a Hilbert

Statement of additional Grounds #1

6/29/09
39052

During and after my conversation with store Clerk Slater, there was no indication by Slater's body language, facial expression or actions to indicate that I'd taken the pipe without consent from him. He did not call 911 or seek assistance by calling out to his boss, Mr. Larson. That should give some merrit to my claim that Slater indeed allowed me to take the item, and show it to my driver. (it only cost about $3.00 or so). It is clear and undestandable why Slater would choose to change his story too; Larson came barreling down like a raging bull! He probably scared the poor kid half to death.

On 21 OCT, 09 I was moving. I was in need of change to pay my help so while stopping at the Tabaco Shop for cigarrettes, my driver asked me to buy a glass pipe and to take it out of his pay. When I went in I asked Slater if he had them? He said yes and brought two of them over to me, one longer than the other. I asked him if I could take one out to ask my driver if it was what he wanted (I had never purchased one B-4) They did not look quite like what he had described to me. At first HE seemed reluctant, after explaining that I was a regular customer and lived only a few blocks down the street he said OK.

To make my point Larsons surviclance camera's video showed the whole event happened just as I explained here.

I walked casually out of the store to were my driver was parked and

A. Kibbit Statement of additional Grounds #2 6/29/09

showed him the pipe. He took one look at it and said it wasn't what he wanted. I told him they had one other that was longer than the one I'd shown him. He said it wasn't what he wanted, he'd go somewhere else. So I went to return the pipe and to pick up cigarettes so I'd have the change I needed to pay him.

As I passed the entrance doors to 7-11 which was on the way + next door to the tobacco shop, a big guy started yelling at me, I had no idea who he was at first. Then he said, "come here you son of a bitch" which is the ultimate of insults, (calling someone's mother a bitch) and was first thing out of his mouth! Then he said something like I want my fucking shit
RP 28-29 back you Black bastard. Yes, I was shaken, RP31
and offended! But at that point I had figured out that it had something to do with the pipe. So I decided to try to smooth the situation out. I said, "wait a minute man, come on now, here I've got it. "Don't get all worked up over this."

He was relentless and continued calling me names. Finally I said, "look, I wasn't trying to steal, I just needed to find out if this was what my guy wanted. And handed the thing to him. He kept RP30
saying that I was trying to steal his merchandise and it was becoming embarrasing. We were in the middle of the 7-11 parking lot with customers coming and going. A.

a. Hilbert Statement of additional Grounds #3 6/29/09

So I said to him, "how about this, if you have the kind my friend wants I'll buy it. That got me nowhere. Now trying to save what dignity I had left, I said, "how about I just pay for the thing and be done with it, come on man it's not this big of a deal!" people had started looking at us. So I tried to hand him the money because I was getting nowhere trying to reason with the guy. Now he starts saying, "Oh that's it! you touched me!! Call the police EXPLICATIVES!!! The son of bitch just assaulted me. Still I try one last time to get him to calm down so we could settle this mess. I notice a man with a CELL phone, when I try again to give him $5.00 this time he says, "call the police he's got a gun and he said he's gonna blow my fuckin head off" That was the breaking point.

I said, you know, what, fuck you - with your crazy ass. And I left.

I made it to my apartment (2 blocks away) and got back to work loading up the truck.

The next thing you know the cops were there pulling guns on me. It scared the hell out of me! It happened suderly and so fast I didn't know what to do. I thought I was going get shot for sure - I wish this scene on noone! Its something I garantee you'd remember!

A. Hilbert

A. Gilbert Statement of additional grounds #4 6/29/09

I was placed under arrest for 1° robbery!
What? I said to the officer, I didn't rob anyone!" I'm thinking that they're mistook me for someone wanted for robbing banks or something. Finally one of them said you're the guy who tried to steal the crack pipe.
I said what! Are you kidding me? You are really charging me with 1° robbery for trying to steal a crack pipe? He said yes.
I couldn't believe what I was hearing. This had to be a mistake! OK, I thought where are the cameras? This has got to be one of those tv shows like "Howie Mandels This is Howie Doit." But no, it was truly happening
I was being charged with 1° ROBERY at most IT was a shoplift or petty theft if Slater wouldn't come clean (and even that wouldn't be fair or true), because Slater had in fact allowed/OK'd me show it to my driver.

A. Gilbert

A. Gilbert Statement of Additional Ground #5 6/29/09

1.) Why didn't the Larson's tell the police or detectives that I had returned the pipe. They had at minimum 3 to 4 opportunities to do so when officers took reports and also, when the detectives called to make arrangements to pick up copies of the surveilance tapes. RP 31

2.) Why did Larson emphatically testify that he was not aware that many of the items in his store were or could be used for illegal purposes.

3.) Wouldn't hitting Larson be enough to have someone to call police? RP 31
when
you are 6' or so and weighing 300 plus LBS and the assaulter is 5'4" weighing only 160 LBS soaking wet. That wouldnt be very convincing, I am considerably smaller than Larson, NOT TOO CONVINCING especially if he was carrying ON like he was.

