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STATE OF WASHINGTON

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STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

STATE OF WASHINGTON )  
COUNTY OF KING )  
DIVISION ONE )  
RESPONDENT )

V. )

DANIEL WARD )  
APPELLANT )

No. 64116-6-I  
STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

I, Daniel Ward, have received and reviewed the opening brief prepared by my attorney. Summerized 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.

## GROUND 1

Unconditional Arrest, Prosecution, Conviction's, and Sentences based upon the UnConstitutionality of the Public Defender's office and attorneys who expend 50% of thier time representing "Impoverished Person's," Including Any and All contract attorney's and, attorney association's, group's, and the like, under RCW's ch.36.26 (in it's entirety), ch.43.101(in pertinent part), and, WAC 139-15-110(in pertinent part), through the states Oppressive Overreaching Egregious Bad Faith in an Arbitraty and Capricious Manner by legislative enactment's and administrative schemes, act's, action's that Completely Deprived/ Stripped DANIEL WARD of all his absolute United States of America's Fundamentally Guaranteed Constitutional Enumerated Right's within Amendment Six (6th) assistance Independant Conflict Free counsel who "Loyal to the Enumerated Constitutionally Guaranteed Fundamental Right's Within Amendment's 1,4,5,6,8,13,14 and Legal "INTEREST'S" which the state further Completely Stripped/Deprived/Violated from DANIEL WARD.

ADDITIONAL GROUNDS FOR REVIEW

NUMBER ONE

1. DENIED ASSISTANC OF COUNSEL

- A. According to the constitution of the United States of America, "AMENDMENT VI" ...and to have assistance of counsel "FOR HIS DEFENSE"
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This was put in the constitution of the United States so I would not be given counsel that cooperates and cooberates with the prosecution.

- B. According to the constitution of the State of Washington "ARTICLE I" ' DECLARATION OF RIGHTS number 3--"NO PERSON SHALL DEPRIVED OF LIFE, LIBERTY OR PROPERTY, WITHOUT DUE PROCESS OF LAW.

THE LAW has been clearly violated in my case.

The state assigned Mr. Sjursen, through the Public Defenders office of King county. DANIEL WARD has "standing" to challenge the United State's of America's Constitutional question presented here.

THE UNCONSTITUTIONALITY OF THE PUBLIC DEFENDERS  
OFFICE

(RCW ch.36.26 in it's Entirety; RCW ch,43.101,in part;  
WAC ch,139-15-110 in part)

A Person has Standing to raise Constitutional Question's when his "Interest's a "Personal Stake in the Outcome of the Controversy". BROADRICK v. OKLAHOMA (1973),413 U.S.601,611-15,93 S.Ct,2908,2915-17,37L.Ed2d 830 (and cases cited therein). See also YICKWO V. HOPKINS(1886),118U.S.356,370,6 SiCti 1064,30L,Ed,220, to the Equal Protection's under the law's, as an "Im-poverished Person", accused of criminal offenses, to have "Independant Conflict Free counsel", within the Absolute United States of America's Guaranteed Fund-amental Constitutional Enumerated Right's Within Amendment Six (6th) to counsel who is "Loyal to DANIEL WARDS" Constitution and Legal "INTEREST", which is the core MANDATORY 'Purpose' and 'Meaning' of the EXPLICIT SIXTH AMENDMENT .

The Absolut, United State's of America's Fund-  
amentally Guaranteed Constitutional Enumerated Rights  
Within Amentment Six(6th) to the "assistance" of  
counsel. U.S. v. CRONIC (1984),466 U.S.648,651-56,  
104 S.Ct,20.39,80L.Ed,2d 657; WOOD v. GEORGIA (1981),  
450U.S.261,101 S.Ct.1079,67L.Ed,220. POWEL V.  
ALA.(1932), 287 J.S.45,72,52,S.Ct.55,65,77L.Ed,158

The Washington State Public Defender's office,  
and attorneys who expend 50% of thier time representing  
"Impoverished Person's," including any and all contract  
attorney's and attorney association's and group's,  
alledged to have committed crime(s). YICK WO v.  
HOPKINS, supra, are:

- (1) County officers/employees, RCW Ch.36.26, APPENDIX (APPX) D:  
and,
- (2) Under "Oath" to represent the "Interests" of the "County"  
in arresting, prosecuting, convicting, and sentencing  
"Impoverished Persons", RCW 36
- (3) Who are selected/recommended by the elected prosecuting  
attorneys. RCW Ch.36.27 and Ch.36.32; and,
- (4) Appointed/approved as "County officers/employees" by the  
county commissioners. RCW Ch.36.32; and,
- (5) Receives their salaries/wages from the county treasurer's  
office, RCW Ch.36.29, WOOD v. GEORGIA, supra; and,
- (6) Who are also classified as "employees" of the executive  
branch's prosecuting authorities of the attorney general's  
office, RCW Ch.43.06, known as "Criminal justice personnel",  
RCW Ch.43.101, APPX. E.; and,
- (7) Who further receives their wages under the state treasurers  
office, while participating in the "MANDATORY" education and  
training programs on to represent the "INTERESTS" of the  
State of Washington's prosecuting authorities.  
RCW Ch.43.101, Ch.43.03, Ch.43.06, Ch.43.08; and also  
WAC 139-15-110, APPX. F; and,
- (8) Who must also take an "Oath" under state law,  
RCW 43.01.020, to represent the state prosecuting authorities  
"Interests". RCW Ch.43.06.

The state legislative and executive branches enactments, acts and actions here, as set forth above under the Unconstitutional statutory and administrative schemes, which are repugnant to, and in violation of, the Absolute United States of America Fundamental Guaranteed Constitutional Enumerated Rights within Amendment six (6th) to "Independent Conflict Free" counsel who is "Loyal to DANIEL WARD's 'Enumerated Constitutional and Legal 'INTERESTS'" within the Fundamentally Guaranteed Rights of Amendment's:

(a) First (1st)• Freedom of Speech & Petition clauses:

MCDONALD v. SMITH(1985), 472 U.S. 479, 482-485,

105 S.Ct. 2787, 86 L.Ed.2d 384;

U.S. v. CRUIKSHANK(1876), 92 U.S. 542, 23 L.Ed. 588

("Construes this Amendment's clauses are ' Fundamental Rights' that are 'Implicit' in [t]he very idea of government republican in form, and the same standards apply against both state and federal governments");

(b) Fourth (4th)• Seizure clause :

KALINA v. FLETCHER(1997), 552 U.S. 118,

118 S.Ct. 502, 509 n.8, 139 L.Ed.2d 471;

BUCKLEY v. FITZSIMMONS(1993), 509 U.S. 259, 276-278,

113 S.Ct. 2606, 2617-2618, 125 L.Ed.2d 209;

(c) Fifth (5th)· Self-Incrimination clause:

ASHCRAFT v. TENNESSE(1944), 322 U.S. 143, 64 S.Ct. 921,

88 L.Ed. 1192;

MIRANDA v. ARIZONA(1966), 384 U.S. 436, 86 S.Ct. 1602,

16 L.Ed.2d 694;

RHODE ISLAND v. INNIS(1980), 446 U.S. 291, 100 S.Ct. 1682,

64 L.Ed.2d 297;

(d) Fifth (5th)· Double Jeopardy clause:

BENTON v. MARYLAND(1969), 395 U.S. 784, 794,

89 S.Ct. 2056, 2062, 23 L.Ed.2d 707;

U.S. v. BALL(1896), 163 U.S. 662, 16 S.Ct. 1192,

41 L.Ed. 300;

PRICE v. GEORGIA(1970), 398 U.S. 323, 329 n.8,

90 S.Ct. 1757, 1761 n.8, 26 L.Ed.2d 300;

(e) Fifth and Fourteenth (5th & 14th)· Substantive and procedural

Due Process of Law clauses:

LISENBA v. CALIFORNIA(1941), 314 U.S. 219, 236,

62 S.Ct. 280, 86 L.Ed. 166;

MULANE v. CENTRAL HANOVER BANK & TRUST CO.(1950),

339 U.S. 306, 70 S.Ct. 652, 94 L.Ed. 865;

MOONEY v. HOLOHAN(1935), 294 U.S. 103, 112, 55 S.Ct. 340,

79 L.Ed. 791;

NAPUE v. ILLINOIS(1959), 360 U.S. 264, 79 S.Ct. 1173,

3 L.Ed.2d 1217;

GIGLIO v. U.S.(1972), 405 U.S. 150, 92 S.Ct. 763,

31 L.Ed.2d 104;

U.S. v. AGUILAR(1995) 515 U.S. 593, 115 S.Ct. \_\_\_\_\_,

132 L.Ed.2d 2357,

TUMEY v. OHIO(1927), 273 U.S. 510, 47 S.Ct. 437,

71 L.Ed. 749;

IN RE OLIVER(1948), 333 U.S. 257, 68 S.Ct. 479,

92 L.Ed. 682;

IN RE MURCHISON(1955), 349 U.S. 133, 75 S.Ct. 623,

99 L.Ed. 94;

WARD v. VILLAGE OF MONROEVILLE(1972), 402 U.S. 57,

60n, 2, 93 S.Ct. 80, 83 n.2, 34 L.Ed.2d 267;

(f) Fifth and Fourteenth (5th & 14th)• Equal Protection clause:

YICK v. HOPKINS(1886), 118 U.S. 356, 370, 6 S.Ct. 1064,

30 L.Ed. 220;

CHAMBERS v. FLORIDA(1940), 309 U.S. 227, 241,

60 S.Ct. 742, 84 L.Ed. 781;

GRIFFIN v. ILLINOS(1956), 351 U.S. 12, 17, 77 S.Ct. 585,

100 L.Ed. 891;

(g) Sixth (6th)• Speedy Trial clause:

BARKER v. WINGO(1972), 407 U.S. 524, 92 S.Ct. 2182,

33 L.Ed.2d 101;

DOGGETT v. LOUISIANA(1992), 505 U.S. 647, 651-652,

112 S.Ct. 2686, 120 L.Ed.2d 500;

(h) Sixth (6th)• Jury Trial Clause:

DUNCAN v. LOUISIANA(1968), 391 U.S. 145, 88 S.Ct. 1444,

20 L.Ed.2d 522;

BLAKELEY v. WASHINGTON(2004), 542 U.S. 296, 305-306 n.7,

124 S.Ct. 2531, 2538-2539 n.7, 159 L.Ed.2d 403;

(i) Sixth (6th)• Confrontation Clause:

POINTER v. TEXAS(1965), 380 U.S. 400, 85 S.Ct. 1065,

13 L.Ed.2d 923;

SMITH v. ILLINOIS(1968), 390 U.S. 129, 88 S.Ct. 748,

19 L.Ed.2d 956;

CRAWFORD v. WASHINGTON(2004), 541 U.S. 36,

124 S.Ct. 1354, 158 L.Ed.2d 177;

(j)Sixth (6th)• Compulsory Process Clause:

U.S. v. VALENZUELA-BERNAL(1982), 458 U.S. 858,

102 S.Ct. 3440, 73 L.Ed.2d 1193;

CALIFORNIA v. TROMBETTA(1984), 467 U.S. 479,

104 S.Ct. 2528, 81 L,Ed.2d 413;

CRANE v. KENTUCKY(1986), 476 U.S. 683, 106 S.Ct. 2142,

90 L.ed.2d 689;

ROCK v. ARKANSA(1987), 483 U.S. 44, 61 n.7,

107 S.Ct. 2704, 2714 n.7, 97 L.Ed.2d 37;

ARIZONA v. YOUNGCOLD(1988), 488 U.S. 59, 109 S.Ct. 333,

102 L.Ed.2d 281;

Which further allowed the deputy prosecuting attorney, Gahan, free rein to commit the most egregious prosecutorial misconduct, through the use of highly inflammatory false and misleading statements through the entire trial in "Open Court" "To The Jury" which poisoned/tainted the minds of the Jurors from being "Impartial", that was never presented to the Jury Panel, from the "Witness Stand", through "Relevant", "Material", "Reliable", and "Admissible" Evidentiary Testimony and Physical Evidence.

BERGER v. U.S.(1935), 295 U.S. 78, 88, 55 S.Ct. 629, 633,

79 L.Ed. 13;

LISENBA v. CALIFORNIA, *supra*;

VIERECK v. U.S.(1943), 381 U.S. 236, 248 n.7,

63 S.Ct. 561, 566-567 n.7, \_\_\_ L.Ed. \_\_\_;

MANSON v. BRAITHWAITE(1977), 432 U.S. 98, 97 S.Ct. 2243,

53 L.Ed.2d 140;

SIMMONS v. U.S.(1968), 390 U.S. 377, 384, 88 S.Ct. 967,

19 L.Ed.2d 1247;

NEIL v. BIGGERS(1972), 409 U.S. 188, 198, 93 S.Ct. 375,

34 L.Ed.2d 401;

STOVALL v. DENNO(1967), 388 U.S. 293, 301-302,

87 S.Ct. 967, 18 L.Ed.2d 1199;

WATKINS v. SOWDERS(1981), 449 U.S. 341, 347, 101 S.Ct. 654,

66 L.Ed.2d 549.

This egregious willful bad faith by the state constitutes governmental oppressive overreaching that is arbitrary and capricious state action.

