COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

FILED
COURT OF APPEALS
DIVISION II
2017 NOV 16 AM 11:18
STATE OF WASHINGTON
BY
DEPUTY

STATE OF WASHINGTON)
)
Respondent,)
)
v.)
Curtis Trevor Taylor)
(your name))
)
Appellant.)

No. 50448-1-II

STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

(He has not Sent Anything)

I, Curtis T Taylor, have * not 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

#1- Ineffective Counsel
#2- Making Jury Aware of Criminal History
#3- Improper Jury Instructions
#4- Speedy trial Rights

Additional Ground 2

#5- Did not challenge Prior N.C.O. Convictions
#6 gave false Manfactured Evidence to Jury *

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

Date: 11·12-17

Signature: [signature]
X Curtis Trevor Taylor

Form 23

Sent A Copy to Appeal Attorney 2 Months Ago

Opening Appeal Arguments

Titled: Not A Felony
& Speedy trial rights violation

Contents: # 1-5 are Arguments for
Appeal Reviewing Purposes

Reviewer: I'd like the Reviewer aware
that I am not that 'legally Inclined' but
that I tried to word things in a manner
for clarity for Easy Reviewing Purposes.

Arrest Date:
12-19-2016

Trial Date:
6-3-2017

Sentencing Date:
6-30-2017

APPEAL REGARDING:

Todays Date
6-30-2017

Case # 16-1-05023-1

State of Washington, Plaintiff
vs.
Curtis Trevor Taylor, Defendant

In the County of Pierce, I Curtis Trevor Taylor I desire to appeal the conviction and judgement imposed. I believe that the appeal has merit and is not frivolous and make the following assignments of error:

#1. Ineffective Counsel = the following arguments are on seperate page, labeled "Ineffective Counsel #1"
SEE attached forms MARKED 1-A, 1-B, 1-C, 1-D

#2. Making Jury Aware of Criminal History = following arguments on seperate page, labeled "Making Jury Aware of Criminal History #2" SEE attached forms MARKED 2-A, 2-B, 5A, 2-C

#3. Improper Jury Instructions = following arguements on seperate page, "labeled Improper Jury Instructions #3"
SEE attached forms MARKED 3-A

#4. Speedy trial Rights = following arguments on separate page, labeled "Speedy trial Rights #4"
SEE attached forms MARKED 4-A, 4-B, 4-C, 4-D, 4E

#5. Did not challenge Prior NCO Convictions = following arguments on seperate page, "labeled Did not challenge Prior NCO Convictions"
SEE attached forms MARKED 5A

* Additional forms included:
AC-1 Appeal Conclusion, lakewood case

#1 Ineffective Council #1

Arguments

Feb 8th. Meet with Contris asked her to challenge NCO History

3-27-2017 - Told Mrs Contris I wanted to dismiss her for numerous Reasons

3-28-2017 - Contris challenged my wanting to dismiss her in (open court)

3-28-2017 - Ask (Judge Alreud) in (Open Court) How I could formally complain

3-28-2017 Sent Mrs Contris a written letter stating my concerns

Sent same to Judge Alreud was sent back. (SEE 1-B)

4-17-2017 Complained to Washington state Bar in Seattle (SEE 1-D)

4-18-2017 Complained to her superior Michael Kawamura Twice, written (SEE 1-C)

4-19-2017 Tried to dismiss Contris (Open court) (Judge Alreud)

5-10-2017 Tried to dismis Contris (Open court) (Judge Christlotte) (SEE 1-4)

— Every meeting I told her I wanted to challenge points and told her she was violating my speedy trial rights

{Main Argument}

Everytime I met with Mrs Contris it was like talking to a child. There was no civil talk. All she would do is threaten me to take a deal. If I wanted I wanted to talk about anything else, like getting evidence that I felt was helpful to my case she would say stuff like "your going to prison" and just leave the visiting room. I told her point blank

And I quote "I dont want to focus on a defense of no signature" Point Blank.

