

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

FILED
COURT OF APPEALS
DIVISION II

STATE OF WASHINGTON)
)
 Respondent,)
)
 v.)
 ROGER D. CALHOON)
 (your name))
)
 Appellant.)

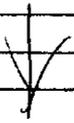
2017 MAR 24 AM 11:33

No. 49346 ~~STATE OF WASHINGTON~~
BY [Signature] DEPUTY
STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, ROGER D. CALHOON 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.

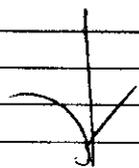
Additional Ground 1

Please see attached



Additional Ground 2

Please see attached



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

Date: 3-22-2017

Signature [Signature] UCC3-402
UCC1-308 UCC1-207
UCC306; Calhoon



Certified mail
No.# 2015 1520 0000 2797 3858

Brief

STATEMENTS OF ADDITIONAL GROUNDS FOR REVIEW RAP 10. 10.

One. WSP / WASHINGTON STATE PATROLL employee Citing and arresting agent, never filed a criminal complaint or criminal citation with the superior court clerk within 48-hours from the time of arrest permitted by statute.

(errors: This is not a procedural matter this is jurisdictional, without the criminal complaint or citation signed by the accused, filed into the Superior court clerk's office within the 48-hours according to statute and its own laws or rules THURSTON COUNTY SUPERIOR COURT never established jurisdiction over the matter. Plain and clear violations of RCW 46.64.010, RCW 46.64.015, RCW46.63.060, CrRLJ 2.1(3)(b)(l) which also violates Due process of law which includes notice and opportunity to defend, CrR 1.1 decisional law of this State, CrRLJ 2.1(d)(2), IRLJ 2.2(d) which mandates the officer shall file the ticket or complaint with the clerk of the court within 48 hours from the time of arrest making this decision simple and clear the US, constitution and Washington state constitution to serve me personally with the CrRLJ 2.1(b)(2) complaint and AGO 2003.No.3 (Dismiss with prejudice) please.

Two. WSP Trooper Ball, the arresting citing agent and other State employed agents acting as witness signed under the penalties of perjury that it was true the accused named JOHN DOE was book into jail on 13th of September 2015.

(Error: WSP Trooper Ball and other WSP employed witnesses have committed perjury on their reports. There for their testimony as witnesses on this matter is invalid and not credible.

The accused was not booked until the 16th of September 2015 under duress over 72 hours after time of arrest.

Exparte Castellana (Tex Crim. App. 1993)

Misconduct and reversal of conviction required when perjured testimony by police officer, Although privately motivated it is utilized because such testimony is " Imputable " to prosecution. (Dismiss with prejudice).

Three. The arraignment was not held within fifteen days after the day of arrest. The date of arrest was on September 13th at 8:30 am.

(Error: CrRLJ4.1(a)(l)(i)(ii), CrR(a)(1)(b), CrR 4.1 (3)(b) ,CrR 3.3 (d)(1)(3) and CrRLJ 3.3(5)(d) If one is not arraigned within fifteen days of arrest you have a due process violation, State v. Striker, 87 Wn.2d 870, 557 P.2d 847 (1976), State v. Huffmeyer 102 Wn. App. 121, at footnote 2, 5, P.3d 1289 (August 18 2000) footnote 2 on page 124. (Dismiss with prejudice) please.

Four. WSP Trooper Ball vehicle was not clearly marked as WSP. Unmarked State patrol vehicles have no authority to make traffic stops for vehicles licensed for hire, to check for license, insurance, registration or safety equipment checks, let alone stop a private traveler.

(Error; Violation of RCW 46.64.070, provides the parts to carry out the purpose of RCW 46.64.060 AND RCW 46.64.070 also makes it clear that only plainly marked patrol vehicles are allowed to be in service during daylight hours only. If there is a need to right a ticket it cannot be done for a period of 10 days after the citing through the mail.

