Lacey, WA 98509  
Tel: 360-450-2095  
Fax: 360-539-9280  
Online: www.watchmenpi.com

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Begin forwarded message:

> From: Watchmen Investigations <services@watchmenpi.com>  
> Date: August 29, 2008 12:42:42 PM PDT  
> To: Margaret Brammall <Brammam@co.thurston.wa.us>  
> Cc: Christina Kressin <Kressic@co.thurston.wa.us>, Tracy Sims <Simst@co.thurston.wa.us>  
> >  
> Subject: Re: Jeff Peck  
>  
> Margaret,  
>  
> I finally was able to re-interview Chooch (Charles O'Keefe) and put  
> his interview down in writing. In the interview he identifies  
> Steven Mendelson as the suspect in stealing the motorcycle. Please  
> see the attached PDF file for details of this interview.  
>  
>  
>  
>  
> Other aspects of this case involve me interviewing Pete when he

> returns home. I need to ask him about Mendelson storing the bike at  
> his place. I've made contact with several neighbors who are keeping  
> me advised when Pete is back home.

>  
> I'm already at the 3 hour time limit with this case and will need  
> more to continue and complete additional leads in this case.

>  
>  
> I'm traveling to Portland today but should be able to be reached by  
> telephone (Cell: 360-561-3670) if you have any questions.

>  
> Respectfully,

>  
> Gordon  
> Watchmen Investigations  
> P.O. Box 5307  
> Lacey, WA 98509  
> Tel: 360-450-2095  
> Fax: 360-539-9280  
> Online: [www.watchmenpi.com](http://www.watchmenpi.com)

>  
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> compliance, Watchmen Investigations, LLC.

>  
>  
>  
>  
> On Aug 28, 2008, at 8:28 AM, Margaret Brammall wrote:

>  
>>  
>>  
>>>> Jack Jones 8/27/2008 7:33 PM >>>

>> No problem, go a head.

>>  
>> Thanks, Jack

>>  
>>>> Margaret Brammall 08/27/08 7:45 AM >>>

>> Hi Jack,

>>  
>> My P.I. would like to talk to Steve Mendelson. He OK'd it with Les  
>> Ching but I want to run it by you first, to give you a heads up.

>>  
>> Thanks,  
>> Margaret

>>  
>> Office of Assigned Counsel  
>> 1520 Irving St SW, Suite A  
>> Tumwater, WA 98512

