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COURT OF APPEALS  
DIVISION II

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STATE OF WASHINGTON

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DEPUTY

COURT OF APPEALS  
DIVISION II  
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON  
Respondent,

V.

WESLEY W. REICHMAND,  
Appellant.

No. 50590-8-11

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

I Wesley W. Reichmand, 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.

1) There is no evidence that proves I knew anything about the burglaries or acted as an accomplice, the evidence shows me at my storage unit which is not a crime and under case law.

"US v. Herrera-Gonzales, 263 F3rd 1092 (9th Cir.) it states:

"It is not a crime to be acquainted with criminals or to be physically present when they are committing crimes."

2). I was charged as an accomplice and there is no evidence proving I acted as an accomplice or principle and under caselaw.

"STATE v. EVERYBODYTALKSABOUT, 145 Wn2d, 456, 39, P3d 294, it states:

"Person is not an accomplice unless that person knowingly solicits, commands, or request the commission of the crime, physical presence, and assent alone are insufficient to constitute aiding and abetting."

3). In Washington, the accomplice liability law requires knowledge of the specific crime charged a defendant cannot be charged for merely any foreseeable crime committed as a result of the complicity. "Testimony of co-defendant with no other evidence is not substantive evidence. see State v. Stein, 144 Wn.2d 236, 27 P.3d, 184. and State v. isreal, 113 Wn.App 243, 54, P.3d 1218.

4). The definition in Blacks law dictionary of accomplice witness, it states: "a witness who is an accomplice in the crime. a co-defendant cannot be convicted solely on the testimony of an accomplice witness. Evidence given by an accomplice is suspect evidence because the accomplice may want to shift blame.

On counts 1, 2, 3, 4, the only evidence presented at trial was testimony

of a co-defendant and a picture of me at my storage unit that is in my name, which is not a crime.

5). By definition an accomplice must be a person who acted with the purpose of promoting or facilitating the commission of the substantive offense for which he is charged as an accomplice see 81 Wn.App. 195, "More than mere presence and knowledge of the criminal activity of another must be shown to establish that a person present is an accomplice,") quoting STATE v. White, N.J. 1984, 484, A,2d, 691, 98, N.J. 122.

In this case, the state failed to show evidence that I, Mr Reichmond was present or that I even had knowledge of the crimes that co-defendant Mrs. Zinn admits to doing.

6). Evidence Rule 602

Testimony must be based upon personal knowledge. A witness must testify on the basis of facts or events that the witness personally observed.

Mrs. Zinn testified that it's me in the video with the u-haul. She was not in the video so she should not have been able to identify me see Yurkovich v. Rose, 68 Wash.App. 643, 847, p.2d 925, 81Ed (Div I 1993)("a witness was not allowed to testify as to what happened at a meeting because the witness had not been present." also see State v. Garrison, 71 Wash 2d 312, 427 P 2d 1012 (1967) where the owner of a burglarized tavern, who was not present at the time of the burglary was not allowed to identify the defendant as the burglar )

Mrs. Zinn should not have been allowed to identify me as the burglar or person in video.

7).A statement made by D-1 while in custody, was inadmissible against D-2 the court said that D-1 statement may have been on it s face against interest but that D-1 statement was actually designed to shift blame away

from himself. The court added that "a confession made by a person in custody and in the context of a plea bargain is inherently untrustworthy State v. St. Pierre, 111 Wash.2d 105, 759 P.2d 383.

Mrs. Zinn testimony with no real evidence proving I, Mr. Reichman had any involvement in the burglaries is not substantial evidence and my conviction should be reversed and dismissed. And Mrs. Zinn testimony is trying to shift blame towards me.

Respectfully submitted on this 11 day of April, 2018.

Wesley Reichman  
Wesley W. Washington, Appellant

cc: Peter Tiller, attorney of defendant / appellate court Div 2