

FILED
COURT OF APPEALS
DIVISION II

2018 FEB 20 AM 9:19

STATE OF WASHINGTON

BY Chad
DEPUTY

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON,
RESPONDENT,

v

JAMES R. VINES,
APPELLANT,

)
) CASE NO: 50517-7-II

)
) STATEMENT OF ADDITIONAL
) GROUNDS

I, James R. Vines, 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

THE PROSECUTOR WITHHELD EXCULPATORY EVIDENCE

Under Brady, due process is violated when a prosecutor suppresses favorable evidence that is material to guilt or punishment. Brady v Maryland 373 U.S. 83, 83 S Ct. 1194 10 U. Ed. 2d 215 (1963).

When evidence is "obviously exculpatory" or "so clearly

supportive of a claim of innocence", the duty arises not from the nature of the request but from the character of the evidence. *Ashley v Texas*, 319 F.2d 80 (5th Cir. 1963).

The appropriate standard of materiality reflects the prosecutors overriding duty to ensure that justice "shall" be done. Accordingly, a prosecutors suppression of evidence should be treated differently than should newly discovered evidence deriving from a neutral source. Thus a defendant need not demonstrate that the withheld evidence probably would have resulted in a acquittal, the standard of materiality evidence, conversely. Since a prosecutor has no constitutional duty, routinely to deliver his entire file to defence counsel not every nondisclosure constitutes error.

The applicable standard of materiality, "must reflect our overriding concern with the justice of finding of guilt". Rather than the "moral culpability" of the prosecutor. Therefore when a prosecutor has suppressed exculpatory evidence absent a specific request, "constitutional error is committed", if the omitted evidence creates a reasonable doubt that did not otherwise exist.

Moreover, there are situations in which evidence is obviously of such exculpatory value to the defence that elementary fairness requires it to be disclosed even when without a specific request.

The court that, failure to produce the above requested evidence would result in the suppression of evidence and a violation of the United States Constitution, Amendments V, VI, and XIV. SEE *Kyles v Whitey*, 514 U.S. 419, 115 S. Ct. 1555, 131 L. Ed. 2d. 490 (1995). *Brady v Maryland* 373 U.S. 83 S. Ct. 1194, 10 L. Ed. 2d. 215 (1963). *Ashley v Texas* 319 F. 2d. 80 (5th Cir. 1963).

Prosecutors are responsible for disclosing "evidence that is both favorable to the accused and material either to guilt or to punishment". *United State's v Bagley*, 473 U.S. 667, 674, 105 S. Ct. 3375, 87 L. Ed. 2d 481 (1985).

The failure to turn over such evidence violated due process. *Weary v Cain*, 136, Ct. 1002, 1006, 194 L. Ed. 2d 78 (2016).

The prosecutors duty to disclose material evidence favorable to the defence, "is applicable even though there has been no request by the accused and...encompasses impeachment evidence as well as exculpatory evidence". *Strickler v Greene*, 527 U.S. 263, 280, 119, S. Ct. 1936, 144, L. Ed. 2d 286 (1999).

Under *Napue v Illinois*, 360 U.S. 264,269, 79 S. Ct. 1173

(1959). Convictions obtained threw the use of false testimony also violate due process. 360 U.S. at 269.

A violation occurs whether the prosecutor solicits false statements or merely allows false testimony to go uncorrected. id. The constitutional prohibition applies even when the testimony is relevant only to a witness's creditability, id., and where the testimony misrepresents the truth, SEE Miller v Pate 386 U.S. 1, 6, 87 S. Ct. 785, 17 U. Ed. 2d 690 (1967).