>>

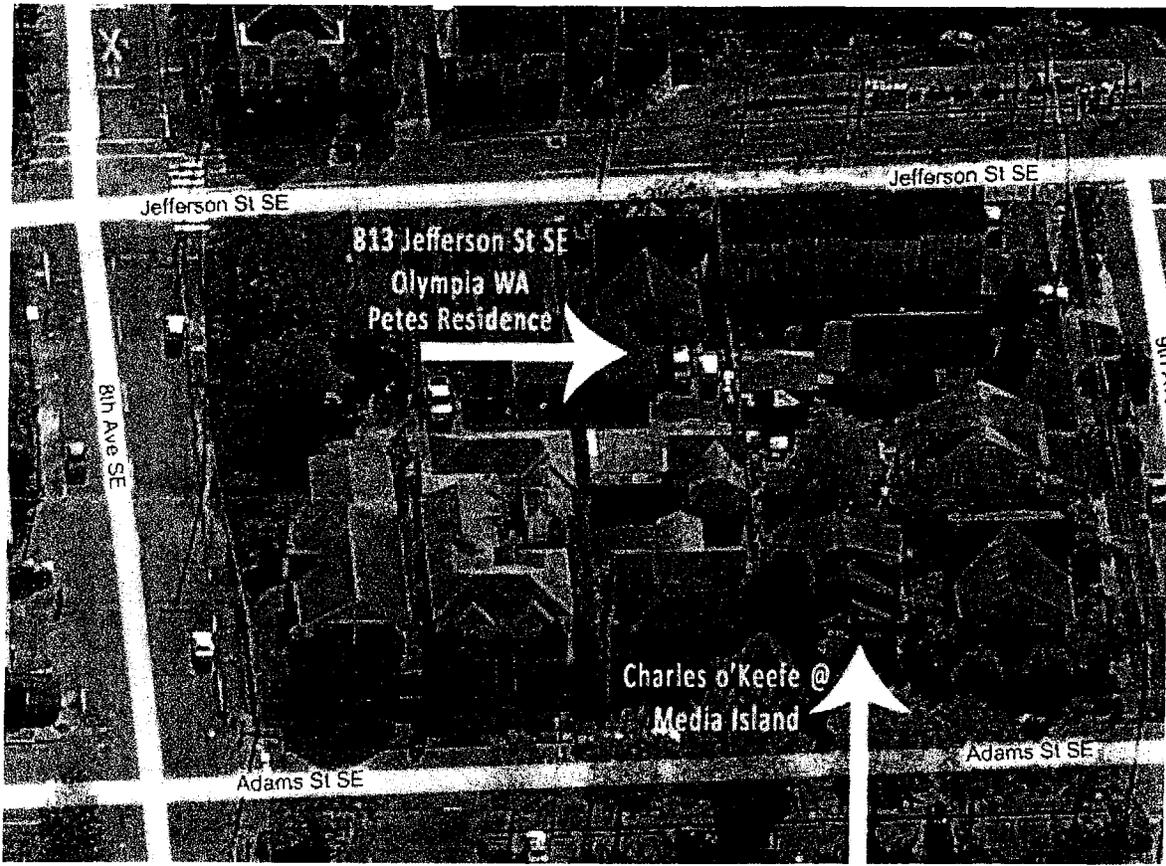
Interview of: Charles O'Keefe (AKA: Chooch, Chukes) Media Island, 816  
Adams Street, Olympia, Washington, 98501, Tel: 360-352-8526  
Date/Place of Interview: 8/27/08/Telephonic  
Interviewed by: Gordon Medley, Watchmen Investigations, LLC

On 8/27/08 at approximately 1431hrs, I was contacted by Charles in reference to this case. Charles returned my call after missing an appointment we scheduled for earlier that morning. I explained the reason for my contact and he agreed to be interviewed over the telephone.

Charles said he first met Steven (AKA: STRAVEN) Mendelson when Mendelson came to a party/fund raiser hosted at Media Island on the weekend of 16-17 Mar 2008 along with Jeffrey Peck. After the party, Mendelson and Peck decided and got permission to stay overnight at Media Island. The following day, Charles got several complaints about Mendelson from people staying at Media Island about him getting into arguments and "just general bad energy." Charles said he talked with Mendelson about this and asked him to leave. Charles mentioned nothing about Peck other than that he was already gone that morning when he spoke to Mendelson. Charles then left the house for a local store and noticed a Harley Davidson motorcycle on the property near the carport/alleyway of his property. Charles said he is a motorcycle enthusiast and noticed it was a very nice motorcycle. He described it as yellowish/beige and well polished. After seeing the bike, Charles continued to the store and returned back home in less than an hour.

When he returned, he noted the motorcycle was gone as was Steven Mendelson. About 30-60 minutes after he returned home, Charles was approached by three homeless individuals (Mike, Holly and Country) (UNK) who informed him that the motorcycle was stolen. He said these three individuals "had an idea what was going on" (they knew who stole the motorcycle) and that he (Charles) was already angry with Mendelson for putting the motorcycle on his property. I asked Charles why the three homeless individuals would make an effort to warn him about the motorcycle and he told me they didn't want him to get in trouble for it. They also told Charles that the motorcycle had been moved from his property to a person living across the alleyway (later identified as Pete (UNK), 813 Jefferson St SE, Apt C, Olymipa, WA) (See photo exhibit 1). Charles said that Pete was not at home when the motorcycle was moved to his property, suggesting he did not approve of having the motorcycle stored at his place. Charles opined that Mike, Holly, and Country were more looking out for Pete since the motorcycle was now at his place. Charles said later that evening he saw Jeff Peck, with Steven Mendelson as a passenger, leave the alleyway on the motorcycle. This was behind Media Island and they rode in the general direction of the State Capitol.

