COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

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COURT OF APPEALS
DIVISION II

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STATE OF WASHINGTON
BY _____
DEPUTY

STATE OF WASHINGTON Respondent, v. Christopher Allred (your name) Appellant.	))))))))))	No. 49375-6-II STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

I, Christopher Allred, 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 statement...

Additional Ground 2

Please see attached statement...

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

Date: 5-25-17

Signature: C Allred

Form 23

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References and Authorities

1. AEP - Prosecutor Misconduct. Distinguished by AEP 2007 Court of Appeals, Lexis 1242, Lexis headnotes - Credibility.

2. A Jailhouse Lawyer's Manual, Ninth Edition. (JLM). Columbia Human Rights Law Review. 2011.

3. American Bar Association Center For Professional Responsibility. Model Rules of Professional Conduct, 2016 Edition. ABA Publishing. Pittsburgh, PA. 2016.

4. Benforado, Adam. Unfair The New Science of Criminal Injustice. Broadway Books. New York. 2015.

5. Brendlin v. California, 168 L. Ed. 2nd 132, 551 U.S. 249, 127 S Ct. 2400.

6. Darden v. Wainwright, 477 U.S. 168, 106 S. Ct. 2464, 91 L. Ed. 2d 144 (1986).

7. Dershowitz, Alan M. Reasonable Doubts. Simon & Schuster. New York. 1996.

8. Donnely v. DeChristoforo, 416 U.S. 637, 643, 94 S. Ct. 1868, 40 L. Ed. 2d 431 (1974)

9. Dwyer, Jim; Peter Neufeld; Barry Scheck. Actual Innocence When Justice Goes Wrong and How to Make It Right. New American Library. New York. 2003.

10. Garner, Bryan A. Black's Law Dictionary, Tenth Edition. Thomson Reuters. St. Paul, MN. 2014.

11. Gersten v. Senkowski, 426 F. 3d 588, 609-15 (2d Cir. 2005).

12. Graham, Michael. Federal Rules of Evidence in a Nutshell, 9th Edition. West Academic Publishing. St. Paul, MN. 2015.

13. Healy, Tim; Attorney at Law. Law Offices of Benjamin & Healy, PLLC., Bellvue, WA.

14. Martinez - Overview, 171 wn. 2d 354, 256 P. 3d 277 (2011).

15. McVay, Steve. Grace Walk. 1995.

16. Miranda v. Arizona, 384 U.S. 436, 16 L. Ed. 2d 694, 86 S. Ct. 1602 (1966).

17. National Multiple Sclerosis Society. (NMSS). nationalMSsociety.org.

18. Pavel v. Hollins, 261 F. 3d 210, 216-26, 223, 228 (2d Cir. 2001).

19. People of the Territory of Guam v. Santos, 856 F. Supp. 572, 573 (D. Guam App. Div. 1994)

20. People v. Aiken, 45 N.Y. 2d 394, 398, 380 N.E. 2d 272, 274, 408 N.Y. S. 2d 444, 447 (1978).

21. People v. Droz, 39 N.Y. 2d 457, 462, 348 N.E. 2d 880, 882-83, 384 N.Y. S. 2d 404, 407 (1976).

22. People v. La Bree, 34 N.Y. 2d 257, 259-61, 313 N.E. 2d 730, 731-37, 357 N.Y. S. 2d 412, 413-15 (1974).

23. RCW 5.60.050

24. RCW 9.62.010

25. RCW 9A.44.020

26. RCW 10.73.100

27. RCW 44.020

28. RCW 44.180

29. RCW 44.185

30. Schapiro, Randall. Managing the Symptoms of Multiple Sclerosis. Demos. New York. 2007.

31. Shaddy, Allison. MS and Your Feelings Handling the Ups and Downs of Multiple Sclerosis. Hunter House Inc. Alameda, CA. 2007.

32. Sheremata, William A. 100 Questions & Answers About Multiple Sclerosis, Second Edition. Jones & Bartlett Learning. Sudbury, MA. 2011.

33. State v. Carver, 37 Wash. App. 122, 124-25, 678 P. 2d 842 [review denied 101 wn. 2d 1019] (1984).

34. State v. Easter, 130 wn. 2d 228, 238-39, 922 P. 2d 1285 (1996).

35. State v. Martinez, noted @ 132 wn. App. 1031, 2006.

36. State v. Swan, 114 wn. 2d 613, 623, 790 P. 2d 610 (1990).

37. Strickland v. Washington, 466 U.S. 668, 687, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984).

38. United States v. Young, 470 U.S. 1, 17-19, 105 S. Ct. 1038, 84 L. Ed. 2d 1 (1985).

39. Wiggins v. Smith, 539 U.S. 510, 524, 123 S. Ct. 2527, 2536, 156 L. Ed. 2d 471, 486 (2003).

40. Willis, 113 Wash. App. at 394, 54 P. 3d 184.

Additional Ground 1: Ineffective Assistance of Counsel

"An accused [person] is entitled to be assisted by an attorney, whether retained or appointed, who plays the role necessary to ensure that the trial is fair." (Strickland) Ineffective Assistance of Counsel is defined in part as: "A representation in which the defendant is deprived of a fair trial because the lawyer handles the case unreasonably, usu. either by performing incompetently or by not devoting full effort to the defendant... In determining whether a criminal defendant received ineffective assistance of counsel, courts generally consider several factors: (1) whether the lawyer had previously handled criminal cases; (2) whether strategic trial tactics were involved in the allegedly incompetent action; (3) whether, and to what extent, the defendant was prejudiced as a result of the lawyer's alleged ineffectiveness; (4) whether the ineffectiveness was due to matters beyond the lawyer's control." (Garner, 145) In the Allred case, the trial lawyer was "effectively acting as a second prosecutor." (JCM, 214)

In looking at the factors of ineffective assistance of counsel on whether or not the trial lawyer deprived Allred of a fair trial, we must ask the following questions:

(1) Has the lawyer previously handled criminal cases? Yes.
(2) Were there strategic trial tactics involved in the incompetent action? No.
(3) Was the defendant prejudiced as a result of the lawyer's ineffectiveness? Yes.
(4) Was the ineffectiveness due to matters beyond the lawyer's Control? No.

"A fair trial is one in which evidence subject to adversarial testing is presented to an impartial tribunal for resolution of issues"... "a criminal trial in which the defendant's constitutional and legal rights are respected." (Garner, 717) "It doesn't help that the evidence judges rely on to answer these types of questions is frequently contradictory, thanks to an adversarial system in which the prosecution and the defense are tasked with marshaling the facts that support their respective positions." (Benforado, 165) Yet in the Allred trial, there was no adversarial testing because the system broke down due to the trial lawyer's ineffectiveness. Counsel failed to use important evidence and testimony at trial. The Constitution guarantees a fair trial with due process. The Sixth Amendment, in part, reads: "In all criminal prosecution the accused shall enjoy the right... to have compulsory process for obtaining witnesses

in his favor, and to have the Assistance of Counsel for his defense."

"Stating to demonstrate ineffective assistance of counsel, a petitioner must show (1) his counsel was deficient in his representation, i.e. that counsel's errors were so serious that his performance was below the objective standard of reasonableness guaranteed by the Sixth Amendment to the United States Constitution, and (2) he [Allred] was prejudiced as a result." (Strickland)

So what are the constitutional requirements for a lawyer's competency? According to the Illinois Supreme Court, 1982, the "standards are written in highly technical legal jargon, but laypeople can understand them by thinking of a "breath test." If a mirror fogs up when placed beneath the lawyer's nostrils, he or she is not ineffective, as a matter of law." (Dwyer, 237).

"Finding ineffective assistance based on counsel's inadequate investigation and preparation." (JLM, 217; LaBree) How did the trial lawyer fail in the Allred case? (1) Lack of witnesses for the defense, (2) No expert witnesses or use of medical history, even though some of Allred's medical history and doctors were listed and presented by the prosecution in a email exhibit, (3) home and school life, which was presented at trial, (4) AEA's past history, which was partially brought up during trial, (5) explanation of why Allred did not take the stand, which was briefly introduced by trial lawyer during closing statements, (6) investigating and/or bringing up incomplete police investigation and government misconduct, which was shown throughout the entire trial, e.g. Det. Hernandez not knowing about Deputy Ternus' complete police report. "Finding improper representation when a lawyer failed to adequately prepare for trial, did not communicate with his client in a timely manner, made no attempt to contact potential witnesses, and neglected to study the records." (JLM, 215, Aiken, Droz)

1. Lack of witnesses for the defense. KLA would have been a powerful witness for the defense. In fact, the trial lawyer met and interviewed KLA five different time for the defense, but where are these records? KLA would have countered and explained AEA's deposition answer to the trial lawyer's question during her deposition of Allred's non-erect penis, which was brought up during trial. KLA told her mother, Vonda Rizzo (VR), about

Allred's sexual problems while she (KLA) was in California days before AEA's deposition in California. During that deposition, AEA gave an answer based on a conversation between AEA's mother and grandmother, but had no knowledge herself, which was seen during trial when AEA argued with the trial lawyer on how she answered that question during her deposition. A prior inconsistent statement is defined as: "A witness's earlier statement that conflicts with the witness's testimony at trial." KLA had given all of this information to the trial lawyer during KLA's interviews with the trial lawyer.

KLA would also have explained Allred's sexual and bladder problems (which include no libido, erectile dysfunction, impotency, incontinence, urine leakage, and extreme embarrassment of his issues that caused Allred "to feel like less of a man") over the last ten plus years. Trial lawyer had this knowledge from KLA.

KLA would have shown discrepancy in Det. Hernandez's interview with KLA, as the written report was different than the actual interview. First discrepency was the fact that Det. Hernandez was busy preparing to serve a warrant on an unrelated case, and was predisposed, but failed to reschedule KLA's interview for a later date, and so no question were asked by Det. Hernandez during KLA's interview. Second discrepency was that Det. Hernandez informed KLA that AEA stated that the abuse stopped while AEA had cancer. The truth is that KLA informed Det. Hernandez that KLA called AEA a liar when AEA's story changed to encompass a larger timeframe and additional accusations including AEA's time with cancer. KLA informed AEA that she (KLA) knew that AEA was lying because AEA's cancer treatment would have left chemotherapy burns/sores on Allred's fingers, penis, and mouth; yet there were none on Allred. It was after that conversation between KLA and AEA, that AEA changed her story (again) to Det. Hernandez. The question should be asked: Would video cameras in interrogation rooms, like in AEA's interview with Det. Hernandez, help matters? The answer is yes, but according to Det. Hernandez, the interview with AEA was recorded, or so she thought. The video equipment had been working for a previous unrelated interview, and the equipment seemed to be working during AEA's interview, but when Det. Hernandez played the recording back it was not there, as in possibly not recorded. Defense originally questioned this. Trial lawyer had all of this information before trial from KLA and Det. Hernandez, but failed to bring it up during trial.

Character witnesses may be introduced to testify about another person's character trait or community reputation. "Rule 405 - Methods of Proving Character (a) By Reputation or Opinion. When evidence of a person's character or character trait is admissible, it may be proved by testimony about the person's reputation or by testimony in the form of an opinion. On Cross-examination of the character witness, the court may allow an inquiry into relevant specific instances of the person's conduct." "Rule 404 (a)(2)(A) a defendant may offer evidence of the defendant's pertinent trait, and if the evidence is admitted, the prosecutor may offer evidence to rebut it..."

