SAG For Review
No: 43485-3-II
Additional Grounds.1

A lot of the documents that prosecutor handles was tampered with and/or altered; My police report, evidence, witness statements, even the so called Verbatim Transcript of Proceeding and ect. There is one witness; while on the witness stand discover that her police statement was altered. She was instructed to read it, by the prosecution, Ms Alicia Burton. The witness didn't didn't give the prosecution the answer they wanted. So to cover their tracks, the Verbatim Transcript of Proceedings was altered; which was also used to discredit her testimony, RP 2213-228. Her name is Cherlyn Merz, phone 253-297-4388.

She also tried to contacting the defendant's lawyer, Marla Quigley, and his appeal attorney, Stephanie Cunningham. Neither one returned her calls.

FILED
COURT OF APPEALS
DIVISION II
2013 JAN 11 PM 1:21
STATE OF WASHINGTON
BY _____
DEPUTY

Date 1-6-13

Kelly E. Merz

SAG for Review
No: 43456-3-II
Additional Grounds 2

I had given my appeal attorney, Stephanie Cunningham 27 pages of what really had happened; which contained constitutional issues. I had wrote her 2 or 3 times to send me court documents I would pay for it. No response. I wrote her and told her to contact a witness. Whose witness statement or police transcript statement was altered. I gave her the phone number, but didn't contact the witness. Also her Opening Brief looks like it was done by the prosecution.

Additional Grounds 3

On 3-15-12, in Superior Ct, my US and WA state constitional right to go pro se, Art 1 Sect 22, was denied by Judge Vicki Hogan; Even when I her, he has severe prejudice against me and he wants my head on a stick!" She wouldn't allow me give details of my lawyer's sorry behavior.
RP 1 19 line 22 Defendant: "Well, I can get into the details, but you say you don't want me to get into details." THE COURT: "No, I don't want the details of the conversations that you had..."
RP 1, 12 line 3... I will get 35 years if he represents me,... I got 33 years. RP 12-22

 Date 1-6-13 Kelly E Mery

SAG For Review
No: 43456-3-II
Additional Grounds 4

My police report transcript was altered and read my audio recording. Which I didn't get to until after my trial, except for few pages. It was the transcript before redaction. Most of things that would help my case was deleted or altered. Except for the first five, "I stated," I should have a lawyer." or something like that four times. RP
All the criminal drug related activities of room mates was deleted; such as; stealing from me and from other tenants. Having the drug addict friends over all hours of the night and ect.
I was made to like a sex crazed person by altering it. They over five months to do it. I admitted to one personal incident. It was turned into four worse incidents, which I was spying on Cori taking a shower. This didn't happen. Another thing I mentioned I sometimes wore sleeping shirt that went down to my knees, which my room mates said, it was ok; Which I wore to bed. The detective asked me, "Did you pants with it?" I said "No." So, "Sleep Shirt" was deleted and was made to say I wore no pants. Capt. Det. Denny Wood seems like an honest man, but Det Kevin Johnson had prejudice toward me. Date 1-6-13 Killy E Muz
and ect. 3 of 19

SAG For Review
No: 43456-3-II
Addition Grounds

RP5 609-631 The defendant's Testimony. 90+% of this didn't happen and the jury didn't hear this stuff. This fake Testimony come from my personal notes that I gave to my corrupt lawyer, when I first met him. And over a period of time, my memories were coming back to me, after a couple of months, I gave him some updated notes. At that time, I didn't know he was working with the prosecution to put me away, until 1-10-12.

I can show you this farce. The first three questions supposedly asked by the prosecution. RP5 625 line 15 Q. So you suffered from anxiety as soon as Cori and Fem moved in?

17. A. Yes, primarily, yes, sir.

18. Q. And that was in part because of there was some sort of theft of your property?

20. A. Yes, and drug activities and stuff like that.

21. Q. Drug activities? There was also a sexual component to this, wasn't there?

The answer to #20. No one in real life would have gave that garbage answer. 99% of people with average intellegence. Wouldn't skip over thieves stealing their stuff. They would automatically tell

 Date 1-6-13 Kelly E. Mary

SAG For Review
NO: 43456-3-II
Additional Grounds 5 Continued

what was stolen. Even a retarded person would say something about their stuff being stolen.
Here is the reason for this idiotic made up answere.
Here is the real answer: I had $600-$700 stolen out of my safe less than week. I had a police report turned it into renter Insurance got $200.00 back. Mark Quigley refuse to use this police report as evidence. Suppression of evidence.