EXHIBIT #1 CAD NARRATIVE

The prosecutor, "deliberately misrepresented the truth" by presenting the testimony of Deputy Federline, RP 247, line 17-20; "I announced, over the radio that a vehicle had taken off on me". Not only, was there never a call over the radio, "that a vehicle had taken off on me", but in Deputy Federlines arrest report, in which he certifies under penalty of perjury, he claims, "As I was walking around on an adjacent property I saw a passenger vehicle (1991 Toyota Camry 4 door WA Reg. AZN8002) pull into the property at 266 Deer Park Road. This is coherent with the CAD Narrative, the 16th call, C123 (Federline) States, "Vehicle going towards Hughs residence AZN8002"

EXHIBIT #2 FEDERLINES REPORT 3/6/83

In Federlines written Arrest report he goes on to claim he walked up behind me and yelled, "stop police!". The vehicle accelerated quickly and made a three point turn around, and sped in his direction. (Back up the hill). He then claims to have made "eye contact", I continued to drive past him after he said "STOP POLICE!". He then claims to have, "I advised Pen Com that



10/21/2016 21:43:21 rcrabb Narrative: E911 Info - Class of Service: WPH1 Special Response Info: PSAP=PENCOM-WIRELESS
911 CALL VERIFYCALLER'S LOCATION q Uncertainty: Confidence:
10/21/2016 21:43:41 rcrabb Narrative: JUST ASSAULTED BY BEN WYATT
10/21/2016 21:44:29 rcrabb Narrative: NO MED ATTN NEEDED
10/21/2016 21:44:45 pfederline Narrative: Dispatch received by unit C123
10/21/2016 21:44:47 jhollis Narrative: Dispatch received by unit C119
10/21/2016 21:45:16 rcrabb Narrative: HAS BEEN STAYING ON THE PROPERTY, IS NOW LOCKED OUT, BUT STILL
OUTSIDE
10/21/2016 21:45:50 rcrabb Narrative: RP WAS HIT WITH FIST, NO WEAPONS
10/21/2016 21:46:52 rcrabb Narrative: DESCR: GREY BEANIE, DARK SWEATSHIRT
10/21/2016 21:48:39 rcrabb Narrative: SUSPECT HAS BEEN LIVING IN A TRAILER ON THE PROPERTY, RP NOT SURE IF
SUSPECT IS STILL OUTSIDE. HE WAS THERE A FEW MINA AGO. RP WILL STAY INSIDE THE HOUSE AND WAIT FOR
DEPUTY CONTACT
10/21/2016 21:49:32 rcrabb Narrative: WYANT, BENJAMIN K. [REDACTED]
10/21/2016 21:51:55 mleiter Narrative: Dispatch received by unit C146
10/21/2016 21:52:23 msheats Narrative: ATTEMPTED CB TO RP, GOES TO VM
10/21/2016 21:52:47 rcrabb Narrative: SUSPECT MAY OR MAY NOT STILL BE OUTSIDE. RP WAS GOING TO BACK WITH
ANY UPDATES
10/21/2016 21:56:07 rcrabb Narrative: RP WAS GOING TO CALL BACK WITH ANY UPDATES
10/21/2016 22:07:16 msheats Narrative: C123 - VEH GOING TOWARDS HUGH'S RES AZN8002
10/21/2016 22:08:53 msheats Narrative: C123 - CODE 4, 1 IN CUSTODY
10/21/2016 22:09:20 msheats Narrative: JAMES ROBERT VINES
10/21/2016 22:10:49 msheats Narrative: REQ ROT TOW FOR AZN8002
10/21/2016 22:14:15 msheats Narrative: TOW TO 266 DEER PARK
10/21/2016 22:14:19 mtittern Narrative: Dispatch received by unit C157
10/21/2016 22:16:13 msheats Narrative: PENINSULA TOW ETA 15-20 MIN
10/21/2016 22:26:20 msheats Narrative: C146 WILL TX VINES, 56 ADVISED
10/21/2016 22:36:00 msheats Narrative: C123 - FELONY ASSAULT FOR VINES.
10/21/2016 22:36:08 msheats Narrative: UTL WYANT.
10/21/2016 22:36:45 msheats Narrative: [REDACTED]
[REDACTED]
10/21/2016 22:44:13 msheats Narrative: TOW ON SCENE
10/21/2016 22:48:55 mtittern Narrative: Dispatch received by unit C157
10/21/2016 23:11:01 mtittern Narrative: GUN DOES NOT SHOW RECOVERED IN CASE REPORTS. INFORMATION WAS
PASSED ON TO ARRESTING OFFICER JASON HOPKIN
10/21/2016 23:11:32 mtittern Narrative: INFORMATION ON RECOVERY WILL BE FORWARDED TO REPORTING DEPUTY
AND DETECTIVES.
10/21/2016 23:12:34 mtittern Narrative: DISREGARD LAST TWO ENTRIES, BELONG TO ANOTHER CASE