HOLMES V. SOUTH CAROLINA(2006), 547 U.S. 319,

126 S.Ct. 1727, 1731, 164 L.Ed.2d 503;

(citing U.S. v. SCHEFFER(1998), 483 U.S. 303, 308, 118 S.Ct. 1261, 140 L.Ed.2d 493). Every Law Enacted by the federal and state legislatures must be based one or more of it's enumerated power's in the United States of America Constitution, so long as it does not violate and/or repugnant to any of the other enumerated constitutional provision's of the articles and amendment's thereander.

MARBURY v. MADISON(1803), 1 CRANCH 137, 2 L.Ed. 60; (Marshall, J.)

The statutory and administrative schemes above, "IN LAW", "IN FACT", and "IN ACTUAL PRACTICE", and constitutes a Pernicious pervading "ACTUAL CONFLICT OF INTEREST's" under the United States of America's Constitution 6th Amendment's assistance of Counsel Clause, through the egregious Bad Faith of governmental official's detrimental to, and in violation of, DANIEL WARD's Absolute United States of America's Enumerated Constitutional Fundamental Guaranteed Right's within Amendment's 1, 4, 5, 6, 8, 13, and 14.

The Washington State legislative, judicial, and executive branches officials officers and employees took the mandatory oath

under Article VI. Ch. 3 of the United States of America's  
Constitution,

ABLEMAN v. BOOTH(1858), 62 U.S. 506, 21 HOWARD 506, 16 L.Ed. 169;

BOND v. FLOYD(1966), 385 U.S. 116, 87 S.Ct. 339, 17 L.Ed.2d 235;

CONNELL V. HIGGINBOTHAM(1971), 403 U.S. 207, 91 S.Ct. 1772, 29  
L.Ed.2d 418;

COLE v. RICHARDSON(1972), 405 U.S. 207, 91 S.Ct. 1332, 31 L.Ed.2d  
593;

to "Protect" and "Uphold" the Absolute United States of America's  
Enumerated Constitutional Fundamental Guaranteed Right's of DANIEL  
WARD, within Amendment's 1, 4, 5, 6, 8, 13, and 14. This, they  
did not do, instead, they knowingly and willfully with malicious  
intent, in egregious bad faith, through an illegal collusion,  
committed intentional and deliberate acts of malfeasance to  
obtain the unconstitutional arrest, prosecution, convictions and  
sentences against DANIEL WARD.

See Appendixes: A, B, C, D, E, and F.

BROADRICK v. OKLAHOMA(1973), 413 U.S. 601, 610, 93 S.Ct. 2908, 37  
L.Ed.2d 830;

U.S. v. MORRISON(2000), 529 U.S. 598, 120 S.Ct. 1740, 17848 nn. 1  
and 2, 146 L.Ed.2d 658.