Other witnesses that the trial lawyer did not use were: Allred's brother, who also has similar medical issues and traits as Allred; Allred's son, who lives at home and attended school with AEA; Allred's business and community partners, who work with Allred in areas such as: working with the homeless, domestic violence programs, and charity auctions; character witnesses that came from all walks of life: musicians, actors, activists, homeless, community leaders, politicians (like the Mayor of Vancouver), and family and friends of Allred. "Rule 405 (b) By Specific Instances of Conduct. When a person's character or character trait is an essential element of a charge, claim, or defense, the character or trait may also be proved by relevant specific instances of the person's conduct." The trial lawyer knew of Allred's positive reputation and of witnesses for the defense. Yet the trial lawyer refused to bring forth reputation evidence, which is defined as: "Evidence of what one is thought by others to be. Reputation evidence may be introduced as proof of character when character is an issue or is used circumstantially." (Garner, 18)

2. No expert witness or use of medical history. Trial lawyer has Allred's medical history going back to 2006. Prosecutor presented an email listing medical symptoms and doctors going back to 2009, which is when Allred starting seeing new doctors for symptoms of Multiple Sclerosis (MS) after moving to Clark County, WA. Medical evidence is defined as: "Evidence furnished by a doctor, nurse, or other qualified medical person testifying in a professional capacity as an expert, or by a standard treatise on medicine or surgery." (Garner, 676)

"Rule 803 (4) Statement Made for Medical Diagnosis or Treatment - The following are

not excluded by the rule against hearsay, regardless of whether the declarant is available as a witness:
(4) Statement Made for Medical Diagnosis or Treatment. A statement that:
(A) is made for - and is reasonably pertinent to - medical diagnosis or treatment; and
(B) describes medical history, past or present symptoms or sensations, their inception, or their general cause."

"The assumption underlying the exception is that the desire for proper diagnosis or treatment outweighs any motive to falsify, Rule 803(4)(A). The same guarantee of trustworthiness extends under Rule 803(4)(B) to statements of past conditions and medical history if made for purposes of medical diagnosis or treatment. Finally, Rule 803(4)(B) also provides for a hearsay exception for statements made for the purposes of medical diagnosis or treatment describing the inception or general character of the cause of external source of the past or present symptoms or sensations. However any such statement made for the purposes of medical diagnosis or treatment falls within this hearsay exception only insofar as reasonably pertinent to diagnosis or treatment, Rule 803(4)(A). Thus it is not enough that the declarant made the statement with an intent to facilitate medical diagnosis or treatment; the statement must in addition in fact be reasonably pertinent to diagnosis or treatment. Statements made for purposes of diagnosis or treatment may be made by either a patient or someone with an interest in his well-being. If made for purposes of medical diagnosis or treatment, the statement may be addressed to anyone associated with providing such services, including a physician, nurse, ambulance attendant, or even family member. Statements made for purposes of medical diagnosis or treatment are admissible even if made after the filing of the action." (Graham, 555)

"Multiple Sclerosis (MS) is a chronic, often disabling disease [recognized by the ADA] that attacks the central nervous system [CNS] (the brain and spinal cord). Symptoms may be mild, such as numbness in the limbs, or severe, such as paralysis or blindness. The progressive, severity and specific symptoms of MS in any one person cannot be predicted... symptoms of MS can include tingling, numbness, painful sensations, slurred speech, and blurred or double vision... Problems with bladder, bowel, or sexual function are common... MS causes cognitive changes such as memory loss, word-finding difficulty, and trouble concentrating in about 45-65% of people with the

disease." (NMSS)

Multiple sclerosis is an unpredictable and potentially disabling disease of the central nervous system, which interrupts the flow of information within the brain, and between the brain and body... Difficulty with sex is quite common... and although study results vary somewhat, the data clearly indicate that people with MS report more problems with sex more often than people who don't have MS... MS-related damage to these nerve fibers can directly impair sexual feelings or sexual responses in the same way that damage in CNS can affect a person's ability to walk or see. And, just as with other aspects of MS, sexual problems can arise at any time, without clear cause. The primary sexual effects, which occur as a direct result of demyelination in the spinal cord or brain include:

- Decreased or absent sex drive.
- Altered genital sensation such as numbness...
- Difficulty or inability to get an erection.

In addition to the changes caused directly by damage to the nerve fibers in the CNS, secondary problems can arise as a result of other MS symptoms... The most troublesome symptoms include fatigue, spasticity, bladder or bowel problems, sensory changes, decreased non-genital muscle tone, cognitive impairments, tremor, and pain... Currently, there is no proven medical treatment for loss of sex drive (or libido). The most common problems experienced by men are difficulty or inability to get or hold an erection, decreased genital sensation... Some men lose interest in sex entirely. There is also some evidence that MS may take a more aggressive course in men. MS is not a disease that plays fair. It takes unexpected turns at unexpected times. No one, not the person who has MS nor the most experienced MS specialist in the land, can predict with certainity what any one person's MS may do... The MS symptoms that usually grab the spotlight are the physical ones - balance, gait, muscle control, bladder control, vision, numbness. But in the last decade, light has also come up on how MS may affect cognition - the mind's ability to store, organize, and recall information. Memory deficits, a slower response to problem solving, or a shorter attention span have always been part of the disease for some people, but these symptoms were often misunderstood or downplayed... Recent research shows that 40% to 60% of people with MS develop some degree of "cognitive dysfunction"... Fluency with words may be diminished. The person searches for a word. It's on the tip

of the tongue, but he just can't think of it. This too is a recall problem. It is not the same as the changes in voice quality or a slower rate of speech, which are associated with physical changes caused by MS... When a lot of information is coming all at once, processing may take longer. If several people talk at once, or the television or radio is on, or even a single speaker talks too rapidly, the barrage of information can be too overwhelming for the person with MS to sort out [like with Deputy Ternus and his use of the Reid Technique]... Cognitive difficulties involve specific thinking processes... Dr. Stephen M. Rao, professor of neurology and clinical neuropsychologist at the Medical College of Wisconsin in Milwaukee, said, "The person with MS is able to store and retrieve information but may require more time to do so or be somewhat less accurate."... Speech abnormalities are relatively common in MS... Some people with MS slow down speech and have word-finding difficulty, making ordinary conversation problematic... Speech problems often become more pronounced during times of stress or fatigue... People often say that they eventually do find the right words; it just takes more time... Individuals may stammer as they search for the right word, have difficulty stringing their thoughts together, or they may get derailed from their initial topic altogether, providing unnecessary or unrelated details when speaking." (NMSS)

"Up to 90 percent of men and 70 percent of women with MS report having some type of sexual dysfunction." (Shadday, 179)

"Multiple sclerosis is intimately related to how you manage the stress in your life. Flare ups are more likely to happen when you are stressed. (pg 7)... The most common ways in which your speech might be affected are slurring of words, slowness of speech, and the diminishment of fluency... You may also experience something that can be described as the sense of "tripping" over the tongue. (pg 102)... Anxiety can make any speech problem more apparent. (pg 102)... It's important to get a grip on stress, since it can aggravate your symptoms and even trigger relapses or exacerbations. (pg 107). The fact is that more than 90 percent of men with MS report problems in their sex lives... (pg 134)... Surprisingly, the most common problem in the sexual arena isn't strictly speaking a sexual one at all. Both sexes report that they often have difficulties with bladder control. The people I interviewed were often embarrassed to mention this, regardless of their age or health status. Both men and women said they were afraid

of losing bladder or bowel control just when things are getting hot. (pg 135)... The most frequent problem men with MS report is erectile difficulty." (pg 137) (Blackstone)

"There is clear evidence of a spinal center for erections as well as the brain center... even when desired, willed erections may become impossible. (pg 136)... Given the complexity of the sexual response in terms of the neuromuscular transmissions involved, there is no surprise that sexual difficulties often are encountered in MS... More than 90% of all men with MS report some change in their sexual life after the onset of the disease. (pg 137)... Men most often report impaired genital sensation, decreased sexual drive, inability or difficulty in achieving and maintaining an erection..." (pg 137)(Schapiro)

"Erectile dysfunction: The repeated inability to get or keep an erection firm enough to complete sexual intercourse. The word "impotence" is used to describe other problems that interfere with sexual intercourse and reproduction, such as lack of sexual desire... (pg 49)... MS is not a simple hereditary disease, but it is more common in families of MS patients. (pg 67)... The most common sexual problem affecting both men and women in good health is a lack of libido (sexual interest or sexual drive). (pg 90) ... A loss of sensation in the genital area can pose problems for both men and women with MS." (pg 93)(Sheremata)

Regardless if an expert would testify that MS presents itself differently in people, they would testify that Allred has been seeing, and complaining to, medical professionals since, at least, 2006 that include, but not limited to: no libido (no sex drive), erectile dysfunction, lack of ability to maintain an erection, cognitive issues, incontence, slow mental process, pain, numbness, balance, and coordination issues. The prosecution presented a medical statement in the form of an email, and the definition of a medical statement is: "A written declaration about some aspect of a person's health, whether by declarant or by a healthcare professional." (Barnes 1131)

A medical expert would also present evidence that Allred does not take, and has never taken any medicine for any of his symptoms. "Many people living with MS experience "invisible" (or not outwardly visible) MS symptoms. This can create a unique set of

issues. Some people assume that you don't really have a disease." (Wass) Regardless of what can or cannot be seen, and in addition to an expert witness, KLA would also testify to Allred's symptoms, conditions, length of time with symptoms, and no taking of medication.

Critical evidence: "Evidence strong enough that its presence could tilt a juror's mind. Under the Due Process Clause, an indigent criminal defendant [which Allred is] is usu. entitled to an expert opinion of the merits of critical evidence." (Garner, 674)

"Rule 803 (4): Statement Made for Medical Diagnosis or Treatment - The following are not excluded by the rule against hearsay, regardless of whether the declarant is available as a witness:
(4) Statement Made for Medical Diagnosis or Treatment. A statement that:
(A) is made for - and is reasonably pertinent to - medical diagnosis or treatment; and
(B) describes medical history, past or present symptoms or sensations, their inception, or their general cause.

The trial lawyer had Allred's medical history going back to 2006. Deputy Terrus and the prosecution had the names of doctors, and some of Allred's medical symptoms going back to 2009. KLA knows of Allred's complete medical history, symptoms, and treatment (or lack of). Allred was robbed of a fair trial by the trial lawyer because the trial lawyer was ineffective.

3. Home and school life. School is the basis and reasoning behind AEA's punishment, which included paying rent on a sliding scale. Eventhough this was talked about in court, it never went as far as it should have during the trial. Trial lawyer knew of the structure and dynamic of the family's household program. Yet, the trial lawyer never questioned AEA version of that school dynamic, and why she was in trouble. The trial lawyer never presented evidence (lack of defense), or presented evidence of the daily school routine through witness testimony, which included KLA, AEA's brother, Tricia Havens and her son, who joined the Allred household (homeschool) school program for a short time, even though the trial lawyer interviewed witnesses for this purpose.