Additional Grounds 6

My lawyer, Mark Quigley, would not allow me to add witnesses to my defense wit-list. There was one witness on my wit-ness list. There are witnesses that could Testify on my behalf, about my drug addict roommates, Cori Lewis and Eufenia Miranda, behavior and activities. He would He would not allow me to have character witnesses from a church, from work, or Tenant to testify on behalf. These lawyers has already change the record off the first SAGs I sent.

Date 1-6-13 Kelly E. Mery

SAG for Review
No: 43456-3-II
Additional Grounds 7

My assistant counsel, was non-existant. Mark wouldn't answer or return 90% of my calls. Travis Currie, my assistant counsel, I try to call him also. He would answer either, maybe once.

Additional Ground 8

Mark Quigley never sit down with me and gone over the discovery or any thing except some court paper work in hearings. We didn't go over evidence, talk or go over police reports, witness statement. We never went over my police statement. I didn't get to read my police statement until after my trial started, except for a few pages in 3.5 hearing. He didn't go over that with me. That is when I discovered my police report was full of alterations.

Additional grounds 8 continued next 5 pages.

Date 1-6-13 Kelly E May

Mark Quigley
My Public Defender

The following is only some of it. The vast majority has been forgotten.
Well the first time I met Mark Quigley, my public defender, was about three weeks after 9-12-11, that is when I called my ex-wife and told her that I was turning myself in. About the first words out of his mouth was, "You are looking at about 25 yrs min." He said this, like he had this already figured out, without talking to me or knowing all the facts.
Two women attorneys came to me, one of them was a former deputy prosecutor. I told her what happened. They believed me. The one, that was former deputy prosecutor said something like; I met all her markers for somebody that is telling the truth or lying. She knew I was telling the truth, when I told her, that I had went insane. She told me with weapon enhancement and the surrounding circumstances. She was thinking around 15 years. Another attorney said, 12-15 yrs. One ~~was~~ $30,000 the other one was $40,000. I couldn't afford them.
The next time I saw him two months later, mid-Dec. at some hearing.
Nov 22 & 28, I saw the psychotherapist,

 Date 1-6-13 Kelly E. Mery

Mark Quigley

Michael Comte. He believed me also. After his second session; his last words to me was, "It definitely wasn't premeditated." It was only two visits. I thought he was coming back. I had more stuff to tell him.

Mr Quigley didn't return about 90% of my calls. Travis Currie, co counsel, about 100%; there might have been one call, but I don't think so.

I finally get to talk to Mr Quigley. I asked him, "When is Mr Comte coming back?" He replied, "He isn't. It is only two sessions." I said, "I had more stuff to tell him. I'll pay for another session. How much is it?" Mr Quigley said, "He is very expensive, $10-12,000.00."

I periodically left messages asking about my mental evaluation results. Finally, after 42 days after my last session; on 1-9-12, Mr Quigley calls, and says, "I tried calling last week, but the lines were busy." I asked him about my results. He did not want to give me a straight answer. Then Mr Quigley said to me, "I think you are lying about going insane." I was total shocked at him saying this. But he didn't know all the

 Kelly E. May

Mark Quigley

Facts. Mr Quigley didn't like what Mr Comte said, that what I understood. I asked Mr Quigley before, "Why don't you visit me? He said, "You don't me to hold your hand." That is the reason he did know the facts. He is either to lazy to visit his clients or don't care about his clients or both. That right I hardly sleep, next day 1-10-12 was a hearing I had told Mr Quigley, this hearing, I want to go to. But ignored me and kept me out.

He came out with plea deal. Mr Quigley wanted offer 20 years to the prosecution. I told him, don't offer Murder second degree 20 years. Start out lower than that, offer manslaughter. Mr Quigley responded, "Manslaughter is not an option. My conscien c e won't allow me to offer manslaughter. Even if the jury wanted to give you manslaughter; I wouldn't allow them. I would instruct them not to go below second degree murder. The victim's family would want you in an Iranian prison." (I sure not if he said, "Consider yourself lucky.") "I am offering 20 years."

