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FILED

SEP 08 2014

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

No. 310353-iii

Supreme Court Of The State Of Washington

State Of Washington, Respondent,

v.

Grant Thomas McAdams, Petitioner, and

Defendant pro se.

Petition For Review

Grant Thomas McAdams, ~~pro~~ pro se petitioner

DOC no. 303490

Coyote Ridge Corrections Center

PO Box 769

Council Bluffs, 99326

Title page. i

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CLERK OF THE SUPREME COURT
STATE OF WASHINGTON

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A. Identity of Petitioner

Grant Thomas McAdams, pro se petitioner, asks

this court to accept review of the Court of Appeals
decision terminating review designated in Part B
of this petition. (May this court consider holding
this pro se petitioner "to less stringent standards than
formal pleadings drafted by lawyers," quoting in part,
Haines v. Kerner, 404 U.S. 519, 92 S.Ct. 594 (U.S. 23. 1972)¹⁰)

Footnote: ¹⁰ The persons involved ~~in~~ in the Haines v. Kerner
case are said by me to have 'mental abnormalities', which
are congenital or acquired conditions affecting the
emotional or volitional capacities that predispose the
person to commit illicit acts, the term can assist in
explaining these types of people. (modified from unknown source.)

Identity of Petitioner

B. Court of Appeals Decision

The Court of Appeals division iii affirmed the trial court ~~on~~ in an unpublished opinion filed on June 17, 2014, in which Judge Korsmo, J., found that the brief filed on Mr. McDermott's behalf had not established - lacking evidence, such as records - that counsel was ineffective, ~~also~~; also denied a pro se motion to correct and supplement the record on review. (Noted in footnote 1, page 3 appendix A); and found that the court complied with the statute, RCW 2A.030, ~~that~~ under which an non-certified interpreter was

Court of Appeals Decision.

Appointed (noted in ~~the~~ footnote 2 page 3 appendix A) the
unpublished opinion is in appendix A-1 through A-6
Each of the enumerated findings and denial of the
pro se motion is what the petitioner seeks this
Court to review in part. A motion for reconsideration
was timely filed, pro se, requesting: a reconsideration
of the ineffective assistance of counsel claim; a ~~trans~~
transmittal of records; and ~~stay~~ a stay in proceedings
to establish a complete record on review; ~~each of~~ ^{each of}
~~these listed~~ ^{these listed} requests are also sought by the petitioner
to be reviewed by this Court, the motion is in

appendix B page ~~1 through 25~~ i; Dnd 1 through 25. The
petitioners pro se motion for reconsideration was ~~denied~~ ^{denied}
decided ~~on~~ by judges Horvath, Seering, Siddoway
and filed on August 7, 2014; the Order is in
appendix C page 1. The motion for reconsideration was
filed on ~~8~~ by mail on July 24, 2014.

The petitioner seeks review of all of
the matters ~~enumerated~~ enumerated supra in this
part B of this Petition for Review.

C. Issues Presented For Review

1. The appellate court erred in denying

the pro se motion to correct and supplement the

record on review so that the claim of ineffective

assistance of counsel could be sufficiently raised, this

denial occurred on June 17, 2014.

2. The appellate court ~~erred~~ erred in

finding that the trial court counsel provided

for indigent persons - the defendant ~~is~~, was not

shown to be ineffective, the appellate court decided

this on June 17, 2014.

Issues Presented For Review 1

3. The appellate Court erred in finding that the trial court complied with statute - RCW 2.43.030, when the trier-of-fact, trial judge Gregory D. Sypolt applied RCW 2.43.030(i) on abuse of discretion occurred, because given the totality of the circumstances a certified and appropriate interpreter was reasonably available.

Issue Presented For Review ii

Introduction

On June 12, 2012 I, Brent Thomas
McAdams was, out of error, found guilty of ~~first~~ both
Assault and Robbery in the First degree by a
Misled jury's verdict. On July 19, 2012: ~~First~~
~~fact~~ Trial-of-fact Gregory D. Sypolt sentenced
Mr. McAdams to 219 months. Numerous errors
occurred, merely one ~~was~~ ^{has} been assigned by the
indigent appellate counsel which is a claim of
ineffective assistance of trial counsel. The record,
as it is the minimal record provided at public
expense, is insufficient to raise the claim of

Introduction. i

ineffective assistance. For instance the opening statement from my recollection should reveal defense counsel declaring to the jury that what the defense were seeking a verdict for a lesser included of the ~~same~~ indictments to be found, notwithstanding that the defense was that of an alibi.

