

STATE OF WASHINGTON)	
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)	
Respondent,)	Court of Appeals Cause No. 50281-0-11
)	
v.)	STATEMENT OF ADDITIONAL
)	GROUND FOR REVIEW
)	
THORMOD SKALD)	
)	
Appellant.)	

I Thormod Skald, 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 I

As my attorney explains in the Trial Transcripts Page 76, lines 24-25 and Page 77, Lines 1-7), the divorce between myself and Asta Gunnlaugsdottir began when she wrongfully retained our children, Katla Hanna Thormodsdottir and Runar Thor Thormodsson in Iceland forcing me to resort to the Hague Convention on International Child Abduction to have them returned. I should point out that my attorney states here that “eventually the parties decided to resolve this dispute in this courthouse in Kitsap county” which is a gross mischaracterization of what happened. As you probably know, the Hague Convention on International Child Abduction is an international agreement to force the abducting parent (in this case Asta) to return the abducted children back to the country that has jurisdiction over them for a proper custody hearing. Obviously, it is only invoked when the abducting parent refuses to come to an agreement and this act is precisely why I knew that Asta would never willingly return to the USA.

One part that may seem confusing to you then is how Asta ended up back in Iceland after being forced to return to the USA. On January 8, 2016 Asta and I were divorced before Judge William Houser in

Kitsap Superior Court in Case #14-3-01420-7. As part of his ruling, Judge Houser allowed Asta to take the children back to Iceland on a temporary basis in order to renew her Green Card. He gave her until September 1, 2016 to do so or else he ruled that Adequate Cause would automatically exist for revisiting the parenting plan. Knowing that it takes a very long time to renew an expired green card and also knowing that Asta had not even applied for one as of July 2016, my divorce attorney and I appeared before Commissioner Michelle Adams in Kitsap county Superior Court on July 8, 2016 in which we proved to the Commissioner's satisfaction that it was now impossible for Asta to meet the September 1 deadline. As a result, an Adequate Cause hearing was set for September 2, 2017 and this is the hearing in which I was allegedly going to murder my ex-wife.

Note on Page 4 of the Police Report, and Trial Transcripts Page 149, Lines 17-20. when Detective Shurick spoke to Asta on August 30, the day before the deadline, she had still not made travel arrangements. This is, of course because she never had any intention of returning to the USA in the first place which ironically, is why we were having the hearing in which I was supposedly going to murder her. My knowledge that Asta would not even be at the hearing is confirmed by the testimony of Heather Uhlig, my nanny and housekeeper (see Police Report (Supplemental Notes) Page 18 and Trial Transcripts Page 165, Lines 2-7)

My accusers did not know that Asta wasn't going to be at the hearing however (see Page 101, Lines 23-25 and Page 102, Line 1 of the Trial Transcript). They thought that the September 2nd hearing was a custody hearing and my contention is that they knew that this would be the perfect time to get revenge.

Additional Ground II

Next, it is important to consider the claims of the two women about my alleged plot to murder my ex-wife. While the first two counts were dismissed, the details of them are important as they are bizarre by any definition which goes to our argument that any alleged threat by me was intentionally bizarre and thus could not have been serious, making it protected speech.

On Page 1 of the police Report and again on Page 3, the women very specifically state that my plan was to murder Asta at the September 2, 2016 hearing at the Kitsap Superior Courthouse by “distilling mercury or distilling rosery beads into her drink” or “shooting her in the parking lot.”

I will begin with the rosery beads.

On Page 3 of the Police Report, Amber Golding claims that in March of 2016 I approached her about obtaining what she calls a “rare but very poisonous plant” and yet she never names this plant in the report or even at trial. She does not claim to have knowledge of botany, herbology chemistry or even gardening. Assuming that I did ask Amber about said plant, she is completely unqualified to obtain or process it as her only experience in anything plant-related is through her husband’s landscaping business which, like all such businesses involves trimming tree branches and mowing lawns.

Approaching such an unqualified person about a plant that I obviously never even named is not the actions of a person who intends serious harm.

Note also that Amber claims that I approached her about the rosery beads in March and both women are claiming that my “plan” all along was to murder Asta at the September hearing, however, there was no September hearing scheduled in March. As I previously mentioned, the September hearing was not set until July 8, 2016 before Commissioner Adams and thus there could not have been an actual courthouse murder plot in March.