 Date 1-6-13 Kelly E. Mery

Mark Quigley

I was almost begging him for continuance. There was one person I knew, had finances to pay for a real attorney. If I was given more time, there was a good possibility that this person would have helped me.
Mr Quigley said flat out, "No, We are all ready to go. ect" Him and the prosecution.
Then we went over a Two page court document. Two spaces had diminish capacity and insanity ect. left blank. I wouldn't sign it until fill in them spaces. He slid the paper work under the window for me to sign. He held it firmly with two hands. Then I signed it. Afterwards, I realized he stuck a third page on the bottom. As he was walking away, I asked for a copy. He said, "I'll route to you. I had some anxieties, because I didn't know what I had signed. That was 1-10-12. It wasn't until 3-2-12 I found out what I had signed. It was the witness list expired 3-1-12, where you can't add witnesses. We only had one witness on our list. But since After I got convicted, they probably probably more names. So they won't look bad. RP pagell Superior Ct 3-2-12

 Date 1-6-13 Kelly E. Mery

Mark Quigley

On 1-11-12, two VA Reps came and talked with them. They ask me if I was exposed to explosions in the Army? Yes, 13 years combat engineer. Did you get an MRI upon leaving the Army? No. You need an MRI. They had me fill out some forms and said that they would talk with their psychar-ist. Also I have an high pitch sound in my ears. Which is a symptom of hydrosepha-alus, fluid on the brain, which indicates brain damage. VA reps said they would contact my lawyer. I warned them that he was good at manipulating people. I never heard from them again. I wrote them and called.

Eventually, I talked to Mr Quigley. I told him. I need MRI to check ~~for~~ my brain. I gave him the VA phone #, but of course he didn't do anything. This is in Superior Ct on 3-2-12 RP page 12 and 13 ~~[illegible]~~ I didn't say Currie. altered

On 1-24-12, I got the mental evaluation results 66 days after the last session. It was dated 12-3-11, 5 days after, Mr. Quigley, a couple times, told me it was not ready. So during that time did he talk Mr Comte to downgrade it. It still acknowledged, I suffered from insomia, dysthymic disorder ect.

 Date 1-6-13 Kelly E. May

What Really Happened Brief Summary

I only wanted one roommate, that didn't smoke. Two women show up. I told them that I only roommate. They talk me into letting them move. I didn't do back ground check bad mistake. They turn out to be drug addicts. Within a week ransack my bed room found my safe combination in my Bible, steal $600.00-700.00. Call Sheriff's Dept; deputy doesn't have enough evidence to arrest them. I get police report collect $200.00, renter's ins. Cori lied about smoking. I start suffer- from sleep depravation and anxieties. They steal more things from me and other tenants. They have been given vacate notices. They have guest or other drug addicts over all hours of the night. This goes on for two months. Fem complies and moves out. Cori begs me to stay to help her with overcoming her drug addiction. Cori sometimes be tweeking and argues with me. I have been suffer sleep depravation and anxieties two months.

On 9-9-11, 1AM come home from work. She starts arguing. I am fed up crying, caddling my dogs rocking back and forth in my bed. I call my lawyer start eviction proceedings. Sat. change my mind give her another

Date

 1-7-13

Kelly E. Mez

chance. I call my lawyer cancelled the eviction left voice mail. Sun go to 9:30 AM church service. After service pastor asked me to stay for fellowship. I said, I'm putting a fence in. Get home load; a pick, a shovel, and a sledge maul. Eat breakfast, feed dogs, get ready to go out the door process server shows up. Cori get eviction notice. I tell not to worry about it. She doesn't believe me. She goes gets her cell phone is about 5 ft from me. She says on phone something about my pants down around my ankles. This is the first time ever about sexual misconduct. It a total shock to my sleep deprived brain. Also other factors possibly to me losing my mind. They were doing meth, I didn't know. It is almost odorless, surface contact. Exposed to explosions possible brain injury army. Well any way, head starts hurting. I yell, "Why are you lying? Quit lying!" Hold my head, I flee from her. She's follows me, saying, "Quit listening to my conversation." over and over. I shut my bedroom door turn tv on. Lay down.

Kelly E. Merz

What Really Happened

After awhile I come out. I am not the same. I have a pressure and numbness in my head. My vision is tinted and memory shadowy, no conscience, no feelings, no sense of reality, primal. My brain had short-circuited. It was like circuit breaker box all of the good stuff was in off position. Norman Bates mode not by choice. I get my pistol out of my safe. I knock on her bedroom door. As the door starts to open I black out. Next memory I have; she is crouched in the closet. I want to shoot, but my mind is so far gone I don't know how. Next thought was to break her neck. I black out. Next I hear her voice, unless I imagine it. She said, "Kelly, honey look at me." My dogs are barking. The lights come on, my video is coming on. I am in Norman Bates mode. I am looking for my gun. It is already in my hand. She lying on the floor motionless. I immediately shoot her. When I was blacked out, she scratches and bites me. I don't remember her doing this. She has blood dripping slowly out the back of her.

