FILED
COURT OF APPEALS
DIVISION II
2018 MAY -7 AM 10: 14
STATE OF WASHINGTON
BY AP
DEPUTY

Court of Appeals
Division Two
of the State of Washington

State of Washington Respondent,	No. 51031-6-II
V.	Statement of Additional Grounds for Review
James E. Harris Appellant,	

I James E. Harris, have recieved 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

Defense Counsel was ineffective for failure to seek suppression of evidence. State v. Horton, 136 Wn. App The defendant/appellant provided counsel with a motion to suppress evidence based on an unlawful Terry stop. 6RP 4. Defense counsel chose not to file the defendant/appellant brief due to the facts of this case he believed

did not have Terry stop issues. The defendant/appellant has a right to a defense and that the defense counsel deprieved him of that right. The State has the burden to prove that a Terry stop violation did not occur. Defense counsel allowed the State to not meet that burden. Effective counsel would have challenged the scope of the Terry stop. There is a reasonable probability that a motion to suppress would have been granted based on these facts that the record clearly reflects that a Terry stop violation has occured; that the defendant/appellant attempted to exit the scene, but was accosted by the officer which gave the defendant/appellant the belief that he was not free to leave and there by seizing him. 6RP11. T.P.D (Tacoma Police Department) officer Campbell unlawfully seized the defendant/appellant. The officer was without a reasonable suspicion or probable cause to believe that the defendant/appellant was involved in any criminal activity. 6RP33. or that the defendant/appellant was armed and dangerous. The officer had no indication that the defendant/appellant was a threat to safety. 6RP34. Neither did the officer have any evidence to infer that the defendant/appellant knew that he was riding in a stolen vehicle. 6RP35. Merely being a passenger in a stolen car does not alone justify such a search/seizure under Terry State v. Adams, 144 Wn. App

The "mere presence" doctrine seeks to protect persons innocently in the company of known or suspected criminal. Association with a person suspected of criminal activity does not strip away the protections of the fourth amendment to the U.S. Constitution
State v. Broadnax, 98 Wash. 2d 289.
State v. Mendez, 137 Wn. 2d 208. (holding that the passenger was not seized when the vehicle was stopped; he was seized when officers demanded that he return to the vehicle after trying to walk away.

Defense counsel's representation was deficient due to the fact that there was no apparent strategic or tactical reasons for the omission, and defense counsel deficient representation prejudiced the defendant/appellant due to the fact that there is a probability that, except for counsel's unprofessional errors, the result of the proceeding would have been different
Strickland v. Wash, 466 U.S. 668

Date: 5/1/18 Signature: James E. Harris