Marchioro v. Chaney(1979),442 U.S.191,99s.ct.2243,6L.Ed,2d 816  
Yick Wo v. Hopkins(1886),118 U.S.356,6s.ct,1064,30L,Ed.220  
U.S. v. Cronin(1984),466 U.S.648,104s.ct.2039,80L.Ed.2d 657  
Wood v. Ga.(1981),450 U.S.261,101s.ct.1079,67L.Ed.2d 220  
LISENBA v. Ca.(1941),314 U.S.219,62s.ct.280,86L.Ed,166  
Holmes v. So.Carol,(2006),547 U.S.319,126s.ct.1727,164L.Ed.2d 503  
U.S. v. Scheffer(1998),523 U.S.303,118s.ct.1261,140L.Ed.2d 493  
Rock v. Ark,(1987),483 U.S.44,107s.ct.2704,97L.Ed.2d 37  
Marbury v. Madison(1803),1 CRANCH 137,2L.Ed,60  
Abelman v. Booth(1858),62 U.S.506,21 HOWARD 506,16L.Ed.169  
Connell v.Higgingbotham(1971),403 U.S.207,91s.ct.1772,29L.Ed.2d 418  
Broadrick v.Okla.(1973),413 U.S. 601,93s.ct.2908,37L.Ed.2d 830  
U.S. v. Morrison(2000),529 U.S.598,120s.ct.1740,146L.Ed.2d 658  
U.S. v. Ball(1896),163 U.S.662,16s.ct.1192,41L.Ed.300  
Kepner v. U.S.(1904),195 U.S.100,24s.ct.797,49L.Ed.114  
Albright v. Oliver(1994),510 U.S.266,114s.ct.807,127L.ed.2d 114  
Graham v. Connor(1989),490 U.S.386,109s.ct.1865,104L.Ed.2d 443  
Robinson v. Ca(1962),370 U.S.660,82s.ct.1417,8L.Ed.2d 758  
Bond v. Floyd(1966),385 U.S.116,87s.ct.339,17L.Ed.2d 235

U.S. v. McKinney(6th cir.1970),427 F.2d 449  
Ralph v. Warden(1st cir.1970),438 F.2d 786

When Mr. Sjersen visited me at King County Jail thirty days after sentencing to tell me I had been rail-roaded, this was clear and concise information to me that not only he had known but also had played a role in the misshandling of my trial. When I was arrested in Nov. 08' I was brought down to the family court to face a NCO hearing. During that hearing Karla C. **"SHRIEKED"** and I quote "I do self mutilate but I don't know what to do he beats me". It was only three hours later that Mr. S. visited me on this case. At that time I brought this confession to his attention. He was inquisitive and asked me what she had said and when she had said it. I told him exactly what had happened in the court room three hours earlier.

Regardless of this significant record of the court, this information never made it to court in my case. It wasn't until **SIX MONTHS LATER** and exhaustive compelling did Mr. S. produce a lap top with an audible record of that NCO hearing.

During this weak attempt to discourage me, the computer was unable to reproduce the audible record of that hearing. He apologised and returned weeks later with ear phones. During the next time he brought me the recording it DID NOT represent the court hearing in full and unabridge. But in fact was a missrepresentation. A LIE to put it bluntly. It did not have on it the (CLEAR SHRIEKING VOICE OF KARLA C.) clearly saying "I DO SELF MUTILATE BUT I DON'T KNOW WHAT TO DO HE BEATS ME".

When I confronted Mr. S about the missrepresentation he had no answer. He then supplied me with a written copy of the same LIE.

I told the judge in open court of this greivous misconduct and that I could not work with Mr. S. any longer. I told the judge in open court that I would not work with Mr. S. and that I could not trust him. My request for new counsel fell on deaf ears and the judge told me in no uncertain terms no I would not recieve new counsel.

**DID THE COURT ERROR IN NOT ASSINGING ME NEW  
COUNSEL AT THIS TIME?**

The unscrupulous behavior of Mr. Sjursen "The Public Defender" and the office of "Public Defense" along with the prosecuting attorney is reprehensible.

Furthermore, if the State of Washington condones such behavior should the State reevaluate its beliefs and basic concepts in judicial process?

Should the State let this light shine on its behavior?

It is my cry that the State does take notice of this issue today.

Further brief and evidence is ready and available upon the court's request.

## REMEDY

Under the United States of America's Constitution, the willful Egregious Bad Faith Act's, Action's and Enactment's that the State of Washington utilized and implemented upon DANIEL WARD, that completely Deprived/Stripped him of his Absolute United States of America's Enumerated Constitutionally Guaranteed Fundamental Right's Within Amendment's 1,4,5,6,8,13 and 14, mandates only one remedy, which is to vacate the Unconstitutional Arrest, Prosecution, Conviction's and Sentences and DISMISSING Any and All charges With Prejudice, as well as any and all other charges that should have or could have, been brought against DANIEL WARD, at the time of his arrest, and issue a Mandate upon the State of Washington, through the attorney general and th;e department of correction's, for the Immediate Release of DANIEL WARD, from the Illegal and Unconstitutional "Imprisonment", and, Full and Complete Payment to DANIEL WARD OF Any and All Monetary Obligation's charged to him from the day of his "arrest to the day of his unconditional Release"