COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

FILED
COURT OF APPEALS
DIVISION II
2012 AUG 30 AM 11:51
STATE OF WASHINGTON
BY
DEPUTY

89971-1

COA No 43218-8-II

No. 11-1-00772

STATE OF WASHINGTON)
)
Respondent,)
)
v.)
)
CHADWICK LEONARD KALEBAUGH)
(your name))
)
Appellant.)

STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

I, CHADWICK L KALEBAUGH 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

In my opinion, the Following two statements made by the prosecutor were intended to and successful in enflaming and prejudicing the jury against me, and even though the judge sustained the objections made by my defense attorney, they collectively had a negative and irreversible effect on the jury, even more so when added to the issues already raised in the Appellant's Brief by attorney Carol Elewski.

Statements: Verbatim Report of Proceedings, January 5, 2012 Trial Proceeding Day 3
Page 12 "So, the first part is there's touching, either of a sexual or other intimate part of the body, and I submit to you that I think both were touched here."
~~Additional Ground 2~~
Page 40 "We don't have the technology to take bad memories out of people's minds. Tiffany and Hailey Schultz have to live with what happened--".

Judge Brosey stated on pages 56-57 that the statements of the child were not admissible under 9A.44.120 as ordered in Conclusions of Law signed by Judge Nelson Hunt on January 3, 2012, and even though the prosecutor did not specifically refer during trial to statements that the child made, he inferred by his remarks above that there were damaging statements from the child that the jury was not allowed to hear. Even though the court sustained the objections and, after the last statement, instructed the jury to disregard the argument, I feel that the prosecutor's statements were embedded in the jurors' minds and this caused prejudice against me and resulted in the jury returning a guilty verdict.

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

Date: August 28, 2012

Signature: Chadwick L. Kalebaugh

Form 23