Additional Ground III

Regarding the alleged mercury plot, I wish to first point out that from the time of my arrest on August 31, 2016 until January 23, 2017, the women as well as the prosecutor were claiming that I was planning to “put mercury in Asta’s drink [at the courthouse].” (see Page 1 of Police Report). It was not until the trial itself that they suddenly switched to dimethylmercury which is a vastly different substance than mercury. Unfortunately, neither my attorney nor myself were prepared for this switch. We had prepared a great deal of evidence supplied to us from the CDC proving that ingesting mercury a single time cannot be fatal to a human as my attorney Thomas Weaver alludes to on Page 8, Lines 22 and 23 of the Trial Transcript. Since our evidence was suddenly rendered inapplicable and the

extreme differences in these substances were not brought up in court, it is difficult to go into detail about them while following the rules of appeal.

It is general public knowledge that mercury is a silvery metal found in thermometers, light bulbs and many other appliances and that prolonged exposure to it can be harmful. It is also common knowledge that many people are accidentally exposed to mercury every year via broken lightbulbs, thermometers, manufacturing and eating mercury-contaminated fish.

On the other hand, dimethylmercury, a little-known industrial compound of mercury and other chemicals, is so incredibly lethal that as Anjela Hasseries states on Page 87, Lines 16-20, merely touching "a small bit of it" is deadly.

On Page 104, Lines 17-20 of the Trial Transcript, Anjela Hasseries claims that she was so disturbed by the "mercury plot" that she "looked it up everywhere" and yet not only did she not report this to police at the time, but months later when she finally does report it, she makes no mention of dimethylmercury to Detective Shurick (Page 1 of Police Report). The idea that Anjela was a layperson and simply confusing the two substances is easily dismissed by not only the fact that she claimed to have been "looking it up everywhere" but also on Page 87, Lines 13-14 of the Trial Transcript, where Anjela admits to having knowledge of chemistry.

The inescapable conclusion is either that Anjela is lying about the entire thing or that I asked her to help me make an incredibly deadly compound with no laboratory, no industrial equipment, no safe containment unit and no access to highly restricted chemicals which makes this an impossible threat and thus protected speech.

Amber also retroactively claimed that I asked her, a high-school drop-out, about manufacturing dimethylmercury despite her having zero chemistry knowledge or any access to the chemicals that would be required. As you will see on Page 155 (all) and 156 Lines 1-7 of the trial Transcript, Amber claims to have told Detective Shurick about the "mercury plot" and admits to discussing the case with Anjela, (see Page 121, lines 3-6 of the Trial Transcript).

This is a strong condemnation to the credibility of both women but even if one wants to assume that I did make such a statement, it is even more ludicrous to ask an uneducated hedge-trimmer about manufacturing a literal weapon of mass destruction than it was to ask Anjela who at least had some

knowledge of chemistry. Again, as a ludicrous and impossible threat, this would have been protected speech but also shows a pattern of the unrealistic nature of the so-called "threats" which brought this case to trial.

It should also be noted that on Page 1 of the Police Report, the women are claiming that I was planning to smuggle mercury into the Kitsap County Superior Courthouse and "poison Asta's drink." As a metal, mercury would have set off the metal detectors at the entrance, necessitating a search from the armed guards. Secondly, drinks are not even served at the courthouse. Thirdly, in the courtroom the two plaintiffs sit opposite one another with their attorneys in-between and the judge and clerk looking directly at them. There would have been no opportunity to poison the non-existent drink in the first place. All of these factors would have been well-known to me as I had just spent an entire year in said courthouse while going through divorce proceedings and thus even if I made such a statement, I would have known that it was impossible.

Additional Ground IV

Now we get to the count for which I was convicted, the so-called shotgun plot.

On Page 3 of the Police Report, Amber Golding claims that I told her that I was going to shoot Asta with my shotgun and that she then replied that I couldn't get the shotgun past court security. She then alleges that I said that I would just shoot Asta in the court parking lot instead.

As you can see on the Poulsbo Police Department Property Report, my shotgun is a Remington 870 hunting shotgun which is 4 feet long. What this means is that, according to Amber, I was planning to smuggle a four foot long shotgun into the courthouse, past the metal detectors and the armed guards, down the hallways and into the courtroom where I would then shoot Asta. This claim is clearly not possible to be carried out. Again, the layout of the courthouse is well-known to me as I had just finished a year-long divorce proceeding there and I would have known the absolutely unrealistic nature of what Amber is claiming.

