COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

R.A.P 10.1D

STATE OF WASHINGTON Respondent, v. Sammy Burns Weaver (your name) Appellant.	)))))))))	No. 54258-7-II STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

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STATE OF WASHINGTON
BY

I, Sammy B Weaver, 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

Ineffective Counsel, Denial of motion in limine
Counsel had not collected/aquired other necessary items
of defense evidence before trial.

Additional Ground 2

Perjured testimony, Rules of evidence, Evidence rules were dis-
regarded. As datus testified to his very adamant observation
as to the physical evidence items. Should there have not been a
mandate or requisite pre-requisite for him (datus) to afford him
to identify some sort of identifiable characteristics of
these very unique items in their very distinguishable
constructed appearance's. Datus perjured many numerous times on the witness stand.

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

Date: 04-15-20

Signature: Sammy Burns Weaver

Form 23

Dear: Erin moody 04-15-20 54258-7-II

I would like to clarify some in-accuracies in the brief that i am compelled to correct. If this will help you?

PG2 I was not intermittently homeless, bouncing around, staying with relatives in belfair. Those are conceptions of Mason County Prosecutor Jason richards. I don't beleive that because i was commuting to snohomish County during week long intrevels to work and stay at my brothers while working and going home to my home in belfair when i could constitutes the notion of bouncing around. I don't have any family or friends in belfair. As of lately i was not a frequent visitor/patron to Napa belfair because i have not been in that store for better than a year prior to July 27th 2019 and Aug 6th 2019. These are the only two times i have been at/in that store in a year or better. Any time prior to that it appears Datus, Scammerhorn, christen weren't even employed there. These claims of annoying staff with complaints, insults, complain about products puchased elswhere are untrue and senselessly contrived. I have never been tresspassed from that store or physically escorted out either. If had that been the case i surely would never return to a place if i was treated like that.

PG3 Again these claims are absured and make no intelligable concept. True: there were no exclusions from that store in tresspass form or otherwise.

PG4 I dont know schammerhorn, datus, christen, Kaufman or the rest of those employees. The only one i recognize today is the older female because ive seen her before in

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the past prior to the least year or so that i have been at that store. That makes it impossible for datus, scammerhorn, Kaufman, christen to know me or anything of/about me for two years or otherwise. The proposed oil overfill was incidental to the day of Aug 6th 2019 not before or after that. By heated discussion that can only be attributed to the discussion between Schammerhorn and i in increased volume, no threats, no abusive language no profanities. Knife never left the Sheath.

PG5 Phone conversation between me and farlow concluded with agreed personel meeting between he and i for the following day. That would have been proposed for Aug 7th 2019.

PG6 Datus's claim to have hit the ground/ditch in effect deflates his testimony as monitoring my exiting the area. Why would datus decend his premeir elevation advantage at the stores door entry position the highest for best observance as opposed to declined elevation in the ditch/valley grassy area about 10 feet elevation difference if that was what he did he would be limiting his field observation advantage. Pictures were never collected.

PG7 Makeshift piece of metal is vehicle jack handle.

PG10 Prosecutor insinuating nuisance and dangerous. improper and incorrect, un-substantiated as well.

PG19 The intent Aug 6th 2019 was not to lodge Customer Complaint Intent was focus to Confirm oil purchase of friends.

PG22 Datus and i were quite observant of each other from Separate sides of the Store Customer Counter. Farlow lies too. Say's been at that Store 3 yrs and 3 mos, Ive never seen him at that store in my 20 yrs patronizing that Store.

Weaver 04-15-20 54258-7-II

This traumatic catastrophe just keeps getting more and more discouraging everytime my story gets resurged as to what truly has happened here. In the "brief" statements made of my case. PG2 I was not homeless or even intermittently homeless. I owned my own home outright in belfair WA, and have now lost it and every thing else i owned due to this nightmare. If bouncing around is going back and forth from Snohomish County to stay and work with my brother and then going home to belfair WA when i could then according to Jason richards Mason County prosecutor that is bouncing around. And i dont have any relatives or friends in belfair either. I was not homeless when this catastrophe /conspiracy took place. I did not have often complaints at that store about what? I haven't even purchased anything at that store for a least a year. There was one isolated complaint made by phone July 28th 2019 about some bad information i received from a store employee brian Kaufman. Aug 6th 2019 began as an inquiry that formed its way towards a complaint when i was dejected by lack for response for a simple question about someone elses vehicle problem. I did/have not often insulted store employee's or complain about "Products" Purchased elsewhere". That doesn't make any sense? On July 27th 2019 I had asked about a past application nothing more, nothing less. And i was in-correctly advised. I let that go the next day. I have/was never been told to leave that store nor ever been physically ejected