4.) Would **telling** the 911 operater that a small man is threatening to "blow your fucking head off" be enough to get officers to respond immediately? yes!

5.) Ask yourself this, "Will the answers to these and the following questions lead me to question both the nature and validity of these Charges?"

(a.) With Larson's background in law enforcement and being owner of a store.... FORMER CORRECTION OFFICER

"CONT ON PAGE 6"

A. Gilbert

A. Gilbert 6/29/09

Statement of additional Grounds #6

CONT" 6.) Would John have knowledge of what it takes to make accusations sufficient to have a person charged with the crime I am currently serving a sentence to? Being a former corrections officer I would certainly think so

7.) The Prosecuting atty said, "Without John Larson's testimony the verdict would have to be not guilty." Right?

8.) But the truth is there was another witness wasn't there?

9.) Why wasn't anyone else on the prosecutions' LIST to testify? To be more specific #10 —

10.) Was there an eye witness who could tell what did and did not happen between Larson and Gilbert in the 7-11 parking lot?

11.) answer is yes! RP# 31-33 the employee who made the call to 911! "was outside" He was right there between 7-11 and Larson's Tabaco shop next to the rear of a car and is seen in the survielance video after all, who made the 911 call?!

12. Why wasn't RP# 31-33 called on to testify being an eye witness and all?!

A. Gilbert

A. Gilbert Statement of additional Grounds #1 6/29/09

13.) Why, Why, Why.. the biggest little question ever asked!

14.) Wouldn't he of all people be the #1 (RP 31-32) nominee for prosecution's witness, "Eye witness reporting from the front line"!? The only other person accessable who could prove or disprove the entire case. And more interesting is the fact that he's John Larson's employee! It couldn't get any better than that for Larson or the prosecution!

15.) Why wasn't the 911 call supeona'd into evidence? RP 31-33

16.) Why is Avery L Gilbert sitting in prison for something he Did Not Do!!!!?

RP 216

"Why the Rubber Doesn't Meet Meet The Road!!!"

RP 31-33
RP 216

Of all people Larson's Own Employee Fails to "Testify"!!!!

RP 29 I volentarily walked over to meet Mr Larson even tho he was rude and beligerent, he did not chase me down

Which gives testimony for me not trying to steal anything and of course not assaulting or threatening to - in his own words, "blow his head off". RP 66; SEE RP 1-174

cont... page 8

A. Gilbert

Statement of additional grounds # 8

6/29/09

17.) Why would he (RP 31-33) in so important of a role to this case, be so neglectfully left out of the prosecution's lineup of credible witnesses to testify in this case?

This, in my opinion, raises more questions and creates more doubt about the verdict and charges brought against me!!

Corey L. Gilbert 6/29/09

RP 66; SEE RP 1-174 NO PLACE TO HIDE A GUN

18.) IT WAS HOT OUTSIDE I HAD ON A T-SHIRT. Also, The confrontation between Larson and I took place between 3:00 PM & 5:00 PM. In the surveilance tape/video you can see cars as well as people come and go out of 7-11 store and parking lot. I find it extraordinary that not one car or person stopped to come to Larson's aid! Mind you, Larson's life is in danger, 300+ LBS man vs 140 LBS weakling, little man is threatening to shoot/blow big man's head off! WITH NO WEAPON And not one PERSON stops to check on poor John? South 56ST is very busy all of the time, and even more so during rush hour! This is 7-11's parking lot and the cashiers' registers are all in front. With wall to wall window enclosure. Still noone comes forth to back up or support Mr Larson's claims, and they are Merchant Neighbors! RP 31-33 His own employee is on tape witnessing the incident too! I am flabbergasted, amazed What else is there to say? HIS OWN EMPOYEE DOES NOT TESTIFY!!!

This is My Story Corey L. Gilbert 6/29/09

* SEE PAGE # 2

A. Gilbert Statement of additional Grounds #9 6/29/09

Lastly

19) The prosecutor waited until after my trial had started to make a motion to amend my charges from 1° to 2° robbery. Is that legal?

The day after trial began the prosecutor motioned to amend based on his own witnesses testimony. That's absurd! Even more how is it legally sound and a justifiable practice!

I was held on $100,000 bail from the time of my arrest, I can't go back and use a pen to change what has already occured (as in make an amendement to my alleged actions). He had 4 months to correct any error! There is no stroke of the pen that I can use to erase + rewrite what had happened, rewrite history under a guise, it can't be done! "cops this doesn't work, let me try this. It can't be fair for him to have that liberty when it's not available to me or anyone else in my position!

In trial the afternoon before session, I gave my atty, Mr Shaw a copy of the RCW which governs the charge 1° robbery and told him that I had researched it finding that it clearly stated that a deadly weapon must be made manifest, or seen in commision of/during the crime. Therefore the prosecution had no case.

Now it's mighty suspicious that the following morning the prosecutor approached the Judge with a motion to amend the 1° to 2° robbery because of the difference in elements. Well I was never arraigned on that charge or given an opportunity to make bail or even discuss the possibility defense or acquital with counsel! A. Gilbert 6/29/09

* WAS THIS IMPROPER PROCEDURE?