Amber then claims that I decided to instead shoot Asta in the courthouse which incidentally also serves as the parking lot for the Kitsap County Sheriff and the County Jail. This is completely at odds with

the testimony of Heather Uhlig who states on Page 161, lines 15-17 that she was hired for "helping at his house to prepare it for his kids to get back, making it more autistic child-friendly" (my son has autism). It should go without saying that shooting one's ex-wife in broad daylight in the parking lot of the courthouse/jail/sheriff's office is not a crime that any person would expect to get away with and yet I hired Heather specifically in anticipation of my children returning home and living with me. A person on a suicide-mission does not make plans for the future and Heather testifies that I was "anxious but hopeful" (Trial transcripts Page 163 Line 25) and "stressed but not angry" (Page 164, Line 2) about the future.

Even Amber and Anjela have nothing but praise for my absolute devotion to my children and concern for their well-being (Trial Transcripts Page 93, Lines 22-25, Page 94, Lines 1-8, Page 131, Lines 15-25, Page 132, (all), Page 133, Lines 5-25). Amber states in no uncertain terms on Page 132, "If there is the slightest possibility that whatever it is will negatively affect the children, his choice will always be his children, their happiness and well-being." She felt strongly enough about this belief that she reiterated it even after the alleged threats were supposed to have occurred (Page 133, Lines 18-20) Obviously, gunning down the children's mother and having their father sent to a lethal injection chamber is not in the interest of the children's happiness and well-being. While I understand that it is not completely unheard of that a loving father would do something to endanger his children's well-being, one cannot use the exception as the rule and the complete lack of any history of violence or even threat between Asta and myself as well as the testimony of Heather Uhlig which strongly affirms my devotion to my children's future greatly discredits the notion that I was actually planning to throw all that away for nothing.

Note also that on the Trial Transcripts Page 100, Lines 23-25, Anjela is asked if she is unclear about when I came up with the alleged shotgun and she states that no, she is not unclear, and that I came up with the alleged shotgun plan first, specifically "early Summer" [of 2016] Page 101, Lines 1-2 and then dimethylmercury after that (Page 101, Lines 3-4). Yet later it is asserted that I came up with the shotgun plot in late August only because I was unable to obtain rosery beads or dimethylmercury Page 71, Line 25 and Page 72 Lines 1-2).

There are only three conclusions that can be made to this inconsistency.

The first is that Anjela's memory is very faulty which harms her credibility as a whole. The second is that she did not take such a statement by me as a serious threat and thus cannot remember details about it which supports the protected speech argument. The third is that she is lying and later realized the implausibility of sitting on a so-called threat for several months before reporting it and changed the shotgun plot timeline to coincide to when she called police.

Additional Ground V

We now turn to the testimony of my ex-wife Asta Gunnlaugsdottir. First of all, note that the degree of separation between myself making the alleged threat and Asta are actually even greater than my attorneys have pointed out. Assuming that I did make such a threat, the path of it would have begun according to Amber Golding on August 20, 2016 at the Viking Days Festival at the Nordic Heritage Museum (see Trial Transcripts Page 122, Lines 13-18) and traveled from me to Anjela Hasseries, and then on August 23 to Anjela's psychiatrist Wandee Pryor then on that same day to Detective Shurick (see police Report Page 1). From there, Detective Shurick waited two days before sharing the alleged threat with Robert Ricketts, my ex-wife's divorce attorney on August 25 (see police Report Page 3). Finally, five days later on August 30, 2017, the detective told Asta via Skype as she was in Iceland at the time (see police Report Page 4).

Given five days to concoct a story with her divorce attorney, Asta related information to the detective that she not only later contradicts but which is completely inconsistent with her previous behavior.

On the Police Report Page 4, she claims among other things that I was "extremely jealous" and kept her in "extreme isolation" without offering any explanation as to why such an obsessively controlling person would have let her go to Iceland unaccompanied in the first place. She also claims that throughout our marriage she was "generally afraid for my life" and yet has never filed a police report, fled to a woman's shelter, requested an escort for child visitation exchanges or purchased any self-defense devices. In fact, on Page 152, Lines 6-25 of the Trial Transcripts she admits that I have never caused her injury or threatened her in any way

She also offers no explanation as to why a woman living “in fear for her life” would travel to another country to seek a loan to continue her life with the man that she claims to be so afraid of.

A woman who admits to never being harmed or even threatened by a man who has no qualms about her traveling to another country unattended cannot be placed “in reasonable fear of her life” by an alleged and uncharacteristic threat made a continent away with five degrees of separation at a hearing that she knows that she will not be at.