The trial lawyer knew and should have brought KLA to testify that for the last three

school years that Allred taught class during the first hour of the day, while KLA taught the rest of the school day. Allred also collected all homework that was due that day, graded all homework and school assignments, recorded all grades, gave out progress reports every Friday, and gave out report cards quarterly. KLA would also have testified that she (KLA) did not read or grade any school work (other than tests) for the last three school years. Allred and KLA did work together to create and grade tests that were given out every Friday. KLA knew of AEA's failings in school through KLA's own observations as a teacher, grading tests, verbal communication with Allred, and reviewing weekly progress reports. KLA also knew that AEA failed the 8th Grade (KLA was the sole teacher and graded everything with no help from Allred), and the 11th Grade (joint effort between KLA and Allred).

Trial lawyer also knew that together Allred and KLA found that no amount of punishment or reward would motivate AEA to try harder in school, and so they came up with charging AEA rent, on a sliding scale, based on her efforts in school. Not on AEA's grades, but on her efforts. AEA's past due homework was also dismissed seven different times to help AEA catch up.

Yet, the trial lawyer brought up none of this. What is the point of the trial lawyer going through all of this work to interview witnesses and create a trial strategy and defense that sounds great in his office, but never presents any of the evidence or witnesses at trial? Like the fact that AEA's brother would have testified that AEA only worked on homework when their parents were home and checking in on her. Even he was frustrated with her (AEA), but instead the trial lawyer decided to abandon all pre-trial efforts created for a defense.

In the end, the entire argument, or lack of argument, about school; whether AEA was failing, hated school, was singled out, or whether or not she deserved to graduate, is insignificant, because the fact of the matter is that AEA dropped out of high school. Dropping out means no diploma, no matter how you try to spin it.

4. AEA's past history. "Trial counsel was ineffective for failing to object to the testimony of [AEA] because this opinion fell below the required standard of proof." (Miranda)

Trial lawyer, through investigation and interviews, knew of AEA's history of lying and of her character. Fact: AEA made up allegations to keep from being kicked out (evicted) from the family home. AEA made up these allegations on the day that she thought she had to leave home. Fact: AEA created another false story years prior, which was seen in Deputy Ternus' and the prosecution's hidden evidence that was brought up at trial, for the same reasons, to avoid being kicked out of the family home due to AEA's grades and lack of effort in school. On the day that Allred and KLA were deciding to kick AEA out the first time, AEA came into their room during their discussion and informed Allred and KLA that she has been suicidal and tried to kill herself. This information was also given to Sheriff Deputy Ternus, which the prosecutor also had at trial. Fact: AEA explained to her friend, Jessica Davis' sister, who was in major trouble with her own parents, on how to make up a story about her dad (the friend's dad) touching her (the friend) to get her parents "off her back." Fact: AEA lost all of her friends in a single day after it came out that AEA was stalking a boy (a friend of hers) that AEA was in love with. AEA had threatened and scared the boy's girlfriend.

"With respect to reputation testimony, the proper procedure is to ask the character witness whether he knows the general reputation of the principle witness for truth and veracity in the neighborhood in which the latter lives, or among those with whom the person works, attends school or socializes. The witness must, of course, establish sufficient familiarity with the reputation. The testimony must relate to reputation of the witness at or near the time of trial. Testimony as to reputation must be based upon the witness having discussed the reputation with others, having heard it discussed by others, or of never having heard it discussed although he would have heard contrary comments had they existed. Upon testifying as to knowledge of the witness's reputation for truthfulness, the witness may further be asked, "In view of that reputation, would you believe him under oath?" (Graham, 275.)

AEA's friends unanimously stopped speaking and associating with AEA. Fact: AEA defrauded American River Community College in California when AEA forged her high school transcripts and diploma. In Mike Rizzo's deposition, he confirms that AEA was attending college. KLA and AEA's brother also knew of this fraud, yet the trial lawyer never called them to testify. Trial lawyer never questioned Joe Culley (JC) on the stand on why his story changed drastically, even though the trial lawyer knew why.

"According to the court, if the jury were given the opportunity to evaluate the witness' credibility in light of the memorandum or any evidence uncovered by an inquiry of counsel based on it, the jury likely would have rendered a not-guilty verdict. Prejudice to the defense was shown where there was a reasonable probability that but for counsel's unprofessional errors the result of the proceeding would have been different." (Guan)

5. Explanation on why Allred did not take the stand. (1) There was no defense. There was nothing that Allred could have said that would have been in-line with a lack of defense. Everything Allred presented would have been contradictory to what the trial lawyer presented. "Right to Counsel Violations under the Fifth and Sixth Amendments: You did not voluntarily, knowingly, and intelligently waive your rights to counsel during interrogations or discussions with police officers while in custody, or your lawyer provided such poor representation as to amount to ineffective assistance of counsel... ineffective assistance of counsel when counsel failed to investigate defendant's life history..." (Wiggins) (2) Allred's speech pattern due to MS, which include: pausing while searching for words, cognitive issues, loss of correct wording, and stuttered and slurred speech.

6. Investigating and/or bringing up incomplete police investigation and government misconduct. "Under Brady rules the Government is not required" to furnish a defendant with information which he already has or, with any reasonable diligence, he can obtain himself." Even though that may be true, is the Government allowed to hide that information from the investigating police? The trial lawyer knew that the defense was missing part of Deputy Ternus' police report. Exculpatory evidence is defined as: "Evidence tending to establish a criminal defendant's innocence. The prosecution has a duty to disclose exculpatory evidence in its possession or control when the evidence may be material to the outcome of the case." (Garner, 675)

The complete report was not given during discovery. In an email communication between the defense and prosecution, the prosecution swore that was everything. The trial lawyer knew that was untrue. Suppression of Evidence is defined, in part, as: "(2) The destruction of evidence or the refusal to give evidence at a criminal proceeding. This is usu. considered a crime. (3) The prosecution's withholding from the defense of evidence that is

favorable to the defendant." (Garner, 1669) The prosecution presented the complete police report, including the missing email communication, during trial

Documentary evidence is defined as: "Evidence supplied by a writting or other document, which must be authenticated before the evidence is admissible." The trial lawyer question Deputy Ternus on the stand if he (Ternus) authenticated the email from Allred. Ternus said that he did not. Prosecution did not authenticate email either. Based off of that alone, and because trial lawyer did bring up, this evidence should never have been presented to be used against Allred, or to prejudice Allred in front of the jury. This evidence must be thrown out.

Discovery Abuse is: "(1) The misuse of the pretrial discovery process... (2) The failure to respond adequately to proper discovery requests." (Garner, 565)

"Prosecutorial misconduct in showing the jury prejudicial emails between Allred and Deputy Ternus, trial court errored in failing to order a mistrial when jurors saw the prejudicial emails, and ineffective of counsel for failing to object to the emails being shown." (Taken in part from Miranda) "The Supreme Court has made clear that prosecutors must refrain from improper methods calculated to produce a wrongful conviction." (Miranda)

During trial it came out that Det. Hernandez did not have access to Deputy Ternus' complete report, which contained an overview of Allred's medical healthcare history. "To address the failure of prosecutors to turn over evidence to the defense... have all police reports entered into an open-access file with no input or revision by the prosecution. You don't have to worry about dishonesty when there is no opportunity to be dishonest." (Benforado, 261) How could Det. Hernandez do a complete investigation, which included evidence favorable to Allred, without a complete report and without Allred willing to speak with her (Hernandez)?

Allred's brother, Roger, has similar medical issues as Allred. Roger was willing to testify as a character and medical witness for Allred, and as a close blood relative experiencing similar MS type issues as Allred. Roger could fall under Rule 803(4). The trial lawyer knew that Roger, like Allred, suffers from issues, but not limited to: cognitive impairment, loss of words, pausing while speaking, loss of fine motor skills, lack or loss of libido, erectile dysfunction, and embarrassment that comes with that. Roger's wife was also willing to

testify to Allred's character and to Roger's symptoms.

Withholding of evidence: "The act or instance of obstructing justice by stifling or suppressing evidence known that it is being sought in an official investigation or a judicial proceeding." (Garner, 1837) Obstruction of Justice: "Interference with the orderly administration of law and justice, as by... withholding evidence from a police officer... obstruction of justice is a crime in most jurisdictions." (Garner, 1246) The government (the prosecution and the Sheriff's dept) purposely withheld evidence and created an Obstruction of Justice when they interfered with an investigation, hid evidence, and stopped the orderly administration of law and justice when they kept information from Det. Hernandez and the CJC. The Government broke the law. Where does it state that the Government is above the law where they can withhold crucial evidence and create an Obstruction of Justice in an investigation by other police officers and connecting organizations? The prosecution and the Sheriff's dept. are not above the law.

Trial lawyer was aware, after interviewing KLA and Allred, that during Deputy Ternus' interviews on the day of the false allegations that Ternus believed that AEA was lying. "Police officers are no better than the rest of us at detecting deceit... Indeed, it is innocent people who are more likely to waive their rights to remain silent and to have a lawyer present in the first place." (Benforado, 31) With that said, Deputy Ternus believed Allred was innocent, and that AEA was lying, just as Ternus told both Allred and KLA.

Ternus told Allred that; "I can't tell if she [AEA] is lying or not, but she doesn't act like a victim. She's too happy to tell her story." Deputy Ternus then told Allred and KLA who were together, that, "I'm having trouble reading her," as Ternus, KLA, and Allred were talking after the interviews were over, "but I don't think that you [Allred] did anything." According to KLA, Deputy Ternus told her something similar in her interview. Nor did the trial lawyer take on the line of questioning on whether or not Ternus took field notes when interviewing Allred. Ternus did not take any notes. Ternus had a pad of paper in his lap while he [Ternus] sat face-to-face with Allred with nothing between them. Deputy Ternus did testify that Allred paused during one question, but failed to mention other pauses by Allred during questioning. Deputy Ternus also failed to mention that Allred used a cane and fell down the steps coming out of the room where the interview took place. The trial lawyer was aware of all of this.

The trial lawyer also did not present the fact that Allred was never arrested, not by Deputy Terrus, not by Det. Hernandez, not by anybody. Nor was Allred ever incarcerated at any point leading up through the trial. Probable Cause is defined as: "A reasonable ground to suspect that a person has committed or is committing a crime... Under the Fourth Amendment, probable cause - which amounts to more than a bare suspicion but less than evidence that would justify a conviction - must be shown before an arrest warrant or search warrant may be issued." (Garner, 1395) Allred was never arrested because there was no reason to arrest Allred. The trial lawyer attempted to ask one witness for the prosecution about Allred not being arrested, but that was objected to by the prosecution. The trial lawyer did not ask either police officer (Terrus or Hernandez) why Allred was never arrested. The trial lawyer did not share the fact that the judge allowed Allred to remain free through the entire ordeal with $0.00 bail (remain free on Allred's own recognizance as Allred was never in jail).