State Trooper Ball, was using an unmarked vehicle designed for vehicle safety inspections as if it were a regular plainly marked police vehicle used for citing traffic violations to drivers for hire.

(Error; Violations of RCW 46.64.060; RCW 46.64.070; RCW 46.08.065 (1)(2); RCW 46.08.066; RCW 46.08.067; RCW 46.61.024; WAC 204-88-030(1); WAC 204-88-060(1)(2); State v. Marehand 104 Wn.2d 434, 437-441, 706 P.2d 225 [No.50754-6. En Banc September 12 1985]. State v. Ritts 94 Wn. App. 784, 973 P.2d 493 (1999)

Five. Impersonating an officer, Trooper Ball was not prepared to show his CERTIFICATE OF AUTHORITY, I.D., credentials officers commission card and such proving he is a legitimate and legal law enforcement officer, and never did when asked as his gun was pointed directly the face of the accused.

(Errors; Violation of RCW 46.61.020. RCW 42.56 et seq., formerly RCW 42.17 et al., and RCW 7.21.010 (1) he was not in official capacity as an officer of the law at the time of the citing or arrest.

Under what authority does the citing arresting officer have the right to apply terry principals to the commission of a civil infraction, there are misdemeanor charges such as failed to stop RCW 46.61.020, requiring the same elements as felony flight that could have been cited, if the accused was a Driver for hire as accused, rather than a private traveler going to take care of his mother, this is a private matter not a commercial one.

There was no just reason to go straight to felony charges for an elderly man with no criminal record, that was clearly in fear for his life.

(Errors: Misuse of Washington States official safety inspection equipment, excessive force, vindictive violent behavior and conduct unbecoming a WSP Trooper or law enforcement officer.

(Dismiss with prejudice) please.

Six. WSP TROOPER was combining forces with city police, city police are not allowed on the interstate highways it is a direct violation of statute. The different services of law enforcement are not allowed to combine forces, this known as gang activity, it is also a violation of their corporate charters.

(Error; City police are not allowed on the interstate highway it is a violation of statute as well as their corporate charters, especially to be involved in the abuse of Washington State official safety inspection vehicles and the unlawful and illegal arrest of travelers with WSP. (Dismiss with prejudice) please.

Seven. Trooper Ball while acting un-officially as a traffic citing and arresting Agent allegedly for the STATE OF WASHINGTON, pointed a gun point blank into the face of the accused without the use of deadly force against him. The un-official STATE Trooper Ball, had the window broke out of the accused private car, had the accused's right arm broken out of the socket, his body thrown to the ground, stole the accused dog sold it in two days, stole dash cam with other private property and had a private car towed without consent of its owner.

The private car or the accused man inside was not contracted with the STATE OF WASHINGTON as a Driver for hire, no contract, no probable cause, the private man was not doing business as a driver fir hire.

(Error; Inland piracy, State employees have stolen and damaged the accused's private property, excessive force was used, Trooper Ball and police on cite had violated their constitutional oaths to serve and protect while coursing a private traveler into contracting with the STATE OF WASHINGTON as a Driver for hire. (Dismiss with prejudice) please.

Eight. The Prosecutor at trial was allowed to change the meaning and definitions of the charge reckless driving as defined by statute in the instructions to the jury, the prosecutor also was allowed by the court to make implication to the jury that the accused had knowledge of guilt by not stopping his car.

(Error: Brady violations, the prosecutor nor anyone is allowed to imply to the jury that the accused has knowledge of guilt.

(Error: Brady violation; The prosecutor does not have the latitude to create, imply, pervert and insert his own definitions of statute in the court room let alone directly to the jury. The sitting judge is also not allowed to practice law from the bench, (Dismiss with prejudice) please.

Boyd v State (Tex. Crim. App. 1976) Misconduct and reversal of conviction when prosecution deliberately elicits testimony to or from witnesses about the defendant's guilt.