	CLALLAM COUNTY SHERIFF'S OFFICE ARREST REPORT - NARRATIVE	CASE NO. 2016-00023802
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I, **Paul Federline**, am a law enforcement officer for the Clallam County Sheriff's Office. Based upon the following narrative, I believe there is probable cause the person arrested has committed the aforementioned crime(s).

NARRATIVE

On 10/21/2016 at around 2143 hrs, I responded to an assault call located at 266 Deer Park Rd. Port Angeles, WA Clallam County. The reporting party (John Hann) stated that Benjamin Wyant had struck him and was still on the property.

Pencorn advised me Benjamin had two confirmed no bail felony warrants for his arrest.

As I was approaching the property I saw a vehicle leaving the driveway. I made contact with the operator and passenger who stated they were unaware of Benjamin's whereabouts. The passenger stated he thought Benjamin may have left in a vehicle. (There were no other occupants in the vehicle)

I made contact with John Hann who had blood on his face. John's nose was also obviously swollen.

I looked around the property and was unable to locate Benjamin.

As I was walking around on an adjacent property I saw a passenger vehicle (1991 Toyota Camry 4D Wa Registration AZN8002) pull into the property at 266 Deer Park Rd.

I thought that Benjamin had returned to the property and I walked behind the vehicle and yelled, "Stop police". As soon as I yelled "Stop Police", the vehicle accelerated quickly and made a three point turn in the driveway and turned around. The vehicle then sped in my direction and I had to quickly move out of the way to get out of the lane of travel.

I could see the operator was not Benjamin Wyant but instead a local wanted felon who I know to be James Vines.

I told James, "Stop Police!" while making eye contact and he continued to drive past me.

I advised Pencorn that a vehicle was attempting to flee from me. At that moment, Sergeant Hollis

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.
Written and signed in Clallam County, WA.

PERSONNEL # / REPORTING OFFICER	DATE	PERSONNEL # / SUPERVISOR APPROVAL	DATE
C123 / Federline, Paul	10/22/2016	Pieper, Randy L	10/24/2016

~~EXHIBIT #1~~

~~1002~~



CLALLAM COUNTY SHERIFF'S OFFICE

ARREST REPORT - NARRATIVE

CASE NO.

2016-00023802

I, Paul Federline, am a law enforcement officer for the Clallam County Sheriff's Office. Based upon the following narrative, I believe there is probable cause the person arrested has committed the aforementioned crime(s).

NARRATIVE

responded and drove down the driveway in his marked Sheriff's Department vehicle. Sergeant Hollis's emergency red and blue flashers were illuminated.

The vehicle continued to drive towards Sergeant Hollis's vehicle and then stopped. The vehicle then shifted into reverse and quickly accelerated. The vehicle quickly reversed directly in my direction and I had to leap away from the vehicle to prevent being struck.

The vehicle then became stuck in a small ditch next to a dirt wall on the north side of the driveway. I heard the wheels spinning as James shifted into drive and was attempting to flee in his vehicle towards Sergeant Hollis's patrol vehicle.

I used my department issued SL20 (flashlight) and broke out the passenger window when I was unable to open the door due to it being locked. James put his hands in the air and stated, "Okay! Okay!". I went around to the driver's side door, removed James from the vehicle, and placed him on the ground. No force was used in removing James from the vehicle. James was placed into restraints and under arrest at around 2208 hrs.

I read James his Miranda Warnings post arrest and he stated he understood his rights.

I asked James why he had run and he stated, "I was scared".