Trial lawyer gave up on any defense after he felt "blindsided" by the prosecution and by KLA. Trial lawyer told Allred and Allred's wife at sentencing that he (the trial lawyer) felt blindsided during trial. The truth is that the trial lawyer asked KLA wrong questions (Example: A wrong question would be the trial lawyer showing a photo of "Exhibit ABC" but asking questions about "Exhibit XYZ"), which she answered honestly, but KLA's answers were to the trial lawyer's errored questions, which threw him off. This was the trial lawyers own fault, which he never corrected; instead the trial lawyer pouted and gave up (or would have given up if he presented a defense). "Finding that attorney's failure to seek medical expert consultation for the defense or to investigate critical government evidence constituted ineffective assistance of counsel." (JLM, 217, Gersten) Also "finding ineffective assistance where trial counsel did not prepare a defense, failed to call... important fact witnesses, and did not call a medical expert." (JLM, 218, Pavel)

"Sleeping lawyers can't challenge snitches, liars, cheaters, or truth shavers. They can't expose errors made honestly and dishonestly... When the adversarial system to be one more than a mirage, accountability falls to dogged outsiders or conscientious insiders." (Dwyer, 337)

How did "Additional Ground 1" deprive Allred of his rights? The Constitution was created to protect the rights of U.S. citizens. Allred's trial lawyer did nothing to protect those rights. The entire ordeal, from false allegations to sentencing, was a slap in the face to justice. The trial lawyer, in his office, was strong, arrogant, and had a plan; he seemed capable to do his job. During trial

that strong, arrogant attorney with a plan failed to show up. Instead, Allred was presented by an inept lawyer who looked like Allred's attorney. Allred was shocked that none of the preparation that was leading up to trial was presented at trial. There were no witnesses for the defense. There were no expert witnesses or use of Allred's medical history. Home and school life was not shown from both sides. AEA's past history was not used. An explanation of why Allred did not take the stand was never fully given. Prosecutorial and government misconduct was never brought up. Allred had a Constitutional right to a fair trial and due process, yet Allred's lawyer robbed him of those rights.

Additional Ground 2: Government and Prosecutorial Misconduct

On the day at the campground when Deputy Terrus spoke to all witnesses, including Allred, was Allred taken into custody and booked into jail? The answer is no. Was Allred under arrest? Yes, by all definitions Allred was. Allred did not feel that he was free to leave, he was in a closed room with two police officers, and he was read his rights.

"A person is seized by the police and thus entitled to challenge the government's action under the Fourth Amendment when the officer, by means of physical force or show of authority, terminates or restrains his freedom of movement through means intentionally applied... A police officer may make a seizure by a show of authority and without the use of physical force... a seizure occurs if in view of all of the circumstances surrounding the incident a reasonable person would have believed that he was not free to leave... What may amount to submission depends on what a person was doing before the show of authority: a fleeing man is not seized until he is physically overpowered, but one sitting in a chair may submit to authority by not getting up to run away..." Obviously, not all personal intercourse between policemen and citizens involves "seizures" of persons. Only when the officer, by means of physical force or show of authority, has in some way restrained the liberty of a citizen may we conclude that a "seizure" has occured.'" (Brendlin)

What was Allred doing prior to the police arriving? Allred was sitting down quietly, head down looking at the floor, and not speaking. The witnesses for the state confirmed this at trial. What was Allred doing during the police interrogation? Allred was sitting there scared and feeling unable to leave. Allred, by all definitions, was under arrest.

When Allred asked about a lawyer, Deputy Terrus explained to Allred that unless Allred already had an attorney that he [Terrus] would advise Allred against asking for one. "Police department for instance, teach investigators how to deliver a Miranda warning so that it is most likely to be misunderstood and ignored. Officers are encouraged to bring up the warning as a casual aside - and not at the moment of arrest, when a person is most likely to be considering his rights." (Berkeado, 247)

The Deputy then continued to explain to Allred that the lawyer in the Miranda Rights that is given to you is from the court, meaning that Terrus would have to physically arrest Allred and put him into jail until Allred could go in front of a judge, which is usually within a week according to Terrus. Terrus told Allred to think about the wording, "a court appointed attorney," which means you have to go to court before getting a lawyer. Terrus gave Allred a choice, "Talk to me now, or talk to me when you're in jail and have an attorney present." Allred spoke to Deputy Terrus. This is against Allred's Constitutional rights and guarantees.

The Due Process Clause (Constitutional law): "The constitutional provision that prohibits the government from unfairly or arbitrarily depriving a person of life, liberty, or property. There are two Due Process Clauses in the U.S. Constitution, one in the Fifth Amendment applying to the federal government, and one in the Fourteenth Amendment applying to the states." (Garner, 610)

During the interview with Terrus, Allred asked, "Am I under arrest?" based off of something the Deputy said. (Fourth Amendment: The constitutional amendment prohibiting unreasonable searches and seizures and the issuance of warrants without probable cause) The Deputy replied, "Why, is there something that you should be arrested for?" (Because petitioner's conviction rested on insufficient evidence, his conviction violated due process... petitioner was unlawfully restrained." (Martinez)) At that point, a long time after the interview began, the interview ended, but Terrus gave Allred some follow-up work. Terrus gave Allred his business card and told Allred to email him [Terrus], but to never call him. Allred needed to send Terrus the dates and names of the doctors that AEA saw for her depression and claims of suicide from the days after Allred and KLH were evicting AEA from the family home. Terrus gave Allred a timeframe to get the information to Terrus before Terrus came to arrest Allred for interfering with a police investigation. (Fifth Amendment: The constitutional amendment providing that a person cannot be (4) deprived of life, liberty, or property without due

process of law...) Allred was terrified of Deputy Terrus, as Allred has never been in trouble with the police before.

Terrus' complete police report, including email communication, was withheld from Det. Hernandez and the defense. Procedural error is defined as: "A mistake in complying with the rules or steps in the legal process." (Garner, 660) Det. Hernandez could not complete a full police investigation into AEA's allegations because of governmental misconduct, including missing medical statements: "A written declaration about some aspect of a person's health, whether by declarant or by a healthcare professional." (Garner, 1131) By the time that Det. Hernandez took over the investigation, Allred had learned that Terrus lied and that Allred did not have to speak to the police. Allred, like the defense, was under the assumption that Hernandez had full access to Terrus' report, and thus would follow-up with medical professionals. Dereliction of duties by Terrus and the prosecutor. During trial, the defense learned that the government (the Sheriff's office and/or the Prosecutor's office) hid and/or withheld significant and important evidence from the CJC and Det. Hernandez.

RCW 26.44.180 and 26.44.185 - (5) "Children's Advocacy Center" [as in the CJC] means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse.

RCW 26.44.020 - Definitions - (14) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

"There is no constitutional right to a police investigation. Even a negligent police investigation cannot serve as the basis for a constitutional claim. Whether the officers conducted the investigation negligently is not a material fact in determining whether a constitutional violation occured."

Obstruction of Justice: "Interference with the orderly administration of law and justice, as by giving false information to or withholding evidence from a police officer..." (pg 1246) Suppression of Evidence "(2) The destruction of evidence or the refusal to give evidence at a criminal proceeding. This is usually considered a crime. (3) The prosecution's withholding from the defense of evidence that is favorable to the defendant..." (pg 1669) Misconduct: "(1) A dereliction of duty, unlawful, dishonest, or improper behavior, esp. by someone in a position of authority or trust. (2) An

attorney's dishonesty or attempt to persuade a court or jury by using deceptive or reprehensible methods." (pg 1149) (Garner)

Eventhough there are no constitutional rights to a police investigation, the above definitions apply to the Sheriff's office and to the prosecutor's office. They broke the law by hindering a police investigation by Det. Hernandez and a complete investigation by the CJC. The laws apply to the government as well as to laypeople. The prosecutor continued this misconduct by keeping evidence away from the defense, as well as Det. Hernandez.

Prosecutorial misconduct: "A prosecutor's improper or illegal act (or failure to act), esp. involving an attempt to avoid required disclosure or to persuade the jury to wrongfully convict a defendant or assess an unjustified punishment." (Garner, 1416)

Prosecution knew that AEA was lying. Should the prosecutor have impeached AEA and all of the previous statements and testimony? Yes, he should have, but the prosecutor was willing to break the law and convict on emotion rather than on fact. The prosecutor was too willing to overlook truth, and in doing so violated the law. Truth, The Whole Truth, and Nothing But The Truth: "The words used in the common oath administered to a witness who is about to testify..." (Garner, 1750) But how can we have the "Truth" with prosecutors who purposely break the law and promote lying? The prosecution confirmed two different times that he knew that AEA was lying. The first time was during the plea offer. The prosecutor offered Allred a plea as long as the defense did not speak with AEA (this is confirmed and preserved in an email communication between the defense and the prosecution). If the defense spoke with AEA, then the deal would be pulled. The trial lawyer responded via email that the deal was against Allred's Fifth Amendment rights and that there would be no deal. Allred agreed with the trial lawyer, as the plea highlighted the fact that the prosecution knew of AEA's untruthfulness. The prosecutor has made a mockery of the Criminal Justice System from day one. "A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice, that guilt is decided upon the basis of sufficient evidence, and that special precautions are taken to prevent and to rectify the conviction of innocent persons." (Graham, 112)

Rule 603: Oath or Affirmation to Testify Truthfully - Before testifying, a witness must give an oath or affirmation to testify truthfully. It must be in a form designed to impress that duty on the

witness's conscience. "Neither Rule 603 nor Rule 601 imposes any requirement of moral capacity in the sense of requiring that the witness actually possess a sense of responsibility to speak the truth... Whether a witness has sufficiently declared by oath or affirmation to be made by the court, Rule 104 (a)." (Graham, 238)

This was confirmed at trial (the second example of the prosecution knowingly that AEA was lying), when the prosecutor ("Convictions on testimony known to prosecution to be perjured [is a] denial of due process.") in his closing arguments stated, "If the witness lied at any time during her testimony, it was because no one would believe the truth." The prosecutor vouched for AEA in that statement, as well as confirmed that he knew that she lied. The prosecutor cannot do that. "The prosecutor had committed prosecutorial misconduct by misstating the evidence, misleading the jury, and making an "inflammatory statement" in his closing remarks (Martinez) The prosecutor knew that AEA was lying and he put her on the stand anyway.

False testimony: "Testimony that is not true." (pg 1704) Perjury: "The act or an instance of a person deliberately making material false or misleading statements while under oath (pg 1321) (Garner)

"To preserve a claim of prosecutorial misconduct, a defendant must timely and specifically object." (Miranda) How? Allred's trial lawyer was essentially "asleep at the wheel." "An unpreserved claim of prosecutorial misconduct is reviewed for plain error affecting substantial rights. Reversal is warranted only when plain error resulted in the conviction of an actual innocent defendant or seriously affected the fairness, integrity, or public reputation of judicial proceedings." (Miranda)

The prosecutor cannot do what he did, including swaying the jury in that manner. (Misrepresentation of Fact: "A false statement about the occurrence, existence, or quality of an act, circumstance, event, or thing, tangible or intangible) Just as "a prosecutor may not "vouch" for a witness's credibility or state a belief in the guilt of the accused or his personal opinion of the evidence." (Young) "It is improper for a prosecutor to vouch for the credibility of a witness at trial, either personally or through the testimony of another witness." (ACP) "A conviction obtained by the knowing use of perjured testimony is fundamentally unfair, and must be set aside if there is any reasonable likelihood that the false testimony could have affected the judgement of the jury."