 Date 1-7-13 Kelly Emery

What Really Happened

I put two Walmart bags on her head. I go to the car put the seat up. Her friend is parked out front. I go back into the apt. When I killed her, it was not premedited. I had 3 pistols. It would have been easy to make it look like self defense. Just put one pistol in her hand. If I had a choice, my attitude would have been, "I threw with you. I am evicting you. No more chances. We are done." Not kill her; that doesn't make no sense. I am like zombie, barely functioning. I throw her out the back window. I didn't roll her up in a blanket. I live in the city, Sunday ~~after~~noon. Four plexes both sides of the street. When the next door nieghbors are home. I don't know if anyone was upstairs I load her up. Her friend did look up. I drive down Gem Height Dr. I am still in the city; I see a walking trail. I jump the curb across the street are 100's of homes. It is probably the busiest day of the week for joggers, people walking dogs, ect. I drag her about 25 ft. I see a guy coming. He asked,

 Date 1-7-13 Kelly E. Merz

What Really Happened

"What are doing?" I walk toward him. I tell him I was taking a leak. He said, "There is gas stations at both ends of the street and Wineo." He see the scratches around my eyes. He tells me to sit down. I sit down. He calls 911. A blond female deputy shows up. She sees the scratches, I tell her I scratched by blackberries. Both of them ask me about the drag marks on the ground. I tell them I was dragging my feet. I was barely functional. She runs a check on me. I am clean. They leave. In court the guy said, he saw something white the grass that was her, she had white sweat pants. They didn't go over and look. She was about 25 ft away. He also said, that I looked like I was on drugs. I never have done drugs in my life. I only have drank alcohol twice that was over 30 years ago. I drag her by some bushes and put cardboard on her. I leave and go find another location. Dig a shallow grave, ground hard and rocky. I go get her body. Like I said before I am zombie. The guy that said, I look I was on drugs. He was a witness to my mental state. I take her hop off. I

 Date 1-7-13 Kelly E. Mery

What Really Happened

I was taking her clothes off her, so could decompose faster in the ground. Also, it would a good idea to take them DNA. I am not attracted to Cori. She is a drug addict. She is a thief and liar. She is a smoker, yuck. She has crimnal record. She is white. I never been with a white woman. Four out five women, I have been with were church goers. She had 4 or 5 lovers that I knew of. I do not use condoms. I would not risk STD with a drug addict. I am engaged to beautiful Asian woman. Here is proof that I was mental incapacitated. I take sweat pants off I give her one kiss I recoil, because DNA pop into my brain. Not the fact, that is a dead woman. The term, condition reflex, I think that is what had happened, because I am not attracted to her. I throw the clothes in, when I should have took them with me. I bury her. I go home and clean up. I going real slow. I up all night I usually get around 3 or 4. I load trash and bring pillow. I was going to put the fence in, I was going to put in the day before, but got interupted. I throw the bullets in some bushes.

 Date 1-7-13 Kelly E. Murg

What Really Happened

I throw the trash in a dumpster. I go to Parkland where we have a vacant apt, where the fence goes. I go inside, I lay down to get some sleep been up all night, go to sleep 8 AM. I wake up around 9 AM. I am absolutely horrified. That is when I find out, I killed my roommate; the good side of my brain. I am crying and praying to God to bring her back. I was in shock. Extremely distraught. I go back to my apt. I decide to turn myself in. Come and get my dogs and take care of apt. paperwork. I am confuse, grief striken, memory; I didn't remember I had went church until 3 weeks later and other stuff.

I was their victim for 2 months. Guest all hours of the night. Her tweeking, Fem admits in police report that she smoke meth. Covi toxology show meth and other drugs. I have a high pitch sound in my ears. Symptoms of hyrosephlus, Fluid on the brain; which could brain damage, tumor etc.

Date
1-7-13

Kelly E. Merz

Officier Getting Observations
About The Defendant

RP1 43
line 12 Q... he agreed to take you to various crime scenes?
A. He was asking to more than, you know, it wasn't even like I was asking.. He He was very forthcoming, and very polite, very responsive in, you know, like really wanted to show me.
Q. So he was cooperative with you?
A. Very Cooperative.

RP1 53
line 8 Q... do you have your hand on a firearm at that point?
A.... no, I know what you are getting at, but he doesn't look like a killer...

RP1, 57
line 15 Q... really exhausted, mentally
A. Mentally exhausted, yes.

RP1 58
line 2 A... I haven't slept since the incident. I am really tired.

RP1 81 OFFICIER FOSTER
line 1... confused or under the influence?
A. Under the influence? No. Confused? There was a point where he was not sure what street to go on to get to where we are going...

 Date 1-6-13

Kelly E. Mey