Due to the fact I had to leap out of the way from James's vehicle he was operating in a reckless manner directly in my direction, James was placed under arrest for Assault in the Third Degree on a Police Officer.

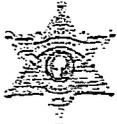
James was also arrested for his outstanding felony warrants.

Deputy Leiter transported James to the Clallam County Jail and booked him for his violations.

I impounded the vehicle via Chris's towing.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.
Written and signed in Clallam County, WA.

PERSONNEL # / REPORTING OFFICER	DATE	PERSONNEL # / SUPERVISOR APPROVAL	DATE
C123 / Federline, Paul	10/22/2016	Pleper, Randy L	10/24/2016



CLALLAM COUNTY SHERIFF'S OFFICE

CASE SUPPLEMENT REPORT

223 East Fourth Street Suite 12
Port Angeles, WA 98362



CASE# 2016-00023802

NARRATIVE

SUPPLEMENTAL REPORT BY DEPUTY P.G. FEDERLINE

INVESTIGATION: On 03/27/2017 at around 1450 hours, I conducted a follow up investigation at 266 Deer Park Rd. Port Angeles, WA Clallam County.

I took photographs of the scene and used a department issued measuring wheel to conduct measurements of the driveway.

The following are the measurements taken:

- 305 feet is the length of driveway from the front gate to the cement barriers where James Vines vehicle turned around.
- 220 feet is the estimated distance Sergeant Hollis drove his vehicle from the top of the driveway to meeting James Vines vehicle.
- 98 feet is the estimated distance from the point James Vines conducted a three point turn at the bottom of the driveway and drove up the hill until stopping for Sergeant Hollis's patrol vehicle.
- 55 feet is the estimated distance from the point James Vines placed his vehicle into reverse after stopping for Sergeant Hollis and drove backwards down the driveway.

The photographs were placed onto a CD-R and submitted into records.

ROUTING: Prosecutor

STATUS: Cleared by Arrest

PGF03272017

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Written and signed in the county of Clallam, WA.

PERSONNEL # / REPORTING OFFICER Federline Paul	C123	DATE 03/27/2017	PERSONNEL # / SUPERVISOR APPROVAL Stoppani, Brandon Michael	DATE 04/01/2017
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"A vehicle was attempting to flee from me". Again See the Cad Narrative as such no call was placed.

This written statement under penalty of perjury is inconsistent with his verbal testimony. In his verbal testimony RP 247 the prosecutor says on line 12 and 13 Q..."Alright, thank you. and so you said that the vehicle sped down, or accelerated down the hill? A Uh-hu, thats correct....Q And what did you do at that point? A...Well, so I was running this way, behind the vehicle. I announced, over the radio, that a vehicle had taken off on me. I gave the licence, registration of the vehicle, as a Toyota Camry, and I relayed that over the air and obviously....

Federline goes on to testify I did a three point turn around.

Mr. Espinoza further "SOLICITS" false testimony from Federline in order to further mislead the Jury. RP 269 line 19-25. Q...And so what did you do? A...I followed my instruction, from my supervisor, and I broke out the passenger side window, with my department issued flashlight. Q...And how did Mr. Vines react? A...He placed his hands up and said, "Okay, Okay".

SEE EXHIBIT # 2 Written Report by Sergeant Hollis. The last



CLALLAM COUNTY SHERIFF'S OFFICE

CASE SUPPLEMENT REPORT

223 East Fourth Street Suite 12
Port Angeles, WA 98362

CASE# 2016-00023802



NARRATIVE

SUPPLEMENTAL REPORT BY SERGEANT JOHN HOLLIS

INVESTIGATION: On 10/21/2016 at 2143 hours, I was in the area of 266 Deer Park Road, Port Angeles. I was assisting Deputy Federline look for assault suspect, Benjamin Wyant.

I was on an adjacent property when I heard Deputy Federline call out on the radio that there was a vehicle entering the property at 266 Deer Park Road. I turned on to the driveway at 266 Deer Park Road and observed a small light colored sedan leaving the property eastbound.