Rule 104(b) Relevance That Depends on a Fact: When the relevance of evidence depends on whether a fact exists, proof must be introduced sufficient to support a finding that the fact does exist. The court may admit the proposed evidence on the condition that the proof be introduced later." Moreover, if considering all the evidence upon the issue including evidence subsequently introduced by the opponent the jury could no longer reasonably find that the condition was fulfilled, the court should instruct the jury to disregard the evidence. Where the admissibility of evidence depends upon connecting facts, the order of proof is largely within the discretion of the trial judge. Evidence admitted upon a promise to connect it up, i.e., subject to introduction of evidence sufficient to fulfill the condition, Rule 104(b), will be excluded on a motion to strike if the appropriate connection has not been established." (Graham, 32-33)

Reasonable Doubt: The jury must begin with the presumption that the defendant is innocent.

A sham prosecution is a fictitious, untrue prosecution, which is made in bad faith. "The state's opening statement alluded to highly damaging testimony that was never introduced." The prosecutor swayed the jury, and prejudiced Allred, in his opening statement when he claimed that Allred forcefully held AEA down, covered her mouth, and raped her, as she screamed and tried to fight back. During trial, the prosecution and AEA tried to show that this and other abuse happened almost daily, with AEA's brother less than a foot away, and KEA in the next room. "Prosecutorial misconduct during trial, both by improper questioning of witnesses and by making improper argument in violation of due process clause." (Miranda) "It's tough to act on fact when feelings are screaming something that contradicts the truth." (McVay, 63)

"Juries seem disposed more readily to credit the veracity and reliability of the victims of an outrage than any amount of contrary evidence," Prof. Edwin Borchard wrote in his 1932 classic, "Convicting the Innocent." (Dwyer, xix)

The prosecutor created a fictitious story ("egregious government conduct created the illusion of crime") to sway the jury, and in doing so the jury was unable to hear any contridictory evidence. "Such associations can be particulary damaging because moral disgust is linked to dehumanization." (Bertorade, 16) The jury's minds were made up, because as Judge Sanders said, "A bell once rung cannot be unrung." (Easter)

"In a prosecutor's improper remarks we hold to violate the Constitution only if they "so infected

the trial with unfairness as to make the resulting a denial of due process...
(Darden) The prosecutor's closing argument, according to the Supreme Court, "it is not enough that the prosecutor's remarks were undesirable or even universally condemned, "The relevant question is whether the prosecutor's "comments" so infected the trial with unfairness as to make the resulting conviction a denial of due process.'" (quoting Donnelly)

"We would like to think that we take no pleasure in punishment. We want to believe that feelings of warmth toward our fellow man always outweigh feelings of disgust and hatred... (pg 205) People are driven by retribution to punish... if you are motivated by retribution, because killing an innocent little girl is seen as a worse harm than killing an adult sex offender and thus would require a harsher response." (pg 190) (Berkowitz)

Rule 403 Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons
The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time or needlessly presenting cumulative evidence. Preponderance of the Evidence: "The greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force." (Garner, 137)

Why did the prosecutor have so many witnesses from the day of AEA's alleged allegations? The prosecution had no evidence against Allred. The prosecution knew that AEA was lying. The prosecution knew that they withheld evidence from the defense, the CTC, and Det. Hernandez. So to make up for a lack of evidence, the prosecutor stacked up the number of state witnesses to confuse the matter and manipulate the jury. Everything that the government (the Sheriff's office and the Prosecutor's office) did, deprived Allred of life, liberty, and constitutional rights and guarantees. The prosecutor and Deputy Sheriff broke laws and stood in the way of a police investigation. They did it because they could. No one can hold them accountable for their actions. They are protected by law, and thus believe they can do anything they want.

Additional Ground 3: False Accusations

AEA is a liar. A boldfaced liar, and a boldfaced lie is "an outright lie of some seriousness told with no sense of hesitation or reluctance, but instead with a conviction intended to induce

belief among listeners or readers." (Garner, 1012)

Anyone who really knows AEA, knows that she has a problem telling the truth. "Habitual liars invent falsehoods... It requires an effort in them to speak the truth." (- William Hazlitt) AEA, if asked, would also confirm that, "I don't know why I lie, it just comes out," as she has said many times over the years. "Under the Confrontation Clause, a defendant has the right to... challenge the witness's credibility, such as by showing that a witness is biased or that the testimony is exaggerated or unbelievable. Extrinsic evidence of a witness's prior inconsistent statements is admissible if the witness is afforded an opportunity to explain or deny..." (Miranda)

AEA's allegations are two fold: (1) AEA never meant for the police to be called, and (2) as AEA received attention from her lies, the allegations grew so that AEA would continue to receive attention. Judge Sanders said, "Nothing establishes that the alleged abuse took place," and "If the object of a trial is not necessarily to procure a conviction, but rather determine the truth through competent evidence, care must be taken to exclude incompetent testimony." Or as funnyman Bill Maher stated, "Liars used to be undone when they ran up against things called facts. They'd have to backpedal and readjust their position or risk facing public scorn. Now there are no repercussions for being caught in a big, stinking lie. Or several. Or hundreds. Being a liar no longer makes you the object of scorn."

1. The motive behind AEA's original actions were to get KLA on her side to not get kicked out of the family home, and not have to do her school work. The morning of the allegations, AEA "ran away" from home. After contacting her friend's sister, Jessica Davis, Jessica had AEA call KLA to tell KLA that AEA was okay and would be home soon. During that call KLA informed AEA that KLA did not care if AEA ever came back home because she [KLA] was tired of her [AEA]. According to AEA's deposition, KLA was very harsh on this matter. It was at that point that AEA created a different story, one of a sexual nature, which resulted in a second phone call to KLA.

<u>Spontaneous Declaration</u>: "A statement that is made without time to reflect or fabricate and is related to the circumstances of the preceived occurence." (Garner, 1621) AEA did not make a spontaneous declaration. She made up a baldfaced lie after KLA told her [AEA] to not come home, on the day that AEA was getting kicked out of the family home. AEA's lie had nothing to do with AEA "running away." According to Jessica Davis, AEA contacted her because AEA was feeling overwhelmed at school and was tired

of being in trouble for not getting her school work done.

After hearing the allegations, KLA reacted as AEA hoped that KLA would. But after more people become involved, including the police, the situation was no longer in AEA's control. AEA's original intent was to get KLA on her side so that she [AEA] would not have to move out, and not have to do her school work. AEA used similar tactics before (depression/suicide claim) and got those wanted results.

2. On the ride from the mall/library to the campground, AEA rode with Jessica Davis. Jessica bought AEA an ice cream to help AEA feel better. At the campground, AEA was the center of attention. Afterwards, AEA got to spend the night with friends. AEA reached out to her friends and Allred's friends via social media, and told them about the allegations to get further attention. After moving to California, a few days later, to live with her grandparents, AEA received "compensation" to help her [AEA] feel better from everything that AEA had gone through. The compensation included money, trips, and a car. Even Deputy Ternus said, "She doesn't act like a victim. She's too happy to tell her story."

It can be argued that all of AEA's "attention" and "compensation" came after AEA made her initial allegations. And that is true, but it shows AEA's mind and a reason on why AEA continued to lie. But the "compensation" that AEA originally wanted was not in the form of money, but in the form of getting to remain in the home and not having to do her school work.

Family history: KLA suffers from Depression and is Bi-Polar. KLA has suffered from Depression her entire life, and was suicidal as a teenager. KLA does not hide this fact. KLA's family (on her mother's side) also suffer from Depression. Again, this is not hidden.

KLA also, is very conservative and outspoken when it comes to how females dress, and the over abundance of sex on television and movies. KLA does not hide her opinion on this. KLA routinely comments on how AEA dresses, and KLA has made AEA change her clothes multiple times before going to church and/or Friday School. There is no secret on how KLA feels.

The first time that Allred and KLA were talking and threatening to kick AEA out of the home, was an obvious choice for AEA to lean on KLA's depression to get KLA on her side. Allred and KLA had earlier and previously discussed with AEA that AEA would probably be leaving the home

permanently. Later, during a follow-up conversation between Allred and KLA, AEA came into her parent's room and told them of her depression and suicidal thoughts and acts. AEA disclosed this information on the day that AEA was being evicted from the family home. This news destroyed KLA. KLA was crying and bedridden for three days. KLA was sobbing, "Why did I have to pass my illness onto my children?" Afterwards, Allred and KLA decided together to forgive all of AEA's past due school work, and they gave her [AEA] two weeks off from school and from her household chores. AEA did go to the doctor, and she [AEA] spoke to the doctor alone on every visit, for her mental health issues. AEA did not disclose any abuse. AEA was not kicked out of the house.

Allred and KLA later found out that AEA lied about being suicidal and depressed because AEA did not want to leave home. Trial lawyer knew this information.

When AEA had cancer, it was socially the best time of her life. AEA loved the attention. Even the friends who dumped her posted on her [AEA's] social media feeds. AEA has stated numerous times that it was the best time of her life even though she got sick every two weeks during chemo.

KLA thought that she saw an inappropriate action one time in AEA's room between AEA and Allred. KLA thought she saw Allred's hand under AEA's shirt. (Real Evidence: "(1) physical evidence (such as clothing or a knife wound) that itself plays a direct part in the incident in question. (Garner, 677) Defense had AEA's shirt, and the shirt helps the defense's case.) Allred and AEA both denied that anything happened. Years later, after witnesses spoke to Deputy Tarnus and the Det. Hernandez, that story was brought back up. However, the story changed, and AEA convinced KLA years later that the reason that AEA did not say anything was because Allred was threatening her [AEA] that day, and if AEA talked that AEA would not be able to go to Kumoricon with the family. KLA believed that, until the defense asked KLA factual questions (in prepping KLA for trial) which KLA could not easily answer:

1. What was Allred doing in AEA's room? A: Helping AEA study for a test (AEA and KLA agree on this point).
2. What were Allred and AEA using to study for the weekly Friday test? A: Text books and AEA's big purple binder that had her notes in it (AEA and KLA agree on this point).
3. Where was AEA? A: On AEA's bed (AEA and KLA agree).
4. Where was Allred? A: (There is no clear answer on this question as the story changed between AEA and KLA. General agreement was that Allred was on the bed).

* The remaining questions are what the defense asked KLA during interviews for the defense, but were never asked during trial:

5. Where were the books and binder during the alleged touching as you stated that both AEA and Allred were on their backs? (KLA had no recall of the study materials).
6. Was AEA's bedroom door opened or closed? A: Open.
7. What was KLA doing prior to coming into AEA's room and thinking she ___ saw something? A: KLA was in AEA's room sitting on AEA's bed with AEA as KLA was sitting in on the studying. KLA left and came back a few minutes later, and that's when she thought she saw the alleged touching.
8. When did this event take place? A: A few days before Kumorricon. Allred threatened AEA to not tell, otherwise AEA would not be able to go.
9. When is Kumorricon? A: Labor Day weekend.
10. Does the family go often? A: Every year for the last three years.
11. What was Allred doing in AEA's room? A: Helping her [AEA] study for the weekly test.
12. How was Allred, and you [KLA], helping AEA study for a weekly test a few days before Labor Day weekend, if school doesn't start until after Labor Day weekend? (No answer).
13. Why is KLA sure of this timeframe? A: AEA told KLA, and it made sense to KLA on why AEA would initially deny any wrong doing on the day of question. (However, after looking at the facts more closely, the alleged sexual touching could not have taken place before Kumorricon; Allred did not threaten AEA about talking, and so the rest of the memory or planted memory is also not true).