And I quote "I want to challenge my prior N.C.O.'s"

And I quote "I will not sign my speedy trial rights away. Point Blank

1-A

(READ WORD FROM WORD OPEN COURT)

I would like to DISMISS LISA Contris on the GROUNDS that she does not have my Best Intrests in mind. Since Ive got here 5 months Ago, MRS Contris has done nothing but Bully And Intimidate me into taking A deal. As A Consequence to her UnIntrested behavior I feel Ive lost Evidence that is favorable to my case. Specifically - I have not been able to Examine Evidence. Im missing Pages in my DISCOVERY - Ive been Unable to enter witness statements And text messages into Evidence which I feel Are very Substantial to my Case. Furthermore I told MRS Contris from our first meeting that I was not going to sign Away my Speedy trial Rights. Here it is 150 days later And not much forward progress. I move to DISMISS lisa Contris As my Court Appointed Attorney. At last Ive been in Contact with Washington State bar Association in Seattle And will be Contacting them Again Regarding this Matter.

- READ in OPEN COURT Bryan Chislotte? 5-10-17
- Second time I tried to dismiss Contris in OPEN COURT

(1-B)

3-28
2017

Put into file

(I've made a written copy)
(Been sent to Lisa Contris)
3-28

I was just reading or going through my paper work. Just a couple things I would like to bring to your attention. I read the reports that the officers made and Chaitrice Tillman made. It really sounds kind of bad and with the pictures etc. But I'd like to assure you not a drop of that blood was hers (I did strike it) Its easy to see that the blood kind of came in from outside and the hand print on the wall is mine. So that should be easy to see. The only reason I'm even saying this is because I dont believe you believe I'm not a bad guy. But that should not be a factor but I believe in this case it is.

Also in my discovery I'm missing pages 15-16-17. I would like have those please. I'd like to have all new evidence in my possesion so I may properly prepare for trial! Also I

(1-B)

I feel your not taking this seriously.
The reason I say this is because
we never talk. I feel thats important
Especially when court (trial) is 3 weeks away!
You hadn't called me once you've never came
to visit and you never ask any questions.
Very frustrating you seem like a good attorney
So thats why I never say much but after
one hundred days no nothing I'm beginning
to wonder if your on my side or let
me rephrase, Have my best intrests in mind.
I apolisize if this is a little brash but
time is getting short, I need you start
telling me and showing me what my
options are.

Final things of concern:

#1 I absolutely dont believe my crime is
felony (only one N.C.O. conviction in 14 years.

#2 I'd like my missing pages 15-16-17 (Discovery)

#3 Plus I'd like to talk to a detective
because two people lied and I need
them to lie on record
want to call as witnesses (Chartrice Tillman
Cindy Silva)

★ ★ ★ ★ ★ ★

1-C

Sent 4-18-17

MR KAWAMURA

My name is Curtis Taylor
On February 24th I wrote a letter
to you expressing my concerns about
my DAC Attorney lisa Contris (Informally)
Now I would like to express my
Concerns (Formally) I feel alot of
Issues need to be addressed on
the court Room behavior of SAID
Lisa Contris. I would like to log
a formal Complaint in House; through
your office before I send similar
info to Washington State Bar
Association in Seattle. Please Respond
this is time sensitive

- MR KAWAMURA is lisa Contris' Superior
- He never Responded either time

#2 MAKING JURY AWARE OF CRIMINAL HISTORY #2

ARGUMENTS

{MAIN ARGUMENT}

CRIMINAL HISTORY WAS ADMITTED INTO JURY PACKET THAT WAS DIRECTLY RELATED AND BIAS TO THE OUTCOME OF THE VERDICT AND IN MY OPINION ALTERED THEIR VIEW AND FINDINGS WHEN DECIDING MY JUDGEMENT. THE ARGUMENT IS THAT IT WAS AN ELEMENT OF A FELONY VIOLATION OF NCO WHICH IS TRUE. MY ARGUMENT IS THAT PRIOR TO JURY SELECTION, IN (OPEN COURT) JUDGE STELLY SPEIR ALREADY RULED THAT THEY WERE VALID. THEREFORE NO RULING ON THE UPGRADING OF A ONCE GROSS MISDEMENOR TO FELONY WOULD BE MADE BY THE JURY THEREFORE NO KNOWLEDGE OF PRIOR NCO'S WOULD BE NECESSARY..