I was in uniform and was driving a marked Clallam County Sheriff's Office patrol vehicle. I saw the vehicle approximately 1/2 way down the steep, approximate 100 yard driveway. I had my driver's side window down and could clearly hear Deputy Federline yell, "stop, police."

I activated my overhead red/blue emergency lights and focused my spot light on the driver of the vehicle. I could clearly see that the driver was absconded sexual offender, Jim Vines. I could see Jim make target glances to the right and left as he also swerved his vehicle to the right and left of the driveway, in an obvious attempt to drive his vehicle around me. At one point, I braced myself for what I thought was going to be an imminent head on collision by Jim. I maneuvered my patrol vehicle to mirror his evasive actions and eventually stopped my patrol vehicle inches from his front bumper.

I approached the front passenger side of Jim's vehicle with my duty pistol in the low ready position as it was clear that Jim was actively resisting arrest by using his motor vehicle towards myself and Deputy Federline.

I directed Deputy Federline to break out the passenger window, which he did. At this time, I ordered Jim to put his hands in the air. I said this three times before he fully complied. Deputy Federline and Deputy Leiter placed Jim under arrest. I took the attached scene photographs.

DISTRIBUTION: Prosecutor's Office.

CASE STATUS: Cleared by arrest.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.
Written and signed in the county of Clallam, WA.

PERSONNEL # / REPORTING OFFICER Hollis John	C119	DATE 10/25/2016	PERSONNEL # / SUPERVISOR APPROVAL Hollis, John G	DATE 10/25/2016
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paragraph, Hollis says, "I directed deputy Federline to break out the passenger window, which he did. At this time I ordered Jim to put his hands in the air. I said this three times before he fully complied."

Espinoza, intentionally misleads the jury in this misrepresentation of the truth.

Furthermore, in the second paragraph of Sergeant Hollis's statement (written) under the penalty of perjury, he states he was on the adjacent property when he heard deputy Federline call out on the radio that there was a vehicle "entering" the property at 266 Deer Park Road. However in his oral testimony, Hollis says, RP 306 line 13-19, "While I was there, Deputy Federline called on the Radio, that there is somebody leaving the residence he was at, (which was Mr. Champions residence)..., and so I left the residence I was at, right above, and went down to Mr. Champion's house, and that is where I ran into Mr. Vines." In Sergeant Hollis's written statement under penalty of perjury he state's that he responded when he heard Federline call out on the radio a vehicle was entering the property.

For claims under Brady, the prosecutor's personal knowledge does not define the limits of constitutional liability. Brady imposes a duty on prosecutors to learn of material exculpatory and impeachment evidence in the possession of states agents such as Police officers. SEE Youngblood v West Virginia 547 U.S. 867, 869-70, 126 S. Ct. 2188, 165 L. Ed. 2d 269 (2006).

"Brady suppress occurs when the government fails to turn over even evidence that is known only to police investigators

and not the prosecutor". (Quoting Kyles v. Whitley, 514 U.S. 419, 438, 115 S. Ct. 1555, 131 L. Ed. 2d 490 (1995)).

SEE EXHIBIT #2 5 PGS

In the Ninth Circuit, the same is true for claims under Napue. First in Giglio v United States, the Supreme Court held that it would impute to an entire prosecution office one prosecutors knowledge that a government witness's testimony was false, even though the prosecutor's with knowledge of the false testimony was not the trial attorney on the case. 405 U.S. 150, 154, 92 S. Ct. 763, 31 L. Ed. 2d 104 (1972). Then in Jackson v Brown, we applied the same principle to police officers with knowledge that the trial testimony offered by the government was false, holding that "Napue and Giglio make perfectly clear that the constitutional prohibition on the "knowing" use of perjured testimony was false." 513 F. 3d 1057, 1075 (9th Cir. 2008).

However, the dispositive question on the Napue claim here is what "clearly established Federal Law, as determined by the Supreme Court of the United States", says on the issue SEE 28 U.S.C. §2254(d)(1).

