80037-5

FILED
COURT OF APPEALS
DIVISION II
AM 11:51
OF WASHINGTON
BY
DEPUTY

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON Respondent	34063-1 NO. 03-1-02581-1
v.	STATE OF ADDITIONAL GROUNDS FOR REVIEW
THEODORE R. RHONE Appellant	

FILED
COURT OF APPEALS
DIVISION II
06 JUN 23 AM 11:51
STATE OF WASHINGTON
DEPUTY

I, Theodore R. Rhone, 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)

Thank you for allowing me to present these additional grounds. My attorney KIRK "CHIP" MOSELY did and knowingly tamper with the evidence at my trial. There was a white plastic bag testified of at my trial along with a 22 magnum that alledgedly was to of been found "in" that plastic back... The word being bag. Mr. Mosely, during the

Start of Jury deliberation mr. mosely went into the evidence bag. took the plastic bag out and tore it in half. before being called back to court to address this matter, The Court reporter and the Styneotyper remembered the matter and reported it to the Judge Honoralble linda lee. She then has everyone called back to Court. The prosecutor, mr. Mosely, and myself. at which time we were all made aware of the Situation. mr. mosely then confessed, and said he had forgot about it. I ask for a mistrial on the fact that during the deliberation the Jury, if desired could not now put the gun in the plastic bag to determine if the plastic bag could actually hold that gun. Therefore, not being able to give a fair verdict. The Honorable Linda Lee denied my request and stated that she would give the Jury a new instruction. That would be to only regard the plastic bag in one whole piece ... not in two. My attorney withdrew from my case shortly after that. And I think that could of hindered a fair verdict.

Additional
Grond(2)

Police officer shaffer Testified that he recognized The car by it's alledged assaciation with a drug house. The 911 call gave a license plate number and discription of The car being "red". The 911 call stated Two black men in a red Camero with a white blonde woman in The back seat came through the drive

through looking suspicious. nothing more, nothing less. officer Shaffer determine that was the car and the people. At which time he had no other information. nor did he use the license plate that was given. There was never any identification made. And the camero was black top, red body. I would humbly like to ask the court to consider the case of U.S. v. Kithcart, 134 F.3d 529, 531-32 (3d Cir. 1998). Thank you so very much! I know your time is so very valuable.

Sincerely

06/10/06