The trial lawyer did not pursue this line of questioning on the stand, even though the trial lawyer interviewed KLA for this purpose.

AEA was on the verge of getting kicked out of the family home again. This time, to get KLA on AEA's side, AEA lied about things of a sexual nature. AEA knows KLA very well, and could not use the depression lie again. Leading up to this declaration, AEA was having to pay rent on a sliding scale that could go all the way down to $0.00 (zero) per month. AEA was $75.00 short on the rent. KLA was helping AEA look for a job and helping her [AEA] find housing. AEA knew that Allred and KLA were serious, and that AEA would have to move out if AEA "messed up" one more time. AEA was way behind on her school work as well. The day before AEA's allegations came out, AEA babysat for a lady, and AEA was paid $75.00.

AEA came home from babysitting, went to her room, and then came downstairs and told Allred and KLA that she lost her $75.00 between the curb (the lady that she babysat for dropped

AEA off in front of the house) and the front door. KLA did not believe AEA and made AEA turn out her pockets, empty out AEA's purse and backpack. KLA went through AEA's room. KLA even blamed the problem on how AEA was dressed, talking about how "hooker shorts" have too small of pockets to hold anything. Allred, KLA, and AEA's brother searched for the missing money outside while AEA sat in the house reading a book. That night, Allred informed AEA that AEA still owed the $75.00. The next morning, Allred asked AEA, "Did you find my money?" AEA said no. A few minutes later, AEA "ran away" and allegations against Allred came out later that morning.

Motive: "Something, esp. willful desire, that leads one to act." (Garner, 1172) Ulterior Intent: "The intent that passes beyond a wrongful act and relates to the objective for the sake of which the act is done; Motive. For example, a thief's immediate intent may be to steal another money, but the ulterior intent may to buy food with that money." (Garner, 931)

AEA had motive to lie, and that motive was the same as it was before, when AEA claimed to be suicidal. Deputy Ternus knew this. Det. Hernandez knew this. The prosecutor knew this. The trial lawyer knew this.

Demeanor Evidence: "The behavior and appearance of a witness on the witness stand, to be considered by the fact finder on the issue of credibility." (Garner, 675) AEA was not a credible witness, and AEA's demeanor highlighted that fact, including when AEA's cell phone rang while she was on the stand. The trial judge may have also considered the trial lawyer's half-time submission, if the trial lawyer presented it on time, partially due to AEA's less than credible demeanor.

"As any district attorney will tell you, one of the major reasons that rape prosecutions are so difficult is that victims refuse to testify because they don't want to be in the same room as their attackers." (Binford, 268) AEA was not scared to testify in trial; AEA was the opposite of scared. AEA attacked Allred's character. AEA was allowed to verbally destroy Allred, and the defense did nothing to counter the attack by presenting the other side or questioning AEA's statements (Lifestyle Evidence: "Evidence relating to a person's affiliations, allegiances, and choices, esp. as regards to household arrangements, gang membership, politics, and church membership." (Garner, 1068))

Prior to AEA testifying, the prosecutor pulled the trial lawyer aside (took him out of the courtroom) and informed the trial lawyer that he (the prosecutor) caught Voula Rizzo (VR) prepping AEA for

the stand. The trial lawyer informed Allred of this. Allred asked the trial lawyer if that's grounds for a mistrial since the prosecution is aware that VR is the equivalent to an expert witness in the fact that VR is a child psychologist who lives with AEA. The trial lawyer said no because the prosecution came forward with the information beforehand. Allred disagrees.

Joe Culley (JC) and AEA's relationship is an important aspect of the Allred trial. Originally, JC told Deputy Terrans (per Terrans' police report) that JC knew nothing about AEA's allegations against Allred. JC did not confirm any of AEA's statements. AEA's history with JC should have been allowed since it played an important part of JC changing his story. (Prior Inconsistent Statement: "A witness's earlier statement that conflicts with the witness's testimony at trial." This is for both AEA and JC). AEA said that she had not spoken to JC since before the allegations, yet KLA was willing to testify (KLA was interviewed by the trial lawyer on this point for the defense) that AEA and JC were still friends and spoke every day while KLA was in California leading up to AEA's deposition.

<u>Shield Law</u>: "(2) A statute that restricts or prohibits the use, in rape or sexual-assault cases, of evidence about the victim's past sexual conduct." (Garner, 1988)

Rule 404 (a)(2)(B) subject to the limitations of 412, a defendant may offer evidence of an alleged victims pertinent trait...

RCW 9A.44.020 Testimony - Evidence - Written motion - Admissibility (3)... evidence of the victim's past sexual behavior including but not limited to the victim's marital behavior, divorce history, or general reputation for promiscuity, nonchastity, or sexual mores contrary to community standards is not admissible if offered to attack the credibility of the victim and is admissible on the issue of consent, except where prohibited in the underlying criminal offense, only pursuant to the following procedure:
(a) A written pretrial motion shall be made by the defendant to the court and prosecutor stating that the defense has an offer of proof to the relevancy of evidence of the past sexual behavior of the victim proposed to be presented and it's relevancy on the issue of the consent of the victim.
(b) The written motion shall be accompanied by an affidavit or affidavits in which the offer of proof shall be stated.

(c) If the court finds that the offer of proof is sufficient, the court shall order a hearing out of the presence of the jury, if any, and the hearing shall be closed except to the necessary witnesses, the defendant, counsel, and those who have direct interest in the case or in the work of the court.
(d) At the conclusion of the hearing, if the court finds that the evidence proposed to be offered by the defendant regarding the past sexual behavior of the victim is relevant to the issue of the victim's consent, is not inadmissible because its probative value is substantially outweighed by the probability that its admission will create a substantial danger of undue prejudice, and that its exclusion would result in denial of substantial justice to the defendant, the court shall make an order stating that evidence may be introduced by the defendant, which order may include the nature of the questions to be permitted. The defendant may then offer evidence pursuant to the order of the court.

RCW 9A.44.020 applies to the relationship between AEA and JC, which is part of the Allred case. AEA and JC have a sexual past. When AEA had cancer, AEA and one of AEA's friends, Jessica Davis' sister, went out and had their heads shaved at a beauty parlor. AEA did it because her doctor insisted that it is better mentally for little hairs to fall out than big clumps of long hair from chemo. AEA agreed. AEA's friend shaved her head to support AEA. AEA paid that friendship back by having sexual relations with JC. JC was AEA's friend's boyfriend.

Rule 608 - A Witness's Character for Truthfulness or Untruthfulness
(a) Reputation or Opinion Evidence. A witness's credibility may be attacked or supported by testimony about the witness's reputation for having a character for truthfulness or untruthfulness, or by testimony in the form of an opinion about that character. But evidence of truthful character is admissible only after the witness's character for truthfulness has been attacked.
(b) Specific Instances of Conduct. Except for a criminal conviction under Rule 609, extrinsic evidence is not admissible to prove specific instances of a witness's conduct in order to attack or support the witness's character for truthfulness. But the court may, on cross-examination, allow them to inquire into if they are probative of the character for truthfulness or untruthfulness of:
(1) the witness; or
(2) another witness whose character the witness being cross-examined has testified about.

AEA and JC's relationship is important to establish the kind of person AEA is, and why JC changed his story

"Evidence of a pertinent character trait of the alleged victim of a crime is circumstantial evidence admissible if offered by the defendant, Rule 404(a)(2)(B)... Evidence of specific acts is not admissible for the purpose of showing character; proof must be by reputation or opinion, Rule 405(a)." (Graham, 143)

Rule 405(a) By Reputation or Opinion. When evidence of a person's character or character trait is admissible, it may be proved by testimony about the person's reputation or by testimony in the form of an opinion. On cross-examination of the character witness, the court may allow an inquiry into relevant specific instances of the person's conduct.

AEA is a liar, and she has a history of lying. AEA has a motive to lie and that was shown in trial. Unfortunately for Allred, there was a predisposed bias against Allred due to the nature of the allegations, the prosecutor's remarks, the lack of a defense, and AEA herself.

For example: The trial lawyer paced off the home's living room, which AEA had drawn out. AEA testified that the two couches were almost touching, and that AEA's brother was just inches away, meaning that for AEA to perform oral sex on Allred, that Allred's butt would be in AEA's brother's face. Due to the prejudice, the jury did not care to hear the truth, and Allred was not given a fair trial. Due to the inept nature of the trial lawyer, Allred did not have effective counsel. Due to government misconduct, Allred never got a complete and fair investigation, which resulted in Allred losing his freedom, his way of life, and his constitutional rights.

Argument

"The Constitution guarantees a fair trial through the Due Process Clause, but it defines the basic elements of a fair trial largely through the several provisions of the Sixth Amendment, including the Counsel Clause: "In all criminal prosecutions, the accused shall enjoy the right to... an impartial jury... to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense."

Did Allred have a biased jury? Yes he did. Due to:

1. Prosecutorial misconduct. "The state's opening statement alluded to highly damaging testimony that was never introduced." The prosecutor swayed the jury with his opening statements that Allred held

AET down and raped her, as she screamed for help and tried to fight back. Then again with his (the prosecutor's) closing statements where he said, "If the witness lied at any time during her testimony, it was because no one would believe the truth." The prosecutor knew for a fact that AET was lying, yet the prosecutor allowed those lies to continue, and in doing so broke the law and violated Allred's Due Process. Allred was robbed of a fair trial.

2. The jury was biased and predisposed to find Allred guilty based off their emotions and hatred of the allegations. Statistics show that in Washington State, there is a 90% chance that a person with charges of a sexual nature, like Allred's, will lose at trial. There are no fair and impartial juries when it comes to certain crimes and/or allegations. "Our legal system is predicated on the notion that an innocent person should never be punished for a crime. As Benjamin Franklin explained, "It is better 100 guilty Persons should escape than one innocent Person should suffer." Yet, when harm has been committed [or feel one has been committed], our desire to find a culprit and reset the moral scales by inflicting punishment may sometimes override our committment to fair treatment." (Bostwick, 195-96) The jury had already made up their mind based on the jury questionaire (voir dire) and follow-up interviews. "Guilty until proven innocent" is a denial of due process. According to the court, if the jury were given the opportunity to evaluate the witness's credibility in light of the memorandum or any evidence uncovered by an inquiry of counsel based on it the jury likely would have rendered a not guilty verdict. Prejudice to the defense was shown where there was a reasonable probability that but for counsel's unprofessional errors the result of the proceeding would have been different." (Guan)

Did Allred have no witnesses in his favor? Yes. Due to:

1. Ineffective Assistance of Counsel. Counsel did no preparation for trial, even though the defense interviewed and created a strong case in what should have, but was not, presented in Allred's trial. Counsel failed to present evidence or witnesses at trial, and what the trial lawyer did present was not helpful to Allred's case.
2. Allred had witnesses from all walks of life from within the community. Allred also had family from outside the local community that would also testify on Allred's behalf, including Roger, Allred's brother, who would have brought strong medical evidence to support Allred's medical claims.

