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COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

FILED
COURT OF APPEALS
DIVISION II

09 NOV -2 AM 10:16

STATE OF WASHINGTON

Respondent

V.

Oscar Churchill

Appellant.

STATE OF WASHINGTON
No. 06-1-00838-7
STATEMENT OF ADDITIONAL
GROUND FOR REVIEW DEPUTY

#39136-8-II

I, Oscar Churchill, 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

My initial report from my therapist for my SSOSA evaluation stated that I finally admitted to touching the girl over her pants' in order to pass the polygraph. I did have problems passing the polygraph but it wasn't because I was hiding anything. Everything I revealed to my therapist for the evaluation, I reported to the sherrif's office when they made out the police report. But the statement in my SSOSA evaluation report has been used against me in the revocation hearings and at other times. Please review the police report to verify that I did report everything before I took the evaluation.

Additional Ground 2

While on community custody and participating in treatment, I was told that I needed to report every incidental contact which includes whenever a child passes within 15 feet of me. That would happen pretty much whenever I went to the store or other public places. Since I had troubles with polygraph I was extra diligent in reporting everything. My CCO, My Boone, indicated that he was suspicious of the number of reports I made. He wrote me up on violations early on for these self-reported incidents. I am enclosing a letter I wrote for my own records describing these violations. I stipulated to them because I was threatened with revocation and I was advised to just go along. I ask that you review this letter.

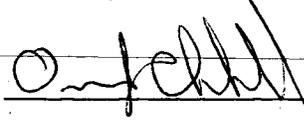
Additional Ground 3

I would like to explain the term 'greenbelt' where these incidents with M.Y. are said to have ocured. This is not a lonely trail through the woods behind a development. It is a square in the center of the development that is surrounded on all four sides by a main road. You cannot go from one end of the development to the other without passing by this. It was on this main road that I was riding my bicycle. I never once got off of my bike or go into the woods. I believe my

lawyer was in error on this one point of me chasing my dog through the woods. My dog was never out of control, he obeys my commands. It may have been one of these commands M.Y. heard that day. But if she saw someone go into the woods, it was another person.

There is a brief summary of initial violations attached to this statement.

Date: 10/25/09

Signature: 

My Remarks to the Violations

These are the facts I am stipulating to.

Violation: No Contact

On Feb 16, 2008 I was walking and I saw an adult male and a little girl walking toward me. As I went past them, I said a single word of greeting to the adult.

On Feb 17, 2008 I was jogging. I came up behind two women. They were both the same height, one woman had graying hair, the other was swinging something. It looked like a dog leash but they didn't have a dog with them. As I came up to them, I wanted to warn them I was passing, so I made a comment. After I said this the girl swinging the leash turned to look at me. I saw then that she was probably a minor. *I made no other comments to her.*

I needed to go to Lewis County on Feb 17, 2008 to look at houses to purchase so I created a trip request for this. I only made out one trip request before and never received any instructions on how to do it, but I knew I was supposed to list some possible contingencies and how I would handle them if they happened. There was no one living at any of the houses I chose to look at at the time so I never thought about the possibility of children living in the houses. But I knew there could be people looking at the houses for the same reason I was and they may have children with them. When I met with my real estate agent, she had an extra house on the list, but she said that there would not be anyone there when we got there. She said that a second time when we arrived at the house. But when she made a courtesy knock on the door, someone answered it. I was caught by surprise but was expected to go in. I didn't know what to do and I went in and looked around. The only person I talked to in the house was my real estate agent.

Violation: Romantic Relationship

I have a friend whom I have known for more than three years. She has three children who I haven't seen since well before my sentencing and have seen very little of her since my sentencing. She knows about my situation. We were very close. She came over to my residence on the night of Feb 20, 2008 unannounced. There was some romance that night and I knew I was suppose to report that so I called my CCO right after she left and left a message. *As per my J+S*

I was seeing another girl who has a 16 year old son but Mr. Boone told me I couldn't date her any more so I have broken off relations with her.

Violation: Computer Use

I have been using a computer for work since my sentencing. When I first reported to Mr. Boone, I asked about having a laptop for work at home. He approved that, but never covered any limitations on what I could use it for. The first two times he visited me at my residence, I believe was Jan 17th and 31st of 2008, I was using my laptop for things that are not work related which included writing an email. Both times Mr. Boone asked me if I was doing work. Both times I said "no" and then told him what I was doing. He just nodded and looked around.

May 19, 2008

I had been a member of an on-line dating service. My therapist thinks it's a good way to meet someone to start a relationship, which I need to do to do well in my treatment. I have reported to my group some of my friends I met on line. I also have a private email account that I use to keep in contact with friends and family. I reported to my CCO on March 4, 2008 that I had received some pictures of my niece's birth and that I deleted some I thought were inappropriate for my situation. Mr. Boone then told me I wasn't supposed to use the computer for things that are not work related.

Mr. Boone says these are violations; he's the one who knows that. All I know is I have recently had a number of restriction put on me that I have been struggling to adjust to. I appreciate that Mr. Boone cares enough to help me change my ways quickly while I am still new in the program. With his help I expect to succeed in this program in minimum time.

I would also like to take time to thank my therapist, Mr. Cobb. I have learned so much from him in the last few months. I have been doing so well that he has recently upgraded my status in treatment.

I know that everyone here is here to help me and are all professionals and know what's best for me and want to see me succeed. I am committed to working hard and doing my best in treatment.

Oscar Churchill