FILED
COURT OF APPEALS
DIVISION II

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STATE OF WASHINGTON
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No. 52713-8-II

COURT OF APPEALS FOR THE STATE OF WASHINGTON
DIVISION II

Sebastian J. Haller,
Appellant,

v.

STATE OF WASHINGTON,
Appellee.

STATEMENT OF ADDITIONAL GROUNDS, RAP 10.10

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name: Haller Sebastian
DOC# 766834, Unit H2B43L
Stafford Creek Corrections Center
191 Constantine Way
Aberdeen, WA 98520-9504

AC 8

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

State of Washington Petitioner, vs. Sebastian J. Haller Respondent	)	Case No.: 52713-8-II **STATEMENT OF ADDITIONAL GROUNDS, PURSUANT TO RAP 10.10**

I, Sebastian J. Haller, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in the 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

Additional Ground 2

Additional Ground 3

Additional Ground 4

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

DATED this 5th day of ~~September~~ August, 2019

(Appellant's Signature)

Sebastian J. Haller
(Appellant's Printed Name)

Stafford Creek Correction Center
191 Constantine Way, Unit# A2B43L
Aberdeen, Washington 98520

Ground #1

- Prosecutorial misconduct - Sara Beigh

It was ordered in June of 2016 ~~that~~ by the Court of Appeals that my case be remanded back for resentence. But Sara Beigh blatantly ignored that Court Action Required notice for more than (2) years. I Attempted to contact the prosecuting attorneys office on multiple occassions, by multiple ways, letters, personal calls and calls by family. EAch time I was told or family members were told to tell me to contact my Attorney to have them contact them. Finally more than 2 years later was I finally granted a court date to deal with this matter.

I Believe this was a blatant ploy by the prosecuting Attorney to delay futher actions knowing that I must wait for the outcome of the direct appeal before I can move forward. IE Collateral Attack and PRP.

As stated in Form AC1 SCCC LAW Library - Appeals Overview 38.1 FD.doc (Appeals & Collateral attacks)

quote "If you were on direct Appeal, your time limit does not start until your direct Appeal is finished."

I believe that Sara Beigh purposely ignored the Actions Required document by the COA's to stretch out the time lines.

2 ground

Counting of time, credit for time served.
I was only credited ~~for~~ with 1450 days of time served.
I came to prison on July 3 2014, I have not been free from confinement since. my data sheet from DOC shows my start date for my 144 month sentence as 7/3/2014.

I was arraigned on this charge originally on May 15th 2014. my charges were dismissed w/prejudice, on June 19th 2014. I was not awarded those days of confinement. 34 days in jail, plus good time. The court asked for 1450 days of credit, and counted straight days from November 7th 2014 to November 27th 2018. I did not recieve any good conduct time while incarcerated? I should have recieved one third credit on all that time. If I spend 60 days in Jail I get credit for 90 days. Sara Beigh did not add my good time from Jail or DOC, yet she wants to be the one to calculate my time. she even ignored the original 34 days between May 15th & June 19th 2014. I know my calculation is incorrect and seek relief from the courts for this error.

ground # 3

ineffective Assistance of Counsel.

my Attorney Sam Groberg accepted to defend my case, knowing he would be gone on a prescheduled two week vacation. Both the office of public defenders and the prosecuting Attorneys office knew of the prescheduled vacation as well as the Courts. yet the prosecuting attorneys office chose to refile my charges @ a certain time as a play to not let us have adequate time to prepare a defense.
Mr Groberg knew he would be gone for two weeks, and that we were on a very short clock. Because he was clearly too busy, or preparing to go away or what have you, he failed to do a basic standard of effectiveness. He failed to realize the time line for trial had already lapsed. or he noticed, but his interest in occupational comraderie over stepped the interest of his client.
He was un Available by telephone, so when I noticed the trial setting error and I tried to contact his offices to have his object to trial setting he was unAvailable. How can I object to something when the defense Attorney is in Another State? I was substantially prejudiced in the presentation of my defense.

By defense counsel being unavailable for over half the time set until trial their is a factual Basis for lack of preparedness. His actions denied me my right to a proper defense and right to a speedy trial.

~~The record supported a finding that the State caused delay through the simple mismanagement~~
Defense counsel was also
State v. Hess, State v. Forbes, State v. Piche

Defense counsel ~~knowingly~~ took the case ~~with the~~ knowing he would be gone for holiday vacation. He did not notice or speak up when noticing that speedy had already passed. He was unavailable, therefore ineffective when I tried to contact him to have him object to trial setting.

As part of protecting a clients speedy trial rights, defense counsel has an affirmative duty to investigate those easily ascertainable facts that are relevant to setting trial date within the speedy trial period. State v. Malone 72 Wn. App. 429, 864 P.2d 990 (1994)

Ground # 4

Prosecutorial misconduct-Paul MASSiello-

In an age of decreasing judicial supervision over our criminal justice system, it is more important than ever to hold prosecutors to exacting standards of fairness, legality and ethics.

Paul MASSiello new that defense attorney Sam Groberg was scheduled to be gone for two weeks in the month of December and purposely chose to refile my charges @ an exact time where defense counsel would knowingly choose to be gone for his holiday vacation rather than prepare to defend his client @ trial.
Those actions clearly show his beliefs.
An "Ends-justifies-the-means" approach can not be adopted
They see their actions as calculated, to produce a "true verdict." Just because ones beliefs may be they are engaging in misconduct out of the noblest of causes, does not make it legal, morally or Judicially.

The prosecutor committed prejudicial, flagant and ill intentioned misconduct
Their is a substantial likelyhood that the misconduct affected the defense counsels ability to properly defend his client. The purposeful, malicious intentions of prosecutor Paul Massiello was a very blatant

example of prosecutorial misconduct.

Prosecutors are quasi-judicial officers of the court, charged with the duty of ensuring that an accused recieves a fair trial. State v. Jones
To be worthy of the office, prosecutors have a duty to seek Justice, not convictions. State v. Case

The record supported a finding that the state caused delay through the simple mismanagement of the case, and the court was within its discretion to find that the defendant was impermissably forced into a position requiring him to choose between his right to a speedy trial and a fair trial, with adequately prepared counsel: therefore dismissal of the charge was proper
State v. Teems 89 Wn. App. 385, 948 P.2d 1336 (1997)