Did Allred have ineffective assistance of counsel? Yes he did. Due to:

1. "Stating to demonstrate ineffective assistance of counsel, a petitioner must show (1) his counsel was deficient in his representation, i.e. that counsel's errors were so serious that his performance was below the objective standard of reasonableness guaranteed by the Sixth Amendment to the United

States Constitution and (2) he was prejudiced as a result." (Strickland)

2. "Constructive Ineffectiveness: The Cronic Standard - "ineffective assistance of counsel available under the U.S. Constitution is a "constructive denial" of the assistance of counsel as described in United States v. Cronic ... you do not have to prove that there was actual prejudice... you can claim ineffective assistance under Cronic if your lawyer "entirely fails to subject the prosecution's case to meaningful adversarial testing." Your lawyer's failure to test the state's case must have been "complete," meaning she put up no opposition whatsoever." (JLM, 214) There was no adversarial testing in Allred's case. The trial was completely one sided with the trial lawyer "effectively acting as a second prosecutor." (JLM, 214) The trial lawyer completely failed Allred and robbed Allred of his guarantee of a fair trial and assistance of effective counsel for his defense.

3. "To include a barred claim (a claim that is not preserved or is procedurally defaulted)... you must restate the issue by saying your lawyer was ineffective for not properly arguing your claim." (JLM, 216) Allred's entire Statement of Additional Grounds highlights the trial lawyer's ineffectiveness, including prosecutorial misconduct, in which the trial lawyer should have effectively and morally protected her client (Allred). The defense was ineffective in every facet of the investigation and trial. From missing evidence, which trial lawyer knew about shows ineffectiveness, from the prosecutor using testimony and statements known to the prosecution to be false, and the trial lawyer allowed that to happen was ineffective for doing so, not using medical evidence, medical witnesses, and/or medical experts, the trial lawyer was ineffective, to interviewing and investigating witnesses and situations to help the defense and prove Allred's innocence, but then to not use any of it is ineffective assistance of counsel, for not providing a defense, not showing another side, not using character witnesses, not using evidence, not countering evidence, and for not doing his job, the trial lawyer was ineffective.

4. "Actual Ineffectiveness: The Strickland Test - In general, to show ineffective assistance of counsel under the U.S. Constitution, you must pass the two part Strickland test. The first part of the test, the "deficient performance prong," requires you to prove your lawyer's performance was "deficient." The court decides whether your lawyer's representation fell below an "objective standard of reasonableness." This means the court asks if your lawyer acted in a way that most other lawyers would think is acceptable. Since this standard can apply differently in different situations, you must identify the specific things your lawyer did that were so bad that you were effectively deprived of your right to counsel. You must point to the specific things your lawyer did badly or did not do at all and show that those failures made your representation fell below the professional standards for lawyers. If the court finds your lawyer's representation fell below this objective

standard of reasonableness, it will apply the second part of the Strickland test. The second part, the "prejudice prong," requires you to prove there is a "reasonable probability" that, but for counsel's unprofessional errors, the result of the proceeding would have been different. This means you not only have to point out what your lawyer did wrong, but you also have to show that your lawyer's actions hurt you and possibly changed the outcome of your case. You can only win on an ineffective counsel claim if both parts of the test are met. You should remind the court that the Supreme Court has specifically said the "prejudice prong" requires you to show only a "reasonable probability" of a different result, and you do not have to prove your lawyer's errors "more likely than not altered the outcome"... When you are presenting an ineffective counsel claim, you should ask the court to consider the total effect of all your lawyer's errors." (JCM 213)

The court asks if your lawyer acted in a way that most other lawyers would think is acceptable? Most other lawyers would have shown up to trial to fight, especially after doing the legwork leading up to trial. Other lawyers would not have given up because they were "blindsided" by their own inept actions. Take Allred's entire Statement of Additional Grounds, for example; how can Allred create a defense with the same information that the trial lawyer had? The trial lawyer presented no adversarial testing, acted as a second prosecutor, and barely passed the "breath test." The trial lawyer was ineffective and robbed Allred of his freedom, his reputation, and his way of life. Because of the trial lawyer's representation falling below an "objective standard of reasonableness," Allred's trial would have ___ had different results. Allred would have been found "not guilty." Allred has medical evidence going back over ten years showing Allred's sexual issues (including, but not limited to: no libido, erectile dysfunction, and the inability to get or maintain an erection). Allred also had ___ to testify about Allred's sexual problems. Allred has his brother, Roger, who was willing to testify that he (Roger) also has similar sexual issues. An expert witness would have shown that there is a link between MS and siblings, that these medical symptoms are shared among 90% of men with MS, and that Allred has been seeing doctors for his issues since before 2006. Allred was charged and convicted of a crime that he could not and would not commit.

Whether it be the Cronic Standard or the Strickland Test, the defense failed miserably. The trial attorney put up no defense and allowed the prosecution to do whatever they pleased. Shon Boyer, the trial lawyer, was truly ineffective.

Was there government and prosecutorial misconduct in the Allred case? Yes there was! Due to:

1. The prosecution hiding evidence. The prosecutor should be charged with obstruction of justice for "interfering with the orderly administration of law and justice, as by giving false information to or withholding evidence from a police officer..." Det. Hernandez had an incomplete police report that was purposely withheld from her. Why? We may never know why, but that does not change the fact that Deputy Ternus had the complete report, and so did the prosecution. It is factual and known, that the prosecution gave a partial police report to the defense during discovery, and lied that it was the entire thing, even though the defense knew that was untrue. During trial, it came out that the same missing report (evidence) was hidden and kept from Det. Hernandez. Are there any rules and/or regulations that specifically read that "Obstruction of Justice" is only for laypersons and not for prosecutors and Sheriff Deputies?

2. "Prosecutorial misconduct during the trial, both by improper questioning of witnesses and by making improper argument, in violation of due process clause." (Miranda) The prosecutor used witness testimony that he knew was false, which is a violation of Allred's rights. This was shown to be true in the plea bargain that the prosecutor offered Allred, it was seen in the prosecutor's opening statement where he unfairly and unconstitutionally swayed the jury, and it was seen in his closing statement when the prosecutor unlawfully vouched for AEA and verbally expressed his knowledge of AEA's untruthfulness.

3. Allred was "seized" and placed under "arrest" by Deputy Ternus, because Allred felt and understood that he (Allred) was in police custody and was arrested. Allred was in a closed room with two police officers who were armed and in full uniform, the door to the room was closed, Allred was read his rights, Allred was instructed that he (Allred) could not have an attorney present unless Ternus physically took Allred into county jail where Allred would sit for up to a week before seeing a judge and getting an attorney just to have the talk that Ternus wanted to have with Allred at that moment. Allred was unconstitutionally restrained by Deputy Ternus. Ternus also continued to threaten Allred by instructing Allred to send Ternus follow-up information or he would arrest Allred on obstruction of justice for interfering with a police investigation.

Did AEA have a motive to lie? Yes, she did. Due to:

1. AEA was being evicted from her family's home. AEA did not want to leave home. She was scared of the unknown and what the future may hold. AEA was not ready physically, emotionally, or financially to be out on her own. AEA had motive to lie, to get KLA on her side, so that KLA would allow AEA to remain in the home. AEA fabricated a story based on KLA's life biases. AEA had the same "MO" and motive in this situation as AEA did in a prior situation.

2. The prior situation was when AEA was being evicted from her family's home. In that case, AEA

fabricated a story of being depressed and suicidal to get KLA on her side to remain in the family home. This lie hurt KLA, but AEA was allowed to remain at home, AEA's deceptive means worked. It was later found out that AEA lied, but she remained in the home.

3. AEA told her friend, Jessica Davis' sister, on how to get her way with her (the friend's) parents, and that was to say that her (the friend's) dad touched her (the friend). AEA's friend followed AEA's advice, which caused the friend's dad to lose his job, and the entire family had to leave their home and church. AEA's friend later admitted that she lied and made up the entire incident based off advice from AEA.

4. AEA had similar traits when AEA stalked a male friend who AEA was in love with. AEA scared and threatened his girlfriend, before all of AEA's friends unanimously "dropped" her. AEA also defrauded a California college after AEA forged her high school (homeschool) transcripts and diploma. However, AEA dropped out of high school and never earned her diploma. AEA has a history of lying and putting herself first.

Why would AEA not tell her grandmother, VR, about any of the alleged abuse, even after Allred's conviction? VR is a psychologist and AEA's grandmother, a person who could possibly "help" AEA. AEA told all of her friends and a lot of Allred's friends via social media after the allegation came out. AEA happily told everyone she knew, except for her grandmother. Why? Was it because VR could see through a lie? Why would AEA risk losing her financial support from her grandparents by having the truth come out? VR is the only person AEA did not tell her lie to, which came out during testimony.

Why would AEA ever admit she lied? She wouldn't because:

1. AEA has never admitted to any lie regardless of the lie.
2. AEA would look bad and be discredited by others.
3. AEA would lose all of the compensation that she has received to help her "adjust" and "feel better".
4. AEA (as any fake victim) could go to prison if she admitted that she lied. RCW 9.62.010 Malicious Prosecution - Every person who shall, maliciously and without probable cause therefore, cause or attempt to cause another to be arrested or prosecuted against for any crime of which he or she is innocent:
(1) If such crime be a felony, is guilty of a Class C felony and shall be punished by imprisonment in a state correctional facility for not more than five years, and
(2) If such crime be a gross misdemeanor or misdemeanor, shall be guilty of a misdemeanor.
Why would fake victims ever tell the truth, knowing that prison awaited them?

Allred's Appellant Attorney, argued that Allred's "convictions must be reversed and remanded for a new trial, she is partially wrong. Allred's convictions must be reversed and completely dismissed.

A new trial would be based off of the same unfair and unconstitutional errors and lies that brought Allred before the trial judge in the first place. Allred may get a new court appointed trial lawyer, but the prosecution will just be as dirty and underhanded. "As Chief Justice Sol Wachtler of New York Court of Appeals once put it, "A good prosecutor could get a grand jury to indict a ham sandwich." (Dershowitz, 28.)

A complete investigation would have never lead to charges being brought against Allred. There is no evidence to support charges being filed, for court proceedings, or for a guilty verdict. This violated Allred's due process. "RCW 10.73.100 - (4) Defendant pled not guilty and evidence introduced at trial was insufficient to support the conviction." "An attorney's duty to provide reasonably effective assistance includes the duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary." (Strickland) "According to the court, if the jury were given the opportunity to evaluate the witness' credibility in light of the memorandum or any evidence uncovered by an inquiry of counsel based on it the jury likely would have rendered a not-guilty verdict. Prejudice to the defense was shown where there was a reasonable probability that but for counsel's unprofessional errors the result of the proceeding would have been different." (Guam)

Every little detail in this case broke Allred's constitutional rights and guarantees. Example: There was even the wrong middle initial on Allred's original police report from Deputy Terrus (info written down by Camas City police officer). Allred showed trial lawyer, and the trial lawyer had Allred's middle initial corrected. Why does that happen?

The cumulative errors of all mentioned (and unmentioned) claims denied Allred of his right to a fair trial and investigation in violation to his due process rights. Allred has a viable claim under both the Fourth and Fifth Amendments in a lack of probable cause, coerced interview by the Deputy Sheriff, and it is clear that Allred was seized.