{SECOND ARGUMENT}

IN CONCLUSION EVEN THOUGH THE 2 PRIORS NCO VIOLATIONS WERE A ELEMENT OF THE CRIME OF FELONY NCO VIOLATION, THE FACT OF THE MATTER IS THE JURY WAS NOT RULING ON THEM. THAT WAS THE JUDGES JOB. IF THAT WAS THE CASE, THE TWO PRIORS WOULD OF NEEDED TO BE PRESENTED TO THE JURY IN A WAY TO SEE IF THE PRIORS HAD VALIDITY. EACH PRIOR WOULD OF NEEDED TO BE RULED ON IF THAT IS THE CASE IN POINT. ⊖ / / BULLET POINTS

⊖ BUT THAT IS NOT THE FACT OF THE MATTER, THE JURY DOES NOT RULE ON PRIORS THEREFORE NO KNOWLEDGE OF THEM SHOULD BE GIVEN TO THE JURY.

⊖ AND IN MY OPINION GIVES THE JURORS A FAR GREATER BIAS OF ME HAVING KNOWLEDGE OF 'NO CONTACT ORDERS' HENCE MY DENFENSE WHICH WAS NO KNOWLEDGE OF THE NO CONTACT / NO SIGNATURE WOULD BE WEAK AT BEST.

⊖ THE JURY WAS ASKED THREE QUESTIONS (SEE ATTACHED 2-A) AND NOWHERE WERE THEY ASKED TO RULE ON PRIORS

⊖ JURY INSTRUCTION #10 SHOWS CERTIFIED COPIES OF PAST PRIORS GIVEN TO JURY (SEE ATTACHED 2B)

⊖ HISTORY WAS STATED VERBALLY AND WRITTEN

2-A

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, Plaintiff, vs. CURTIS TREVOR TAYLOR, Defendant.	CAUSE NO. 16-1-05023-1 **VERDICT FORM A**

We, the jury, find the defendant _____ (Not Guilty or Guilty) of the crime of Domestic Violence Court Order Violation as charged in Count I.

_____ DATE

_____ PRESIDING JUROR

Jury Question #1

2-A

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, Plaintiff, vs. CURTIS TREVOR TAYLOR, Defendant.	CAUSE NO. 16-1-05023-1 SPECIAL VERDICT FORM AS TO COUNT I

We, the jury, answer the question submitted by the court as follows:

QUESTION: Were CURTIS TREVOR TAYLOR and CHARTRICE TILLMAN members of the same family or household?

ANSWER: _____ (Write "yes" if unanimous agreement that this is the correct answer)

_____ DATE

_____ PRESIDING JUROR

The answer section above has been intentionally left blank.

_____ DATE

_____ PRESIDING JUROR

Jury Question #2

2-A

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, Plaintiff, vs. CURTIS TREVOR TAYLOR, Defendant.	CAUSE NO. 16-1-05023-1 **VERDICT FORM B**

We, the jury, find the defendant _____ (Not Guilty or Guilty) of the crime of Making a False or Misleading Statement to a Public Servant as charged in Count II.

_____
PRESIDING JUROR

Jury Question #3

2-B

INSTRUCTION NO. 10

Certain evidence has been admitted in this case for only a limited purpose. Exhibits 7 and 11 consist of certified copies of judgments and sentences for two prior convictions for violating no-contact orders. You may only consider Exhibits 7 and 11 for the purpose of evaluating whether or not the defendant has twice been previously convicted for violating the provisions of a court order. You may not consider these exhibits for any other purpose.

Exhibit 6 consists of a certified copy of a judgement and sentence under Lakewood Municipal Case 16L0472. You may only consider Exhibit 6 for the purpose of evaluating whether or not the defendant had knowledge of the no-contact order under Lakewood Municipal Case 16L000472. You may not consider this exhibit for any other purpose.

Any discussion of the evidence during your deliberations must be consistent with this limitation.

2-C

INSTRUCTION NO. 6

A person commits the crime of violation of a court order when he or she knows of the existence of a protection order or no-contact order and knowingly violates a provision of the order, and the person has twice been previously convicted for violating the provisions of a court order.