We recently answered that question. Despite our holding in Jackson, we held in Reis-Compos v Biter that "it is not clearly established that police officer's knowledge of false testimony may be attributed to the prosecution under Napue" 832 F. 3d 968, 977, (9th Cir. 2016).

Espinoza is a seasoned Attorney, are we to believe he did not request a copy of the CAD Narrative, especially on a charge of An Attempt to Elude? You surely think he would request the CAD after he received a copy of the letter I did send the court, dated 02/27/2017. SEE EXHIBIT #2 Where on page 3 I asked the Judge to subpoena the radio traffic between the officers on 10/21/2016.

UNDER CRIMINAL RULES 4.7

DISCOVERY SECTION (d)

James Vines

Page 1 of 5 HPS

16-1-00481-3

Re-Attempt to Elude D.O.S.A. 2-27-17

Honorable Judge Melly

FILED
CLALLAM CO CLERK
2017 MAR 2 P 1:02
BARBARA CHRISTENSEN



Record Certification: I Certify that the electronic copy is a correct copy of the original, on the date filed in this office, and was taken under the Clerk's direction and control.
Clallam County Clerk, by Deputy #pages: 5

As stated in my previous letter to you dated "2-26-17" Karen Unger visited me on 2-23-17 for the first time since being appointed on "12-23-16". Since her phone number is blocked from the jail, I had written several letters expressing my desires. After being placed in the Attorney/client booth by one of the jailors, the "first" words out of her mouth were "I have no interest in reading your letters or hearing, the police are lying"!!! I've been trying to ~~process~~ process this statement and am "still" not "quite" sure what to think of it.

And because of her statement to me, that she still has not obtained the initial police report on my D.O.S.A. case, and her "distorted" understanding of the "facts" in my case as She told me, "my understanding is, there is a charge of, "Playing with your penis," that the prosecutor will charge you with if you screw up your D.O.S.A. I can't imagine where she got ~~such~~ such a distorted understanding of the facts other than from the prosecutor. Which leads me to believe that Karen and the prosecutor have made up their minds that I'm a degenerative pervert, not worthy of legitimate due process.

4-B

2-27-17

comunicate my desires directly to the Court.

I dont blame Karen, I wouldnt want to give my best to a degenerative pervert either!!! However I became a sex offender as a result of 2 emotionally unstable people, (Boy friend + Girl friend) having an arguement and an overzealous Detective coaxing a girl into filing charges, despite the medical report stating her hymen was completely intact making it impossable for me to have penetrated her twice with my penis, as I am well endowed. I "implore" you to get a copy of the police report from Southampton County

① So I'm requesting the court to grant the funds ~~are~~ necessary for a psychological evaluation so that Karen could hire a psychologist immediatly as I've been in jail for four months and feel this should have been done months ago.

② That the court schedule a fact finding hearing on this trumped up charge of "Attempt to elude" as Judge Erik Rohrer ruled in a 3.6 hearing that although the officer did not have probable cause to stop me but still did not give me the right to drive in a manner that threatened lives. And I "agree"!!! However the officer's report can "easily" be disproven!!! and at the end of the 3.6 hearing, the

4-C

Page 3 of 4 (4ps)

2-27-17

Prosecutor asked Mr. Oakley if he wanted to schedule a fact finding hearing, Mr. Oakley declined, without asking me. I do believe, my attorney is suppose to counsel me on our options and let me decide on which way to go. So I'm requesting the court to not only schedule a fact finding hearing but subpoena John? the witness that wrote a statement but did not "mention" anything about a three point turn around, which in this driveway is "impossable" and subpoena all three officers on the scene.

3. That the dash cam video of the officer that pulled up behind me in a patrol ~~car~~ car activating his emergency lights, not even for one complete second, and turning them off, be subpoenaed (subpena that dash cam video)

4. That the radio traffic (digitally recorded radio conversations) of that "Night" (it was extremely dark that night, in the woods with no street lights) be subpoenaed as well. As the officer stated he radioed deputy Hollace and said a car was trying to elude him. It would be ~~interesting~~ interesting to compare the time of that call and the time on the dash cam video of the patrol car that pulled up behind me. Flashin his lights and me placing my car in "park" from

4-D

Page 4 of 4 + 4 (P.S)

2-27-17

Reverse." Immediately, as soon as I realized it was an officer. You will see the reverse lights go off immediately cause I put the car in park and you will also see the officer on foot was no where in my line of sight. Even when he broke out my passenger window as I have tinted windows and can not see through them at night.

