83690-0

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

FILED
COURT OF APPEALS
DIVISION II

08 DEC 24 PM 12:00

STATE OF WASHINGTON
BY
DEPUTY

STATE OF WASHINGTON )
)
Respondent, )
)
v. )
)
DANNY JOE BARBER JR )
(your name) )
)
Appellant. )

No. 37989-9-II

STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

I, DANNY JOE BARBER, 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

CASE # 16615007/06/04

Knowing that I had an agreement "no probation" on the DVI charge. I also went to District court on Nov 16TH 2008 and plead guilty to 34 Probation violations, So that upon release from prison, I would be a free man with no probation and all my cases would be completed and closed. This took place 2 hours before my DUI sentencing. Everyone knew that I did not want probation upon release, it was part of the bargain. I was not informed that the Felony DVI had manditory Probation or Didn't, I just knew it was part of the plea deal. But was a factor in my decision.

Additional Ground 2

While going to court for this DUI, I was also taking a 2° unlawful Possession of a fire arm to "trial". But was told that if I plead guilty to the firearm charge instead of taking it to trial, And guilty to the DUI charge in the same hearing that I would be given 51 months with no probation for the DUI and 12 months for the fire arm that did not include probation. then would be ran concurrent. - But if I took the 2° Firearm charge to trial they would change it to a 1ST degree unlawfull possession and I would get 51 months ran consecutive.

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

Also My DUI was the 1ST Felony DVI in Kitsap Co for 5 DUI's = Felony. in July of 2008 Front Page of the Kitsap sun newspaper they stated that the Kitsap Co Courts Made an "example out of Mr Danny Barber" By sentencing him to 51 months in Prison for His 5TH DUI.

Date: Dec 5TH 2008

Signature: Danny Joe Barber Jr.

Form 23

I also feel that DOC undermined my deal with the state, by offering my case back to the courts. DOC is acting as the state so they should be bound by whatever deal the prosecution acting as the state made with the defendant.

In any event it is now to late to pull any felon or fight the Unlawfull Firearm charge since that sentence is now completed.

I almost feel they tricked me just so I would not take the gun charge to trial.

Because Kitsap Co at that time had no court rooms available for the trial which was scheduled to start the following Monday.

I would like to thank the court of Appeals for taking the time to investigate this issue.

I will upheld my end of this Plea Bargain I not only signed it but I also gave my stamped finger prints to, "seal the deal."

Respectfully Yours Danny Joe Barker Jr.

| KITSAP COUNTY DISTRICT COURT, STATE OF WASHINGTON<br>☐ NORTH ☒ SOUTH | Mailing Address: 614 Division Street, MS-25<br>Port Orchard, WA 98366<br>(360) 337-7109 |
|---|---|
| STATE OF WASHINGTON,<br>Plaintiff,<br>vs.<br>Barber, Danny J.,<br>Defendant. | NO. 16615007/06/04<br>**ORDER RE: PROBATION / JURISDICTION** |

The court having reviewed the files and records, including the latest probation report if any, and NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. ☒ Probation monitoring shall be terminated because:

   ☐ Defendant has shown compliance with all treatment conditions.

   ☒ Defendant is not amenable to probation services ← Please see

2. ☒ The case is closed and under this case number this court will exercise no jurisdiction except: restitution, fines and costs, if any, remain due; any No Contact Order issued pursuant to RCW 10.99 remains in effect according to its own terms; and:

   ☒ defendant shall have no new law violations

   ☒ Interstate Compact for Adult Offender applies until there are no remaining conditions except no new violations and fines and costs

DONE IN OPEN COURT this 16 day of Nov 20 07.

Copy received:

Defendant

JUDGE

Revised 05/25/07

COURT (WHITE) DEFENDANT (GREEN) PROBATION (BLUE)

FILED
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DIVISION II

08 DEC 24 PM 12:00

STATE OF WASHINGTON
BY _____
DEPUTY

STATE OF WASHINGTON )
)
COUNTY OF KITSAP )

The undersigned, being first duly sworn on oath, states: that on this day affiant deposited in the mails of the United States of America a properly stamped and addressed envelope directed to David C. Ponzoha, Clerk, Court of Appeals, Division II and to Kitsap County Prosecuting Attorney containing a copy of the document on which this affidavit is attached.

SUBSCRIBED AND SWORN to before me this 23rd day of December, 2008.

Julia T. Reese
Notary Public in and for the
State of Washington, residing
at Port Orchard.
My Appointment Expires:
4/4/09