

COURT OF APPEALS  
DIVISION TWO  
OF THE STATE OF WASHINGTON

FILED  
COURT OF APPEALS  
DIVISION II

2017 MAR -2 AM 11:21

STATE OF WASHINGTON )  
)  
Respondent, )  
)  
v. )  
)  
Elliott Rudolph )  
(your name) )  
)  
Appellant. )

STATE OF WASHINGTON

No. 49126-5-II BY C  
DEPUTY

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

I, Elliott Rudolph, 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

One of the Jury members and her son knew one of the prosecuting witnesses. They went to High School together and they stated they are best friends. I was told the jury member asked if he know me and talked about the Trial and her son called Dalvin Hall to confirm that it was really me on trial and what was going on.

Additional Ground 2

I also believe my rights to a fair trial was violated because it was a week before spring break. I believe it would have came back as a hung jury if people weren't leaving on vacation. The judge my attorney and jury members were talking about flights they had to catch that the trial needed to be done by Friday. I believe the jury was more concerned about leaving.

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

Date: 2-16-17

Signature: Elliott Rudolph

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Additional Ground 1

Trial court denied continuance for further testing of the items that supposedly had DNA. There was a lot of confusion for the jury after finding a 3rd DNA and Suliva. It was important to find out who the other male DNA belong to and clear up who's DNA or a sperm cells belong to.

Additional Ground 2

Prosecuter used a witness Dalvin Hail to testify on how much alcohol she consumed from eye sight only. Used his testimony as expert testimony to determine that she was black out drunk.

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Additional Ground 1

Ineffective Assistance of Counsel - Failure to adequately prepare for trial or to subpoena necessary witnesses. My attorney was assuming that she would get a continuance and was not prepared to start trial on that day. She had not subpoena any of defense witnesses which caused important witnesses not to be subpoenaed and not testify.

Additional Ground 2

Ineffective Assistance of Counsel - Counsel did not object on certain situations that she should have like the chain of custody of the underwear. There was a picture of the evidence on the seat of a car with a plastic bag next to it. With minimal DNA the chain of custody is important. The DNA could have been transferred from my coat.

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No. 491265 II STATE OF WASHINGTON  
BY \_\_\_\_\_  
STATEMENT OF ADDITIONAL  
GROUND FOR REVIEW

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Additional Ground 1

Ineffective Assistance of Counsel - Failure to make reasonable investigations into possible defense strategies. I wanted to testify and she wouldn't let me. There were also 2 sisters who were important to my case she had phone numbers to contact them and did not question them for my defense it could have proven my innocence.

Additional Ground 2

Counsel and PA agreed on not letting in social media or messages and they allowed screen shots of text messages that were incomplete. They only used the messages that they felt was a benefit to them. And was not clear that ~~some~~ messages had been deleted and were left out.

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

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Additional Ground 1

Prosecution has the burden of proof of sexual penetration took place without the consent of the complainant. They did not prove sexual penetration the complainant did not get a rape kit done after telling the doctor she would. There was no evidence of penetration.

Additional Ground 2

Violation of clients right to an unbiased jury. A female juror made it on the jury when she stated she had a family member raped. And 3 jurors worked at the same job one was a supervisor of another.

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