Dont know where John was as I did not see him either but I'm willing to bet the officer asked 'John who my car belonged to' and when John said Jim Vines that's when he broke out my window.

Please expedite these requests as I've been locked up for four months not waiving my right to a speedy trial once until 2-17-17 at Karen Unger's request. I really dont want to waive my right to a speedy trial again (did not want to then either and ~~wish~~ I would not have done so)

No disrespect to Karen Unger by writing this letter, but as my friend Mark Tokem (Former Federal prosecutor) told me, your rights are not always, just provided, you must request them.

I'm also respectfully asking the court to photo copy this letter and mail me a copy for my records. Thank You James D Vines (MOR)

4-E

Page
(4 P.S)

P.S I do implore you to obtain a copy of the police report from Snohomish County. This will clear up any questions concerning my behavior.

Thank You.
Sincerely
James R Vines.

AS my mom always said "The truth shall set you free"
(Rest her soul)
P.S.S.

I simply refuse to just "roll over" like I have in the past, and plead guilty to a charge, I'm 100% not even a "little" bit guilty of

I have plead guilty in the past to many charges, were I was either not guilty to or overcharged or. And look at what its come to now, as Brian Coughenour said to me in Jefferson County Court house "to get me to plead guilty" Come on, what's one more felony".

My record "Does NOT" accurately portray me as a person, as I really am a very kind honest good person. However I do believe I've been misdiagnosed, I believe I have Dissociative Depersonalization Disorder, often misdiagnosed as P.T.S.D. because of flash backs or reliving the severe trauma. With symptoms like claustrophobia (fear of the market place)

Material Held by Others:

Upon defendant's request and designation of material or information in the knowledge, possession or control of other persons which would be discoverable if in the knowledge, possession or control of the prosecuting authority shall attempt to cause such material or information to be made available to the defendant. If the prosecuting authority's efforts are unsuccessful and if such material or persons are subject to the court, the court shall issue suitable subpoenas or orders to cause such material to be made available to the defendant.

Any one with any degree of law reviewing the CAD Narrative and comparing it to the police reports would have filed a motion to dismiss, as it is incontrovertable that both officers perjured themselves in their written statements. As the CAD Narrative there is but only one call concerning the car that the DEFENDANT was driving, placed by Federline at 22:07:16, Stating, "A vehicle going towards Hugh's residence". The very next call, just 97 seconds later, Federline calls over the radio, "Code 4, one in custody". Any reasonable person would conclude, it is an "impossibility" for everything that they claimed in their reports to have taken place in 97 seconds, incontrovertable. Just refer to RP 306 once again, line 8-19. In line 12 Hollis states, "I responded, with Deputy Federline, at Hughs residence." I contend that this is true, as the Cad Narrative reflects. Hollis and Federline arrived just 2 seconds apart. Federline arrives at 21:44:45 and Hollis at 21:44:47. Further Hollis states in line 9, "During the course of this investigation, Deputy Federline told me he was looking for another person, Benjamin, and "we"

went above Mr. Champions residence there. While I was there, Deputy Federline called on the radio, that there is somebody leaving the residence he was at, which was Mr. Champions residence..."

This call came over the radio while Hollis was still at the adjacent property, not Mr. Champions, looking for Benjamin, yet in cross examination by Unger, RP 287 line 22-24, Unger...Federline Q..."Okay. so you were alone, when you saw the car pull into the driveway, that you thought might have been the other guy?" A... "By alone, Sergeant Hollis' vehicle was behind me. I mean, he was within earshot of me, so I wouldn't say I was alone, but I was on foot, he was in his vehicle."