Nine. Brady violation; The prosecutor was also allowed to suppress evidence from the accused/defendant's dashcam. TROOPER BALL. Stole the dashcam from accused private car and the accused traveler was not allowed to have for his own evidence or witnesses, the accused had been asking for his dash cam recording from public assistance A Christian Cabrera the whole 10.5 months he was incarcerated as well as in Trial court to call his own witnesses, and was not allowed.

(Error: Pena V. State (Tex. App. 2011) Brady violation because prosecution failed to disclose to or withheld the audio portion of the video tape containing statements he made to the police.

(Dismiss with prejudice) please.

Strickler V. Greene (U.S. 1999)

If evidence is favorable to exculpation or Impeachment, the evidence is either willfully or inadvertently withheld by the prosecution or the withholding of the evidence is prejudicial to the defendant the court must reverse the conviction with prejudice. (Dismiss with prejudice).

United States V Bagley (U.S. 1985)

The court must reverse a conviction If It is fit and reasonable to think that the evidence (is material) would have produced a different result or outcome. (Dismiss with prejudice).

Ten. The accused knows who and what he is, and has made claim declaration and repudiations in this case in the file and on the record, that he is a man not a persona. The accused knows he is not a corporate thing as stylized on all the courts dockets and he was not doing business as or for hire on September 13th 2015.

(Error Violation Treaty of Paris for American Bar association to operate in this country Identity theft, Press-ganging, Personage, Inland-Piracy, Barbary, all have been outlawed for hundreds of years

(Dismiss with prejudice) please.

Eleven: At prose hearing Ineffective council was forced on the accused in court, A Christian Cabrera admits on the record in court that day of the prose hearing he is ineffective as counsel on this matter. In his own words at the prose hearing, he says to the sitting judge that he cannot be effective as counsel in this matter, the accused was also denied to go prose that day by the same Sitting Judge at this same hearing while he was addressing the accused's motion for prose.

(Error Recorded proof of Ineffective counsel was forced on the accused as admitted in court, to sitting Judge Richard Price by A Christian Cabrera.

(Error: Brady violation, the accused was denied due process of law and access to the court to the accused at prose hearing. (Dismiss with prejudice) please.

(Error: the accused has not only the right to counsel, but the right to effective assistance of counsel.

Case law; U.S. Supreme court ruling in Strickland v. The State of Washington corporation, see supreme court ruling at 466.U.S. 668.80Led2d 674 104 set 2052. also, see Glasser ns. 172 US 315 US. Vs. Padilla-Martinez 762 F 9422d (11 cir).

Twelve: The WSP Agent had no probable cause: Traveler V. Driver, the private car was clearly marked as private property and was clearly not contracted or Registered with the DEPARTMENT OF MOTOR VEHICLES/DEPARTMENT OF TRANSPORTATION, DMV, DOL, "Etc."

The WSP patrol agent should have known that he did not have consent or contract from or with the accused traveler with no licensed for hire plates on his car.

(Error: Agent WSP Trooper Ball assisted by a gang of fellow troopers, including many local city police on the interstate highway, were working hard to intimidate and force the accused traveler to contract with them as a driver for hire.

(Error the accused traveler was clearly in fear for his life, press ganged and violently robbed of his natural Identity on the side of the interstate highway by a gang of WSP Trooper's with the aid and assistance of local city police and violently forced into a prone possession while State agents were stealing the accused travelers Identity at gun point, while forcing a DRIVER for hire status on the accused traveler as defined at the DEPARTMENT OF MOTOR VEHICLES in their Federal guide lines and rules for all licensed DRIVERS for hire under the Law of the Sea, Maritime, Admiralty, contract law.

It is plan a clear to see that these WSP STATE Troopers and all of the other local city police criminals involved were trained to illegally combine forces attack, abuse, violate and possibly kill anybody exercising their free and natural right to travel without contract, permit or license from the corporate STATE OF WASHINGTON.