Additional Grounds VI

Next, I would like to point out in greater detail the atmosphere in which Amber, Anjela and myself worked. As my criminal and appellate attorneys point out, we three shared a “dark” or “morbid” sense of humor which was particularly useful to me as a source of stress relief during the divorce proceedings. I can think of no better example than on Page 2 of the Police Report where Anjela submits a text of mine to the police in hopes of using it to incriminate me. The text reads “Amber violently hates her [Asta] because I think maybe her husband was suspicious that this was true [that Amber and I were sleeping together]. It probably didn’t help when she told me that you and her should corner Asta in a dark alley and take turns beating on her with baseball bats and I replied that this is all I think about now during orgasm!”

Note that the text reads “she [Amber Golding] told me that you and her should corner Asta . . .”

I am not the one who suggested beating Asta with a baseball bat, Amber suggested this to me and I was merely passing along her comment to Anjela in an intentionally crude and (in my opinion) humorous way. On Page 2 of the Police Report, Detective Shurick even notes that there was “no indication” that I was talking about beating Asta but that “it was the girls” who were discussing it.

Anjela claims that she told Amber about this and “she flipped out about it” but offers no evidence regarding this nor does Amber mention how “offended” she was or that this was out of character. In fact, Heather Uhlig testifies that she overheard the girls talking about this exact same thing (beating Asta with baseball bats) at Whaling Days (which was July 30, 2016) (see Police Report (Supplemental

Note) Page 19 which states “she [Heather Uhlig] did mention that she heard the two female employees/witnesses talking about hurting Asta; ie taking a bat and beating her.”

Note also the date of this text as being June 9, 2016. Amber had no problem continuing to work for me for all of June, July and August (until we ran into money problems) which completely discredits Anjela’s retroactive claim that this text was shockingly uncharacteristic and out-of-line. That is because such statements were not uncharacteristic between us.

My point here is that all parties admit that we worked in an environment in which all parties were making and in fact, fostering what everyone knows to be humor (however crude and dark that it may seem to others), and thus, nothing that is said in such an environment can be intended as an actual threat. In fact, I am wondering why Amber Golding and Anjela Hasseries were not charged with the same crime as I was since there are two witnesses who heard each of them making similar so-called “threats” to Asta, ie; Amber wanting to beat Asta to death with a baseball bat and Anjela planning a murder-suicide car crash.

Additional Grounds VII

Lastly, I would like the Court to consider this case as a whole. The women as well as the Prosecution were so unclear as to the exact nature or timeline of any alleged threats that on Page 1 of the Probable Cause Report, it is stated that the threats supposedly occurred “Between August 1, 2015 and August 30, 2016.” This absurdly huge time frame in itself shows what little substance any so-called threats were given by the witnesses as they cannot even remember what month the alleged threats were made despite later claiming that they occurred only a few weeks before my arrest.

As I mentioned earlier, when charges were first filed against me, neither the witnesses nor the prosecutor realized that we had proof that we all parties knew well in advance that Asta would not be at the hearing. Once this fact came to light, the prosecutor then shifted the focus of the definition of harassment a danger “sometime in the future” (see Trial Transcripts Page 201, Lines 2-6)

However, "sometime in the future" is not at all what the witnesses were alleging. Anjela and Amber specifically stated that my plan all along was to murder Asta on September 2, 2016 at the Kitsap County Superior Courthouse parking lot. By ignoring this indisputable fact and instead attempting to shift the focus to "sometime in the future," a person could be convicted of anything based entirely upon speculation.

Even if the Court seeks to protect future victims from possible harm, there must be a limit to the definition of such speculation. In this case there is no pattern of abuse or threats, no criminal record of the perpetrator and a so-called threat against a victim who was 3600 miles away that was made in an environment in which the witnesses themselves were participants and which was knowingly impossible to carry out from the beginning.

None of those things lend themselves to any reasonable definition of speculation about a potential future crime. Could the prosecutor not say that I might be serious in the future about the rosery bead or mercury (later dimethylmercury) plots? Nothing changed in between the time of her first filing those charges and the jury coming back hung and yet those charges were dropped. The conclusion here is that either the prosecution concedes that I never made such statements or that such statements were made in jest or that the evidence is too weak to refile the charge. Whichever of the three conclusions that one draws must by the very nature of this case be applied to the shotgun plot as well since all three charges were, by the prosecutor's own admission, part of a greater whole.

Date:

19 Oct 2017

Signature:

Thormod Skald

Thormod Skald, Appellant

NIELSEN, BROMAN & KOCH P.L.L.C.

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