#3 Improper Jury Instructions #3

Arguments

{MAIN Arguments}

In Jury Instructions #16 (SEE 3-A), I feel its very misleading. the Instructions state that they must all Agree. Its a safe Assumption to make that after 3 days of Deliberating where twice the Jury Asked procedural Questions in Writing #1 "What happens if we dont all Agree" & #2 "Do we all have to Agree" That they did not All Agree! Judge Spier and prosecutor Swain being new had to twice take a Recess to Ask Someone else because they Did not Know How to Answer those Questions. they both said this is open court! both times, both different days, these questions were asked they both came back with Answers that stated "Refer to Jury Instructions"

I Feel that with no Answers to their very Relevant Questions and with being stuck in a Room for three days, I believe some Jurors might of Just Agreed with others to get out of there.

{SECOND Argument}

I feel if the Judge would of Instructed the Jury that they did not have to all Agree the outcome would have been Hung ~~AAA~~ Nowhere does it show in the Jury Instructions/Packet does it say what to do when they do not Agree. On the Contrary is states and I Quote "they must All Agree"! (SEE 3-B)

3-A

INSTRUCTION NO. 16

When you begin deliberating, you should first select a presiding juror. The presiding juror's duty is to see that you discuss the issues in this case in an orderly and reasonable manner, that you discuss each issue submitted for your decision fully and fairly, and that each one of you has a chance to be heard on every question before you.

During your deliberations, you may discuss any notes that you have taken during the trial, if you wish. You have been allowed to take notes to assist you in remembering clearly, not to substitute for your memory or the memories or notes of other jurors. Do not assume, however, that your notes are more or less accurate than your memory.

You will need to rely on your notes and memory as to the testimony presented in this case. Testimony will rarely, if ever, be repeated for you during your deliberations.

If, after carefully reviewing the evidence and instructions, you feel a need to ask the court a legal or procedural question that you have been unable to answer, write the question out simply and clearly. In your question, do not state how the jury has voted. The presiding juror should sign and date the question and give it to the judicial assistant. I will confer with the lawyers to determine what response, if any, can be given.

You will be given the exhibits admitted in evidence, these instructions, and 3 verdict forms for recording your verdicts. Some exhibits and visual aids may have been used in court but will not go with you to the jury room. The exhibits that have been admitted into evidence will be available to you in the jury room.

You must fill in the blank provided in each verdict form the words "not guilty" or the word "guilty", according to the decision you reach.

3-4

Because this is a criminal case, each of you must agree for you to return a verdict. When all of you have so agreed, fill in the verdict forms to express your decision. The presiding juror must sign the verdict forms and notify the judicial assistant. The judicial assistant will bring you into court to declare your verdict.

#4 Speedy trial Rights #4

Arguments

		*Continuances
Feb 8th	objected to Continuances, Told Her would not sign away speedy trial Rights.	(Did not Sign Any)
	Told Her want prior NCO viol. challenged Told Her did not want to focus on defens of not signing the NCO. Made that very clear...	2-8 First (see 4-A)
		3-28 Second (see 4-B)
March 26th	Day prior tried to dismiss Her on Phone.	4-18 Third (see 4-C)
March 28th	She challenged my dismisal in (open court) voiced my concerns ask (alreud) How to file formal complaint	5-10 Four (see 4-D)
	Sent letter to Contris and (Judge alreud). Expressing multiple concerns (see 1-B)	5-11 Fifth (see 4-E)
April 18th	I mention points challenge in (open court) ask her to get evidence helpful to case she refuses. still want to challenge points. I tell Contris that every single meeting.	6-3 Trial —
May 10th	Fed up we dont go over case at all almost trial time. No talk of point challenge. Wants to focus on no signature of present NCO. I say "NO", Basically says she doesnt care she sticking to that defense she will not challenge points. I try to dismis again in (open court) (see speech 1-A)	

June 3rd

First day of trial. Im totally in the dark. Im buzzed with all Court Action & Court Procedures. Have not talked to Attorney for atleast Month. I was not prepared at all. Mention Point Challenge to (Judge Speir) (OPEN Court)

{Main Arguments}

No Continuances Signed, Told lawyer (Contris) from first meeting to prepare, needed evidence fast before we lose it and to prepare for trial within 60 day speedy trial law requirements. Made Her very aware I expect to go to trial in 60 days. Said I will not sign any Continuances.