These cases of traveling have been won over and over in the higher courts of the STATE OF WASHINGTON and others for over a hundred years and have never been over turned to date.

Here is some RCW, WAC more case law examples;

My car is a private recreational car not a vehicle for hire, as defined in RCW 46.25.050(1)(c), & WAC308-100-210, and is not a COMMERCIAL VEHICLE. This makes it clear that the alleged requirement for a driver's license does not apply to any person. To clarify Recreational vehicle- definition. Go to WAC 308-100-210 which reads the definition one whom is operating "recreational" vehicle used for non-commercial purposes like traveling to take care of my mother.

WAC 308-100-210 specifically DE find's the term" RECREATIONAL VEHICLE" shall include vehicles used exclusively for NON-COMMERCIAL PURPOSES which are (1) PRIMARILY DESIGNED FOR RECREATIONAL CAMPING OR TRAVEL USE.

Case law; N.C. Law review vol.32 page 545, Carolina Discount Corp V. Landis Motor Co. 190 N.C. 157; 129 S.E. 414 (Sept. 30. 1925).

Case Law: Bank of Boston V. Jones 4 UCC Rep. Serv.1021, 236 A2d 484, UCC PP9-109.14.

Case Law; Desser V. Wichita. (1915) 96 Kan.820; Iowa Motor Vehicle Asso. V. Railroad Comrs 75 A. L. R.22. Ex Parte Hoffert, 148 NW 20. In review of this rule a statutory provision that the supervising officials "may" exempt such persons when the transportation is not on a commercial basis, means that they "Must" exempt them." State V. Johnson 243. P. 1073; 60 C.J.S. section94 page 581.

Article XIII, section 3 Of the January 28, 1889 WASHINGTON STATE CONSTITUTION AS APPROVED BY THE 50th CONGRESS 2nd Session – SENATE -MIS. DOC. No.55 STATE CONSTITUTIONAL RIGHT TO TRAVEL.

It is undisputed that the congressional Records clearly shows that the 1878 Walla Walla constitution was approved by the 50th CONGRESS 2nd Session – SENATE-MISS.DOC. No55. On January 28,1889, which grants all Washington Citizens the State Constitutional Right to Travel without Title 48 CFR ss383.153 (a) Commercial Driver's License at article XIII, Section 3 which reads:

"Sec. 3. ALL RAILROADS IN THIS STATE SHALL BE DEEMED PUBLIC HIGHWAYS, AND SHALL BE FREE TO ALL PERSONS FOR THE TRANSPERTATION OF THEIR PERSONS AND THEIR PROPERTY "See also RCW 79.01.340.

It is so unfortunate that the American people whom have been made to believe the claims for hundreds of years that they are free. Are still suffering from the most basic form of enslavement and imprisonment" By their public Servants".

To be coursed and violently threatened for exercising my free right to travel from point A to point B freely without fear of ignorant civil servants act as master becoming thieves, being false imprisonment by ignorant civil servants acting as master or having ignorant civil servants acting as master brutalizing, misusing and abusing the authority granted to them by the people, the free travelers, the migrating traveling not in civil service people as I am. The ones whom have hired you, to protect them from such tragedies as being mistaken for a civil servant in service while traveling as mentioned herein is more than just a travesty.

The ignoring of the higher Supreme and App, Courts case law and ignoring the special limits the United States Constitution has placed on the nineteen enumerated corporate Government services, for the people of United State of America, is the worst kind of lawlessness.

Please support the constitution for the United States of America and its special limits placed on its servants, which the STATE OF WASINGTON is.

Please help stop the abuse of we the people

There is plenty of case law on this matter in the case file. There is Case law in the higher courts of the STATE OF WASHINGTON and others for over a hundred years without being over turned to date that prove my case and point. (Dismiss with prejudice) please.

Lawfully Is there anything else you should do?

Thank you for your time

Roger: Calhoon