Abuse of Discretion: "(2) An appellate court's standard for reviewing a decision that is asserted to be grossly unsound, unreasonable, illegal, or unsupported by the evidence:

(Garner, 12) Abuse of Discretion sums up Allred's entire case. In Allred's trial there was no and/or insufficient evidence. The prosecutor presented false, fabricated, and misleading evidence that was unfounded. The trial lawyer presented nothing, not even an adversarial battle between the defense and prosecution.

Preponderance of the evidence is a lie. How can the jury hear the evidence when they are being fed lies from the prosecution? The jury convicted Allred because they hated him; there was no defense to show the other side. The jury also seen the witnesses for the state, but nobody there to support Allred. The jury may or may not have heard the trial judge state that Allred's conviction surprised him, but by that time it was too late anyways. The jury had preconceived biases against Allred because of: the charges, the allegations, the nature of the alleged acts, Allred's lack of witnesses, the prosecutor's opening statements of AEA screaming for help, Allred not taking the stand, and the trial lawyer's seemingly lack of care during the trial.

Allred's charges should be dismissed, and the trial court's convictions of Allred reversed. There is no way for Allred to get a fair trial. Allred was a very public and known member of the community. His reputation is ruined. Allred's character witnesses are no longer his character witnesses due to the lies and his conviction. The jury would be even less likely to hear the truth. How would a new trial change anything?

Harmless Error: "A trial-court error that does not effect a party's substantive rights or the case outcome. If the error is constitutional, reversal is required unless there is no reasonable possibility that the error might have contributed to the conviction - unless it was harmless beyond a reasonable doubt. If the error is statutory, the error is reversable only if there is a significant possibility that the jury would have aquitted had it not been for the error." (Garner, 659)

There were so many "harmless errors" in the Allred trial that they have become a constitutional issue and have become grounds for reversal. These so-called "harmless errors" must be reversed.

"The myth of harmless errors is everywhere, not just in the courthouses... "Harmless error" is the lie that the criminal justice system tells itself... misconduct by police or prosecutors played an important role in convictions. Lies, cheating, distortions at the lower levels of the system are

excused at higher ones. Even when an appellate court is sufficiently perturbed to reverse a guilty verdict, nothing happens to the people who broke their oaths and the law in pursuit of conviction. ... Under the current setup, a prosecutor can't be sued for knowingly allowing perjured testimony or for deliberately covering up evidence of innocence." Or as Harold Clarke, Chief Justice of the Georgia Supreme Court said, "We set our sights on the embarrassing target of mediocrity. I guess that means about halfway. And that raises a question. Are we willing to put up with halfway justice? To my way of thinking, one-half justice must mean one-half injustice, and one-half injustice is no justice at all." (Dwyer, 223-237)

None of the information in Allred's Statement of Additional Grounds is new to Allred's trial lawyer. It is also not new to Allred. It is also not new to AEA. In his office, the trial lawyer had a plan of action; he was a man of action. In court, he was a lawyer who passed the "breath test." The trial lawyer became "Mr. Implied;" because everytime during the trial (while in the courtroom and in his office daily during trial) that Allred asked: Why didn't you say that? Why didn't you ask that question or follow-up question? Why didn't you stick to the plan? Allred's trial lawyer would lean over and tell Allred, "It's implied."

AEA lied. Memory does not get better with time. Memory gets worse with time. Every expert will confirm that. Det. Hernandez confirmed that. Yet somehow, we're supposed to believe that AEA's memory got better all the way up to her sitting on the witness stand?

Did the trial judge err on his outcome of the case? Could he with only hearing half a case? Even with that, the trial judge stated that he was surprised by Allred's conviction. The trial judge could see through the emotion and lies to find the truth. The jury could not, and the prosecutor used that to the state's advantage; that is wrong, unethical, and illegal.

Why was AEA dealing with the CJC? AEA is not a child. And if AEA was considered a child, then why wasn't AEA's competency considered? Why was Det. Hernandez, a detective for the CJC, investigating these allegations? AEA, in her testimony, did not even get to pet the CJC dog. This case should not have been handled by the CJC. This was constitutionally unfair to Allred, as it's a bias and because a complete investigation was never done.

Since the case was handled by the CJC, AEA, in looking at competency does not meet the first, second, fourth, fifth, sixth, seventh, and ninth Ryan Factors. Nor does AEA meet the first Allen

Factor.

Ryan: (1st) AEA had a very apparent reason and motive to lie. (2nd) AEA has a reputation for being untruthful, and she has a history of related behavior, including a previous lie based off of the same motive. (4th) AEA's statement was not made spontaneously. AEA made the statement only after she had lost KLA as an ally, and KLA no longer cared if AEA came home. (5th) The timing of AEA's statement was made the day that AEA believed that she had to move out, and AEA made the statement to her friend's sister, a person AEA knew would tell KLA, and in doing so give AEA more credibility. (6th) AEA's statements did not contain any facts. AEA's statement was made up to get KLA on her side, by manipulating KLA's dislike of the sexual world. (7th) On the stand, AEA argued with the trial lawyer, which showed AEA's lack of knowledge of Allred's medical conditions, even though AEA had previously stated otherwise, which AEA learned about from a conversation about Allred between KLA and VR. On the stand, it showed that AEA had a lack of knowledge about Allred, and that AEA could not remember her own lies. (9th) The circumstances surrounding AEA's statements were that she put herself in a position to get evicted from her family home, but she was not ready and did not want to leave. AEA made up a story on the day that she believed that she was going to be evicted. The exact same way that AEA made up a previous story about being suicidal and depressed on the day that she was going to be evicted the first time. AEA's tactics and motive did not change.

Allen: (1st) AEA did not have an understanding of the obligation to speak the truth on the witness stand. AEA knows right from wrong, and a truth from a lie, but there was no need for AEA to speak the truth on the stand. AEA did not have the understanding of the obligation because she did not care, people were already believing her lies and responding kindly to her, she was coached by VR, and there is no punishment for perjury (they say there is, but there is not). Why would she tell the truth? AEA did not understand the obligation to speak the truth, she did not think Allred would go to prison, just as Allred never went to jail.

Allred has never been in trouble with the law. Allred has no criminal history. Why then such a harsh and long sentence for a "first time offender?" Allred is innocent, and any sentence is too long, but Allred's sentence is ridiculous.

"(a) Errors Not Subject to the Preservation Requirement – (6) Your sentence, or the way in which it was determined, was illegal." (footnote 87) "Discussing which illegal sentence claims can be raised for the first time on appeal... however, that this applies to sentences that are illegal and not merely harsh or excessive (Allred has never been in trouble before and his sentence would fall

under harsh and/or excessive; but since Allred's entire case (investigation and trial) were in violation of the law, the sentence is illegal]... note that a claim that the verdict is against the "weight of the evidence" is a question of law that does not need to be preserved... the verdict was against the weight of the evidence and not have been raised before the trial court because trial court has no authority to make a decision on this type of claim." (JLM, 123)

Actor Joseph Gordon-Levitt said, "The whole point of this country - what's so great about this country, why I'm so thankful to be born and raised in this country - is the government is accountable to the people."

Allred was wrongly charged and convicted. Allred does not need to prove every aspect of his case, he just has to show reasonable doubt and that he was prejudiced against, like: AEA's motive to lie, AEA's past history including a similar lie for the same motive, Allred's medical history, Roger's medical history, AEA's inconsistent and changing story, the jury's bias against sex crimes and how the prosecutor played to that, etc.

For ineffective assistance of counsel, Allred does not have to prove every aspect of the case, the Supreme Court has specifically said the "prejudice prong" requires you to show only a "reasonable probability" of a different result, and you do not have to prove your lawyer's errors "more likely than not altered the outcome." However, in considering all of Allred trial lawyer's errors (no adversarial testing, serving as a second prosecutor, blindsiding himself, calling no character witnesses, calling no expert witnesses, presenting no medical history or evidence, failing to object, being untimely with the half-time motion, being Mr. Implied, etc.) it is easy to conclude (through the Cronic Standard, the Strickland Test, the cumulative pile of errors (substantial errors, manifest constitutional errors, reversable errors, plain errors, incurable errors, procedural errors), and/or a combination of all of those) that the trial lawyer sent Allred to prison.

Prosecutorial misconduct is hard to prove, and there are no reprocussions for a prosecutor breaking the rules. The prosecutor in Allred's case broke those rules. He withheld evidence from the defense and from the investigating detective with the CJC. He allowed testimony he knew to be false and perjured, which was heard in his closing statements and seen in his plea bargain to Allred. The prosecutor unfairly and purposely swayed the jury with his opening statements, but

then was unable to prove them. The prosecutor's case against Allred has no merit.

Allred was unconstitutionally seized and placed under arrest by Sheriff Deputy Terrus. Allred did not feel or understand that he could leave. Allred was denied counsel by Deputy Terrus through scare tactics. Deputy Terrus took no field notes, yet wrote a police report from memory after talking to all witnesses on the same day, at the same location. Terrus' report mentioned that Allred paused during one question, but failed to mention that Allred paused through the entire interrogation, that Allred used a cane to walk and fell down the stairs. Terrus "forgot" to mention that he felt with his training, that AEA was lying, which he told to Allred and KLA. Allred was not physically arrested at any time, nor physically taken into police custody.

Is Allred innocent? Yes. The allegations against Allred are false and unfounded. Allred could not and would not do the things said about him, nor do what he was convicted of. Obviously you cannot solely take Allred on his word. So let's look at these truths: (1) The trial judge was surprised by Allred's loss at trial; and (2) KLA has not left Allred. Through this entire ordeal KLA has remained with Allred. What does that say about what kind of person Allred is? What does that have to say about how big of a liar AEA is? From the day of the allegations, KLA slept in the same bed with Allred until the day Allred lost trial. KLA has visited Allred during his incarceration (every visit in county jail, visits in Shelton, and visits in CRCC). Fifty percent of Allred's mail is to and from KLA. Allred and KLA talk on the phone every day. KLA financially supports Allred. KLA is Allred's rock and emotional support. If Allred was guilty of his crimes, why would KLA still be with him, even now ten months after his losing at trial?

What is "beyond a reasonable doubt?" Is it the fact that Allred has medical issues that makes his alleged crimes almost impossible? Is it the fact that those medical issues go back before 2006 and so there has been a long and consistant medical history? Is it the fact that Allred takes no medication for his symptoms? Is it the fact that AEA has a motive to lie? Is it the fact that AEA has different and inconsistant stories everytime that she speaks? Is it the fact that Allred's constitutional rights and guarantees were broken, from his interview with Deputy Terrus all the way up and through trial? Is it the fact that KLA believes and supports Allred?

There are so many errors in Allred's investigation and trial that Allred's conviction must be reversed, and all charges dismissed.

For Allred to get a new and fair trial: the investigation would have to start over without losing any of the previous evidence or inconsistent statements to preserve them; the trial would have to be held in another county due to the prejudice against Allred from losing his first trial; and Allred, who cannot afford a paid lawyer, would need an attorney who is not ineffective. Even then, Allred is prejudiced against because he has lost his character witnesses due to lies and losing the first trial. A retrial will automatically break Allred's due process and all Constitutional rights and guarantees.

Conclusion

For the reasons addressed in this entire Statement of Additional Grounds, Allred's convictions must be reversed, and all charges and the case dismissed.