170+ IN COUNTY

Judge Alreyo
First Continuance

4A

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, Plaintiff
vs.
Curtis Trevor Taylor, Defendant

Cause No. 16-1-05023-1

ORDER CONTINUING TRIAL

Case Age 50 Prior Continuances Ø

This motion for continuance is brought by ☒ state ☒ defendant (Defense Counsel) ☐ court.
☐ upon agreement of the parties pursuant to CrR 3.3(f)(1) or
☒ is required in the administration of justice pursuant to CrR 3.3(f)(2)and the defendant will not be prejudiced in his or her defense or
☐ for administrative necessity.

Reasons: State has requested recording from previous hearing of underlying NCO issuance Defense researching plea language on prior NCO convictions to determine if there is a valid legal issue. Defense motion is based on State v. Campbell

☐ RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED THE DEFENDANT SHALL BE PRESENT AND REPORT TO:

	DATE	TIME	COURT ROOM	ID NUMBER
☐ OMNIBUS HEARING				
☐ STATUS CONFERENCE HEARING				
☐				
THE CURRENT TRIAL DATE OF: 2/8/17	IS CONTINUED TO: 3/28/17 @ 8:30 am Room 260			

MG

Expiration date is: 4/26/17 (Defendant's presence not required) TFT days remaining : 30

DONE IN OPEN COURT this 8th day of Febru., 2017.

Defendant Objects to Continuance

Defendant

Judge

Attorney for Defendant/Bar # 25211

Prosecuting Attorney/Bar # 45239

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

_____ Pierce County, Washington

Interpreter/Certified/Qualified

Court Reporter

(4B)

Second

Judge Alreud Continuance

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, Plaintiff	Cause No. 16-1-05023-1
vs.	ORDER CONTINUING TRIAL
CURTIS TREVOR TAYLOR, Defendant	Case Age 98 Prior Continuances 1

This motion for continuance is brought by ☐ state ☐ defendant ☐ court.

☒ upon agreement of the parties pursuant to CrR 3.3(f)(1) or

☐ is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or

☐ for administrative necessity.

Reasons: New discovery re pending charges against the victim + review of audio of court proceedings

☐ RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED THE DEFENDANT SHALL BE PRESENT AND REPORT TO:

	DATE	TIME	COURT ROOM	ID NUMBER
☐ OMNIBUS HEARING				
☐ STATUS CONFERENCE HEARING				
☐				
THE CURRENT TRIAL DATE OF: 3/28/17	IS CONTINUED TO 4-18-17		@ 8:30 am Room 260	

Expiration date is: (N/A) (Defendant's presence not required) TFT days remaining: 30 d

DONE IN OPEN COURT this 28 day of MAR, 2017.

Defendant

Attorney for Defendant/Bar # 25211

Judge

Prosecuting Attorney/Bar # 45

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

_____ Pierce County, Washington

Interpreter/Certified/Qualified

Court Reporter

(4C)

Judge Alrud third Continuance

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,
Plaintiff

vs.

Curtis Trevor Taylor,
Defendant,

Cause No. 16-1-05023-1

ORDER CONTINUING TRIAL

Case Age 119 Prior Continuances 2

This motion for continuance is brought by ☐ State ☒ Defendant ☐ Court

☐ upon agreement of the parties pursuant to CrR 3.3(f)(1) or

☐ is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or

☐ for administrative necessity

Reasons: Defense Attorney needs more time to prepare and will be interviewing minor victim with prosecutor today.

☐ RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim

IT IS HEREBY ORDERED THE DEFENDANT SHALL BE PRESENT AND REPORT TO:

	DATE	TIME	COURT ROOM	ID NUMBER
☐ OMNIBUS HEARING				
☐ STATUS CONFERENCE HEARING				
☐				

THE CURRENT TRIAL DATE OF: 4-18-17 IS CONTINUED TO: 5/10/17 @ 8:30 am Room **260**

Expiration date is: 6/9/17 (Defendant's presence not required) TFT days remaining: 30

DONE IN OPEN COURT this 18 day of April, **2017**.

