

COURT OF APPEALS
DIVISION THREE
OF THE STATE OF WASHINGTON

FILED

DEC 10 2012

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

STATE OF WASHINGTON)
Respondent,)

No. 30550-3-III

v.)

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

Michael D. Coombes)

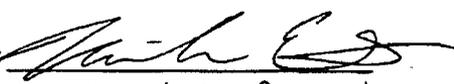
Appellant.)

I, Michael Duke Coombes, 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

During opening statement by defense counsel, Jeff Compton, Mr. Compton made a statement to the jury that they would hear testimony of no fingerprints coming back. (VRP December 13, 2011, pg 221) There were no witnesses called by the State of by defense that testified in direct or cross questioning about any kind of latent processing. *Anderson v. Butler*, 858 f.2d 16 (1st Cir. 1988) "Counsel is ineffective when promise or statement of particular testimony in opening statements was not brought in trial. It is not found harmless error, but is in fact prejudicial."

Date: Wednesday, Dec. 5, 2012
Form 23

Signature: 
Michael D. Coombes