

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON
BY: SW
DEPUTY

STATE OF WASHINGTON,)
)
 Respondent,)
)
 v.)
)
 WILLIAM C. SELLS JR.,)
)
)
)
 Appellant.)

No. 41381-7-II

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, William C. Sells Jr., 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

Trial Counsel, was ineffective during trial for his failure to impeach the State's witnesses, **Singh**, and **Francis**, who testified that Appellant used the Visa Credit Card at the Arco Am/Pm, and Velaro service stations. Trial Counsel, possessed the declarations from **both witnesses** prior to trial. Further, the State submitted the **signed credit slips**, in discovery, and as Exhibits during the Trial. It is clearly evident that, Appellant's writing on the credit slip signed at the America's Diner, does not even compare to the writing on the credit slips from the Arco Am/Pm, or Velaro service stations. This claim is that Counsel was ineffective for establishing the **facts, truth**, and failure to investigate, as well as seek **expert testimony**, to verify the facts, in comparing the Appellant's writing with that of the **uncharged Co-Defendant**, Colton Timberman.

Additional Ground 2

Trial Counsel, was ineffective for telling the jury in his closing argument that, Appellant was **guilty** of possession of stolen property - Credit Cards found in a truck registered to Appellant, as Appellant adamantly **denied** any knowledge that, Credit Cards were in truck, or the existence thereof. Appellant, requested that the Credit Cards be checked for finger prints, to determine who in fact placed them in truck.

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

Date: April 18th., 2011

Signature: William C. Sells Jr.

Additional Ground 3

Trial Counsel, was ineffective for failing to inform Appellant prior to trial, of the State's offer of a plea bargain. Trial Counsel, came to the Grays Harbor County Jail on, September 18th., 2010, the day after Trial, and informed the Appellant that he failed to inform Appellant of the plea bargain. Trial Counsel, did in fact notify the Court, and Gerald Fuller, Grays Harbor County Prosecutor, of his failure to inform Appellant of the plea bargain.

Additional Ground 4

It was abuse of Prosecutorial Discretion and Unequal protection under the United States Constitutions Fourteenth Amendment, in charging Appellant with Identity Theft II, in comparison to other similarly situated persons, including the Prosecutor's adopted Son, **Daniel Fuller**, who stole **Gerald Fuller's** Checkbook, and Credit Cards, to commit the crime of theft, forgery, and identity theft, wherein such persons used a Credit Card to commit Theft in the Third Degree, who had not attempted to steal the card holders "identity".

Additional Ground 5

Appellant wishes to withdraw Appellate Counsel's assignment of error, Section II, A(8) "The sentencing court erroneously denied Appellant credit for time served" based upon the facts presented by Appellant in Appellant's "Motion for Credit for Time Served in County Confinement" including Appellants "Reply" to State's Response filed in Grays Harbor County Superior Court, presntly before this Court in Washington Court of Appeals, Division II, Case No. 41522-4-II.

SIGNED and EXECUTED this 18th., day of April, 2011, under the penalty of perjury, by virtue of and pursuant to RCW 9A.72.085, and 28 U.S.C. Section 1746.

SIGNED: 

WILLIAM C. SELLS JR.

APPELLANT

331248

Clallam Bay Correctional Center

1830 Eagle Crest Way

Clallam Bay, Wa. 98326-9723

ORIG: ✓ David C. Ponzoha, Court Clerk

cc: Gerald Fuller, Grays Harbor County Prosecutor
Jordan Mc Cabe, Esq.

CERTIFICATE OF MAILING AND SERVICE

Pursuant to Washington Court Rules, General Rule 3.1(a)(b)(c), I, the undersigned hereby declare and Certify that, I have placed, "STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW IN WASHINGTON COURT OF APPEALS, DIVISION II, CASE NO. 41381-7-II", into sealed envelopes with first class prepaid postage affixed thereto, having turned over to a Correctional Officer, employed at the Clallam Bay Correctional Center, for logging as "Legal Mail", and direct deposit into the United States Mail, on this 20th., day of April, 2011, having been addressed to the following parties:

Washington Court of Appeals, Div. II
Attn: David C. Ponzoha, Clerk
950 Broadway, Suite # 300
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Attn: Gerald Fuller, Deputy
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Montesano, Wa. 98563
Jordan Mc Cabe, Esq.
Counsel for Appellant
P.O. Box 6324
Bellevue, Wa. 98008-0324

APR 21 2011
BY [Signature]
DEPUTY

SIGNED and EXECUTED this 20th., day of April, 2011, under the penalty of perjury, pursuant to 28 U.S.C. Section 1746.

SIGNED: William C. Sells Jr.
WILLIAM C. SELLS JR.
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1830 Eagle Crest Way
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