(over)

/removed either. I never have been rude (Please explain) to any of Napa's employees. Had i ever been told to leave or otherwise i surely would not have ever returned if i was treated or spoken to that way. On Aug 6th 2019 i simply stated the fact along with the womans oil problem, that on July 27th 2019 that i beleived that employee that gave me the incorrect information "was lazy" due to the fact that he did not cross-reference/check the information i requested that day as he only stated his own un-referenced un-substantiated opinion. PG3 I did not show up at given times at that store and leave before adress could be made? That/this alone sounds so silly and stupid? I mean for what? Sounds so silly and stupid I mean for what? That is ludicrous. I am lost on that one. That doesn't even sound sane.

Now reference to the trial transcripts mr christen say's he's been working for 3 months PG194 But he's known me for a lot of years PG199. And i have not done any business at that store for about a year or so. So that does not even add up. How could he know me when i have not ever seen him in my life before Aug 27th 2019 — Aug 6th 2019?

Now in hindsight i see where my defense attny should have extricated some particularities as to why this kind of answer would be acceptable. PG4 I have never seen, noticed, heard of datus, schammehorn prior to Aug 6th 2019. Neither were ither present July 27th 2019 when i got the incorrect information from employee "Kaufman". PG7 If the/my vehicle evidence inventory should/would show i had four tires in my van that i was just getting ready to put on it. Because the van had bad tires on it.

The make shift piece of metal purported as a gun was/is the handle to my vehicle Jack. In order to replace the tires i have had to Jack the vehicle off the ground That is all there is/was to that.

PG 10 I have no idea why my defense attny stated, "I think that that was more of a Customer voicing displeasure with the establishment". Unclear as to why he said that that way. I must disagree for my displeasure was with Kaufman. On Aug 6th 2019 the possible oil overfill was not a prior incident it was incidental to that day Aug 6th 2019. There were no heated discussion between I and Shammahorn other than raised voices, Mine in particular.

That Jack handle was never handled or pointed at datas Aug 6th 2019. That accusation was either an absolute fluke for him, and a most unfortunate co-incedence for me other than the possibility that Farlow observed ammunition on my van dashboard July 29th 2019 - July 30th 2019 when i was parked next to him in the parking lot at the end of the building that napa was connected to.

As for datas hitting the ground/ditch as he puts it. That would have been illogical, being as the immediate exit/entrance way to the Store at the door would have Proved to have been the most adventagious position/ /location height/elevation needed towards the Slope/ /valley, not a ditch which in fact would have actually proved to be his premier line Sight point of observation of my vehicle leaving the area. From there was a Continual/ /gradual declining elevation towards a slope/valley way

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not a ditch. Valley in which would have actually obscured/ /depriciated his best observation of my vehicle leaving the area. When i was notified that the Jack handle may be used for evidence, i did then request that fingerprinting be done for what it may have been worth. I did make re-
R.O.E. Rules of Evidence
quest that datus describe the physical evidence items prior to trial because i Know/Knew he would not be able to do so. I do not understand why this proceedure was not demon-strated/performed in that manner?

On Aug 6th 2019 the possible over fill of oil was not a prior incident, as it was incidental to that day Aug 6th 2019. Datus was not on the Customer side of the Counter as he claims because he was quite on the opposite side while i was in the store. As he stated he was Just getting ready to clock out for the day where'as the time clock is on the employees side of the Counter near where he was standing. There were two or three other Customers in the Store at that time and one of each of them were on each side of me within proximity 4-5 feet to my left Side facing Counter and one 6-8 on my Ri-ght side for the duration of the time i was in the store. Why investigating detec mercado did not interveiw them quite disturbs me. I have had a problem with detec mercado in the Past. That is why i believe he did not interveiw the other Customers or employees.