So this being said, my car, the Toyota Camry, was in front of Deputy Federline, facing down the driveway. He then called Pen Com and called in my Registration number, he was in clear sight of this being directly behind me. Hollis responded to the call, ordered Federline to break the window out, and he did so, and then the event was over, this is what happened in 97 seconds.

Imagine this, a driveway as long as a football feild. Could a car travel down the driveway that long, in the middle of the night, and then do a three point turn around, and come back up another football field, have a confrontation with the Deputies

as they say, all in 97 seconds?

I wrote 12 letters to Judges Rohrer & Melly, and 16 letters to Ms. Unger. In most of the letters I explained, "I saw a flashlight in my rearview mirror, I began backing up, when a car pulled in behind me, and activated his emergency lights on and off, I placed my car in park and moments later the passenger side window exploded, and I was removed from my car, placed face down on the ground and had been handcuffed.

This is what happened in 97 seconds.

I contend that the Verbatim Report of Proceedings have been altered. That my Counsel did not effectively cross examine the witnesses.

RP 246 line 12-14. Federline... A...The vehicle, it was driving, you know, a normal speed, and then as soon as I said, police, the back tires spun out and accelerated down the hill.

How could my back tires have spun out, my car is front wheel drive. Why wasn't this asked? I would think that this would have been a very relevant fact of the trial, or a truth finding question. Ms. Unger would not listen to any of my requests, and I asked her to ask this question, but I was chastised by her instead.

I would ask that this Court of Appeals permit the inactment of;

RAP 7.3

The appellate court has the authority to determine whether a matter is properly before it, and to perform all acts necessary or appropriate to secure the fair and orderly review of the case.

I contend that the RP has been altered on page 269 line 11, 12, 13. The RP on page 269 says; "I could hear the accelerator and wheels turning, the accelerator running, the engine running and the wheels turning."

Please bear with me in this, and have this section of VRP authenticated with the video and audio, also I have Public disclosed the E-Mails from Federline, and Hollis, but they are completely redacted out. I pray that this court allow this fact finding mission, to expose what has been really done to me. If they have done this to me, how many others will this have happened to.

I am 1000% sure that the response that Federline gave was this, "I watched his rear wheels spinning in the mud, and spray gravel everywhere" How would I know this? This is where I asked my counsel to catch them in their lies, my car is front wheel drive. She refused to do so. Infact she looked at me and said,

"That's not relevant, and if you do that again I will have you removed from the court room". I was so upset, and can clearly remember this without a doubt!

RP 288 line 1-3 when Federline made a slip, and said the truth that Hollis' vehicle was behind him, instead of interrogating him further she simply changes the subject.

It is painfully incontrovertible that Ms. Unger cross examination of the states witness's was not an effort to reveal the truth or to catch them in their inconsistencies, but instead helped them cover up the inconsistencies rather than expose them. Is it possible that her attention was not really at this trial, but who ever she was texting during the Court proceedings, which would take her full attention, one would think.

Ms. Unger could have easily obtained the CAD Narrative, she is a 30 year seasoned Lawyer.

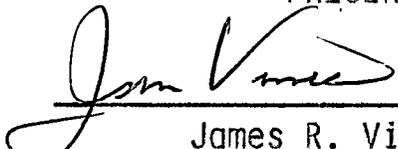
A violation of the rule promulgated in Brady v Maryland and its progeny is a violation of constitutional due process. An appellate court reviews alleged due process violations de novo. Thus an appellate court reviews claims under Brady de novo.

I also contend that Judge Rohrer did not play the role of a mediator, making sure I received a fair trial or he would have

ordered the prosecutor to have this CAD Narrative Prior to the trial. He had to have known exactly what was going on, how could he be so oblivious to such eggregous violations of a defendants due process.

Appellate Courts do retain wide discretion in determining which issues must be addressed in order to (177 Wn. 2d 147) properly decide a case on appeal. SEE eg. **RAP 12.1(b); RAP 7.3.** Appellate court's are allowed to consider and apply a constitutional mandate, a statutory commandment, or established precedent not raised by the parties when necessary for decision.

PRESENTED BY:


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February 15th, 2018