I attempted to further clarify with Charles who he thought stole the motorcycle after talking with Mike, Holly, and Country. Charles stated the three essentially told him that Steven Mendelson stole the motorcycle.



**Photo Exhibit 1**

Interview of: Peter Valentine, 813 Jefferson St SE, Olympia, WA, Tel: 360-352-4588

Date/Place of Interview: 7 Sep 2008/Residence

Interviewed by: Gordon Medley, Watchmen Investigations, LLC

On 7 Sep 2008 at approximately 1504 hrs, I contacted Pete in reference to this case. I explained the reason for my contact and he agreed to be interviewed.

Pete said he knew "Straven" (Steve Mendelson) for a short time and had been letting him stay at his apartment. Pete said he first met Straven through another person named Daniel (UNK), another homeless person he allowed to sleep in his car. Pete thought Daniel met Straven while the two were "drinking around town" together. Pete stated he kicked Straven out of his apartment after catching him going through his dresser drawers and cabinets.

Pete opined that the following day, Straven brought over a white Harley Davidson motorcycle and parked it next to the fence in his driveway. He said Straven covered it with a blue blanket, guessing he wanted to conceal it. Pete thought he might have been inside the apartment when Straven brought the motorcycle over but wasn't sure. Pete

stated he knew there was no way Straven was the owner of this motorcycle and was convinced it was stolen. This further angered Pete so he mentioned to several people at his house (Country – UNK) and possibly several people at Media Island (Charles O'Keefe's residence) that he wanted it off his property. Pete recalled telling everyone he was going to call local police and have the license plate run. He then recalled Straven moving the Harley either that day or the following. He said he heard from friends it was moved by Straven and another individual fitting the physical description of Jeff Peck.

Pete said he was happy to cooperate, as he did not appreciate someone going to jail for something they didn't do.

From: Jack Jones  
To: Brammall, Margaret  
Date: 9/3/2008 3:08 PM  
Subject: State v. Peck

[2 indeny sentence]

MB,

Right now, Mr. Peck is charged with possession of a stolen motor vehicle, which has a standard range of 43-57 months. He can plead guilty to PSP 2nd, with a standard range of 22-29 months. The recommendation will be 22 months, provided he pleads on or before 9-8-08. That offer will go up a month per day until 9-15-08, when it will be 29 months. If he does not plead on or before 9-15-08, then the offer is withdrawn.

Please convey this offer to Mr. Peck immediately.

Thanks

If you win on Dim Cop, this is the most likely outcome, because the effect of dim cop is to reduce the charge to a lesser included.

From: Sally Harrison  
To: Brammall, Margaret  
Date: 9/4/2008 7:43 AM  
Subject: Polygraph request

RE: Mr. Jeffrey D. Peck  
Case No; 08-1-00520-1 JH

I am not inclined to authorize limited public funds for a polygraph for Mr. Peck. Perhaps if I had more information about the co-defendant's plea agreement? Such as a copy of it, along with his current status and any other written relevant information. As you know, polygraphs are generally not admissible at trial.

- ① After I showed Ms. Harrison the plea agreement, she said "not at this time."
- ② I asked for 3 hours for Gordon, and 2.5 hours have been authorized as of this morning.
- ③ I talked to Murray Host, who said he suggested to you that any issues with Dr. Finch's report should be addressed in court. That would need to be in trial in front of the jury.
- ④ Dr. Fredrickson has not yet returned my call. I will call the 2 Bellevue ones today after making one more attempt to get hold of Dr. F.