Defendant

Judge

Attorney for Defendant/Bar# 32211

45334
Prosecuting Attorney/Bar#

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

_____ Pierce County, Washington

Interpreter/Certified/Qualified

Court Reporter

NEED Copy
Put Into APPEAL Packet

I/C
OD

FILED
DEPT. 18
IN OPEN COURT
MAY 10 2017
Pierce County Clerk
By ..... DEPUTY

4D

Fourth Continuance

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, Plaintiff
vs.
Curtis Taylor, Defendant

Cause No. 16-1-05023-1

ORDER CONTINUING TRIAL

Case Age 142 Prior Continuances 2

This motion for continuance is brought by ☐ state ☒ defendant ☐ court.
☐ upon agreement of the parties pursuant to CrR 3.3(f)(1) or
☒ is required in the administration of justice pursuant to CrR 3.3(f)(2)and the defendant will not be prejudiced in his or her defense or
☐ for administrative necessity.
Reasons: defense counsel ill

☐ RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED THE DEFENDANT SHALL BE PRESENT AND REPORT TO:

	DATE	TIME	COURT ROOM	ID NUMBER
☐ OMNIBUS HEARING				
☐ STATUS CONFERENCE HEARING				
☐				
THE CURRENT TRIAL DATE OF: 5/10/2017	IS CONTINUED TO: 5-11-17		@ 8:30 am Room	

Expiration date is: 6-10-17 (Defendant's presence not required) TFT days remaining: 30

DONE IN OPEN COURT this 10 day of May, 2017

Copy Received:
Refused - in court
Defendant

Judge

Jane Mellon
Attorney for Defendant/Bar # 24798

Prosecuting Attorney/Bar # 47844

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

_____ Pierce County, Washington
Interpreter/Certified/Qualified

_____
Court Reporter

NOD
I/C

Judge Alrevo

FILED
IN OPEN COURT
CDPJ
MAY 11 2017
County Clerk

4E

Fifth Continuance

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, Plaintiff
vs.
Curtis Taylor, Defendant

Cause No. 16-1-05023-1

ORDER CONTINUING TRIAL

Case Age 146 Prior Continuances 3

This motion for continuance is brought by ☐ state ☒ defendant ☐ court.
☐ upon agreement of the parties pursuant to CrR 3.3(f)(1) or
☒ is required in the administration of justice pursuant to CrR 3.3(f)(2)and the defendant will not be prejudiced in his or her defense or
☐ for administrative necessity.
Reasons: Defense Counsel is ill. Defense counsel is on vacation 5/15 - 5/24. Prosecutor is at a conference 5/31 - 6/2.

☐ RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED THE DEFENDANT SHALL BE PRESENT AND REPORT TO:

	DATE	TIME	COURT ROOM	ID NUMBER
☐ OMNIBUS HEARING				
☐ STATUS CONFERENCE HEARING				
☐				
THE CURRENT TRIAL DATE OF: 5/11/2017	IS CONTINUED TO: 6/5/17 @ 8:30 am Room 260			

Expiration date is: 7/5/17 (Defendant's presence not required) TFT days remaining : 30

DONE IN OPEN COURT this 11th day of May, 2017.

Present
declined to sign
Defendant

Stephanie Alrevo
Judge

Attorney for Defendant/Bar # 42553

Prosecuting Attorney/Bar # 47844

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

_____ Pierce County, Washington
Interpreter/Certified/Qualified

_____
Court Reporter

#5 Did not Challenge Prior NCO's #5

Arguement

I have only been Convicted Once of Two Counts of Breaking A No Contact ORDER IN 14 years!

REVIEW: AC-1

(−) I was not able to challenge NCO's Defense Attorney would not bring up. In 15 years I've only had one Conviction of TWO Counts of Breaking A No Contact ORDER. The were on A Jail Phone to my wife in Vancouver Jail. The attached Motion (S-A) said I had Two priors from lakewood. Thats Incorrect And I'm not Positive but I think that Info was shared with the Jury...

(−) #1 - Pierce Cause no 01-1-040865 was from 2001 (not Admissible) Knowledge Given to Jury?

(−) #2 - Cause # 121503 and 121504 say lakewood but those are Vancouver they happened same day same time not labeled (Seperate Criminal Convictions) see (S-A) & (AC-1)

5A

States Motion

297 P.3d 710 (2012), affirmed in part and reversed on other grounds by *State v. Johnson*, 180 Wn.2d 295, 325 P.3d 135; See also, *State v. Greathouse*, 113 Wn. App. 889, 56 P.3d 569 (Div. 1 2002).