PG5 I agreed on the Napa store phone on Aug 6th 2019 with the store mngr Farlow to return to the store "the following day" as agreed to discuss with him in person.

PG10 There is no relevancy as to escalation of nuisance or dangerous in any refuttable aspects Conceived or defer-

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-mined. Prosecutor richards had no right creating his own hearsay telling the Jury that i have been alienated and/or tresspassed from numerous establishments in belfair. That is untrue therefore that makes that a lie. PG15 There has never been a tresspass order or any form of Said tresspass order from Napa store.
PG17 I had to leave the Napa Store ASAP on Aug 6th 2019 because there was an outstanding warrant for my arrest and my Suspicion was that one of the employees Could be calling the police when i heard the employee on my right in an escalated Voice say "he's got a Knife" as observed on my belt in its sheath and then followed by "Can you put your hands on the Counter in which i promptly Complied with one hand on the phone that scammerhorn had Just handed me and my other hand on the counter with my Softdrink in my other hand. That is when i became Suspicious that one of those three employees all on Seperate phones at the time that one of them was sheilding the Speakend of the phone with his hand that i Suspected that he was speaking to the police. The warrant for my arrest was a Felony warrant for a misdemeanor Charge.
PG19 The intention on Aug 6th 2019 was for investigative determinitive purpose only, not to make a Customer Complaint.

Trial transcript PG 150

As datus openly stated having PTSD this may lead Credence to substantiate that he may well Suffer Some Phycological in-adequacies/tendencies attributing to his

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elaborate concoction to create this facade. I do sympathize for his disorder but he needs to realize/be told that he has destroyed an innocent persons life by producing this kind of self sensationalizm egomania.

R.O.E

I am very astounded and shockingly overwhelmed that datus was not obliged, requisitioned, or mandated to identify either one of those physical evidence items (much less both) as he claims his eye sight 20/20 and to have been close enough within visual proximity as he has self assured/reassured 20/20 vision he should no less have been able to make reasonable descriptions of details as witnessed. He no less should have been able to have had feasable ability/amount of these descriptions of those items as to do to their very uniqueness/design without difficulty. Does it not work that way? Very unfair and prejudiced.

The store security cameras should have as well been confirmed for authenticity/function of their working order other than datu's statement of campaign that they were not real only supports/encourages his individual perjure. In light of fact upon datu's own self admission that he suffers PTSD ex military. That should have been looked into and checked for authenticity/severity which may attribute to his fabrication of his facade. This is a mental disorder datus has or he is entirely a devious compulsive liar or both.

Again i can only continue to emphasize that that was a very devastating error when my public defndr/privat detec

(Next)

questioned as to the stores video surveillence what/why was/were they thinking when asking datus about the authenticity of those cameras. Of course he is going to say that they are not real/non functioning. That obviously best suits his proclamation to support his perjury.
When i get out of prison i will find out if those cameras are/were real or not if they were functioning or not because no one else will help me to confirm this. All my public defndr had to do was speak directly with the exact/sole owner of that store, bldg regarding those cameras. Also the builder/contractor or even previous owner of that bldg would have knowledge as to the proficiency of the cameras. This has been a never ending concern/request of mine and still to no avail can i get that information assisstance. As i do not have any body on the (outside) of jail/prison that can/will do that for me. And i can't make those/these kind of necessary phone calls from this place. Had i been able to make bail in which i could not because of the outstanding warrant i had on me when this happened it was a no bail warrant that was not dispositioned or bail set at a monetary amount so that i could make bail so i could conduct my own investigation on these pertaining matters. I could have aquired that most necessary important evidence information.
I am so overwhelmingly confused and distraught over, nor can i understand the continual/continued obstacle making/made that information in-accessable.

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I cant understand why i have been detered access to that information. It just seems to me that it would be one of the simplest task's to complete. It was so simple as that camera to exxonerate me.

There are/were former employees at this napa store that [redacted]. are/were employed at the Shuck's O'Reilly auto parts store in belfair WA Hwy 3 98528 that would surely know as well something about the/those camera histories of Napa and quite possibly and/or likely worked with or know of any of the histories of the now napa store employees. Two that i know of for a fact.

The purpose of this replication/supplication is to support in summary for Statement of Additional Grounds for Reveiw.