

77706-3

RECEIVED
STATE OF WASHINGTON
NOV 11 1983

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

STATE OF WASHINGTON)	No. 54171-4
Respondent,)	
)	
V.)	STATEMENT OF ADDITIONAL
)	GROUND FOR REVIEW
JOHN COLEMAN,)	
Appellant.)	

I, John Coleman, have received and reviewed the opening brief prepared by my attorney. Summarized below are 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 Grounds 1

Two separate motions to dismiss based on violations of my right to a speedy trial were specifically deferred to the appeals court by the trial court judge. One motion was put forth during the pre-trial phase and the second during the early part of the trial phase. I respectfully request the appeals court to review these motions and render a decision.

Additional Grounds 2

The State erred in not complying fully with the discovery order. The judge erred in not providing relief to defense based on his assessment that the State did not intend to withhold evidence. My attorneys argued that intent is not a factor in determining relief to the defendant in response to the error.

Additional Grounds 3

The State is guilty of violating the laws that govern the investigation and reporting of child abuse cases. The trial revealed that the CPS investigator did not comply with statutory requirements in filing the official investigation reports within the 14 day requirement specified in the governing statutes. One report was filed several weeks late while the second was filed over 6 months late. I would assert that such reports and follow-up testimony and information should not have been admitted as part of my court case.

Additional Grounds 4

The prosecution's final (oral) instructions to the jury to overlook or disregard the inconsistencies and contradictions of the alleged victims and render a verdict of guilty was a violation of my right to a fair trial. The consideration of those inconsistencies and contradictions are germane to establishing reasonable doubt in my case. I believe such instructions to prejudice the jury in my case and would appreciate the appeal court's opinion.

Additional Grounds 5

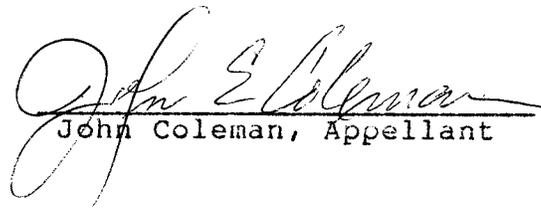
I believe that Judge James Cayce acted prejudicially in my case, as evidenced collectively by the following:

- A. Judge Cayce's refusal to rule on motions the court rules specifically state are his responsibility.
- B. Judge Cayce's minimizing state errors by ruling on their lack of intent rather than the fact of the error.
- C. Judge Cayce's concern over the needs of the jurors, state's witnesses, and victims being allowed to take precedence over his responsibility to protect the rights of the defendant.
- D. Judge Cayce's statement during sentencing that he did not witness at any time during the trial remorse from the defendant.

This raises the question as to why the judge would be looking during the trial for remorse from a defendant who stands by his plea of innocence -- unless the judge had already decided the defendant's guilt.

I respectfully request the appeals court to review this case for prejudicial misconduct of Judge James Cayce.

DATED: 12/21/04

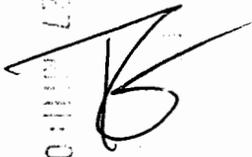

John Coleman, Appellant

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION I

STATE OF WASHINGTON)	No. 54171-4
Respondent,)	
)	
v.)	DECLARATION OF SERVICE
)	
JOHN COLEMAN,)	
Appellant.)	

2011 DEC 27 11:11:03



DECLARATION OF SERVICE

I, JOHN ELY COLEMAN, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOLLOWING IS TRUE AND CORRECT:

ON THE 21ST DAY OF DECEMBER, 2004, I CAUSED A TRUE AND CORRECT COPY OF THE STATEMENT OF ADDITIONAL GROUNDS FOR RELIEF TO BE SERVED ON THE PARTY/PARTIES DESIGNATED BELOW BY DEPOSITING SAID DOCUMENT IN THE UNITED STATES MAIL.

KING COUNTY PROSECUTOR'S OFFICE
APPELLATE DIVISION
KING COUNTY COURTHOUSE, W-554
516 THIRD AVENUE
SEATTLE, WA 98104

OLIVER R. DAVIS, ESQ.
ATTORNEY AT LAW
MELBORN TOWER; SUITE 701
1511 THIRD AVENUE
SEATTLE, WA 98101

HON. RICHARD D. JOHNSON, CLERK
COURT OF APPEALS: DIVISION I
ONE UNION SQUARE
600 UNIVERSITY STREET
SEATTLE, WA 98101-4170

SIGNED IN MONROE, WASHINGTON THIS 21ST DAY OF DECEMBER, 2004.

x 