The defendant is currently charged with one count of felony Domestic Violence Court Order Violation. The State's theory relies on the defendant's violation of an order issued by Lakewood Municipal Court Cause 16L0472. In order to prove the felony violation, the State must establish that the order prohibiting contact existed at the time of the offense. The State intends to introduce certified copies of the order and the judgment and sentence, issued under Lakewood Municipal Court Cause 16L0472.

The State must also establish that the defendant has at least two prior convictions for violating a court order. RCW 26.50.110(5). The defendant has three prior convictions for violating a court order:

1. Pierce County Cause No. 01-1-04086-5;
2. Lakewood Municipal Court Cause No. 121503;
3. Lakewood Municipal Court Cause No. 121504.

The State intends to introduce certified copies of the information, and judgment and sentence for two of the above referenced matters.

The State must also prove that the defendant knew of these orders. He did not sign for the no contact order that is at issue in this case. He was advised on the record of the no contact order. The defendant has been subject to multiple no contact orders. He has been convicted on multiple occassions of violating no contact orders. His experience in the past puts him on notice of the behavior or prohibitions that are contained in no contact orders.

The final step of an ER 404(b) analysis requires an ER 403 balancing test, where "evidence may be excluded if its probative value is *substantially outweighed by the danger of unfair prejudice*." ER 403 (emphasis added). The trial court must make a record of its

(FOR lawyer, Prosecutor AND Judges Eyes 01/4)

Office of the Prosecuting Attorney
930 Tacoma Avenue South, Room 946
Tacoma, Washington 98402-2171
Main Office: (253) 798-7400

AC-1

MEANING OF "Conviction" = the act or being or convicted in a open court. - would be classified or called convictions if ran consecutivately and/or if counts were classified or called "Seperate Criminal Conviction"

2 or more State imposed NCO violations on same person would qualify as a C class felony, punishable up to 5 years. other violations that apply are personally filed protection orders where alleged victim with the courts but were not state imposed. In those circumstances 2 or more altogether would count as a collective and upgrading a once Gross Misdemeanor to a C-class felony, as previously stated would be punishable up to 5 years in prison. (MAX Sent) In those Special Predicate, personally (not state) imposed circumstances where the petitioner filed, the Respondent would be made AWARE by signing way of Avidavit or legal Binding Documents that states 2 or more Violations would upgrade a once gross misdemeanor to a possible felony punishable by up to 60 months (MAX)

- Conclusion In the last 15 years I have had only one prior conviction of 2 counts of a protection order (Wife Jail phone) In open court.

- Sent to ISA Contris 3-28-2017
- Every meeting with ISA I said I'd like to challenge points, brought up to Judge Alreus, Judge Bryan & Judge Spier

Appeal Conclusion

{Main Closing Statement}

If I had to pinpoint one Issue that I feel the strongest about, It would be the prior NCO's. I had one in 2001 that does not qualify and I was Convicted of 2 counts (Not two Convictions) in 2012 to my wife on a Jail phone. Thats it. Ive made this clear to my Attorney from the beginning. I did not believe this all constituates a felony and I Continue to believe this does not Constitute a felony Please Review Defination of Conviction (AC-1)

{Secondary Arguement}

To Explain why I didnt bring up these Issues Prior (I did!) (See #1 Ineffective Counsel) & (see 1-A, 1-B, 1-C, 1-D) No One did Anything It was like noone Even Heard what I said. To be honest this whole process is overwhelming And I feel It was fair how I was treated. It was Either take this deal threatten, threaten, scare tactics or this is what Im going to do. I told MRS Contris very directly I did not want to focus on the defense of no signature on the NCO, I made very clear my Prior NCOS needed to be challenged. If You Ask D.A.C. MRS Contris directly she tell you thats true But More Importantly Every Single Time I Met with MRS Contris. I Told her I Absolutely would not sign Away My SPEEDY TRIAL Rights !!! 170+ DAYS IN COUNTY

Recent Discovery

11-12-2017

RECEIVED
NOV 16 2017
CLERK OF COURT OF APPEALS DIV II
STATE OF WASHINGTON

* Document 5A

In open court first day of trial (6-3-2017) Document 5-A was presented to the jury. On a big screen projector.

* The problem is I've never had a prior N.C.O in Lakewood, let alone two!

I feel those directly bias the jury, especially when my defense, was that I did not have knowledge of breaking the no contact order out of Lakewood. Especially if I had two prior out of that city. which I did not do!