~~Section~~

Indigent appellate counsel, Janet De

Dembling, elicits and assigns one error with the

claim. When reading the ~~document~~ Petition do

consider that I am not a licensed attorney nor

Introduction ii

am I, at this moment, a college graduate. (Education in

Writing; 2010 Spokane Community College is where

~~I completed~~

I completed English 97 and I am now in completion

of ~~English~~ English 97 at Walla Walla Community

Mr. Madama's

College.) ~~My~~ Son Evan Michael Madama is able

to visit on occasions, but our family is wealthy

Mr. Madama is
thus ~~from~~ learning how to defend ~~myself~~ ^{himself} in

legal matters, while being an effective good faith

father from Loyale Ridge Corrections Center. Mr.

Madama Son would greatly from this case being

heard fairly with effective assistance of counsel.

Introduction. iii

D. Statement of The Case

1. Does an indigent appellant, who is seeking a fair appeal and fair re-trial, not have rights to a sufficient record to review and elicit the errors to assign for the court to decide whether a fair trial procedure occurred or not?

Appellate Counsel filed the ^{for the} minimal

~~records~~ ^{records} to be transmitted regarding trial proceedings

pursuant to the Rules of Appellate Procedure the

indigent appellants are provided the bare minimal

records which do not reveal all of the errors that

occurred in proceedings, In ~~appellants~~ ^{appellants'} petitioners

appellate Statement Of Arrangements the transcripts

of trial ~~proceedings~~ proceedings on June 4th through

Record

June, 7 2012 heard before Judge Gregory D. Sypolt of
which ~~the~~ both the voir dire and opening statements
two vital stages in proceedings that were not prepared
as verbatim report of proceeding and then transmitted
to the Court of appeal for review. One allegation
of ineffective assistance of counsel occurred during
opening statement when counsel conveys guilt
of the defendant to the finder of fact. From the
petitioner's recollection defense counsel stated "what we are
going for here is a lesser included". This statement and
statements made to the media such that was printed

Record.

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in the Spokesman Review on June 6, 2012. All of the
trial docket's hearing proceeding and clerks papers
including the S statement of Judge ~~Smith~~ have
not been reviewed to ensure that a just procedure
occurred.

To properly raise the claim of defence
counsel's ~~own~~ omission to provide effective
assistance of counsel. See the motion for ~~renew~~
reconsideration in appendix B page 1, 1 through 26 for
facts and argument. The statements of facts that
relate to the petitioner's ^{absence} offence history and ^{record.} ~~record.~~ errors of ~~record.~~

Record

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D. Statement of The Case

2. Failure to effective assistance of counsel, actions and omissions of indigent defendants counsel.

The prosecutor files notice of intent to use evidence rule 609 Criminal history, to impeach the defendant on May 25, 2018 (CP 36) to which counsel does neither prepare to dispute by investigating the statements of facts regarding each case nor contest the history of ~~the~~ exorbitant plea agreements made by ~~the~~ Mr. McDermott from misinformation, but in Tex considered to one of the most obvious errors in ~~the~~ ~~criminal~~ Mr. McDermott criminal history, second degree theft. (RP 16,17), This did Failure to effective assistance i

~~It is~~ ~~imposed~~ imposed on Mr. McDermott from taking
the stand on his own behalf. (see appendix V for the
current motion requesting relief from the 2^o theft charge). In
addition to the theft being conceded to ~~the~~ a
residential burglary was admitted by the trier-of-
fact, Gregory D. Dypolt, to be used as proof that
Mr. McDermott acted dishonestly in 2007, this was
not an offence of mens rea' (RP 16, 17, 18).

Sine qua non witnesses are not

Footnote: (1) The 'statements of facts' regarding each of the
offences admitted does prop that mens rea was not an
element of those plead to — unintelligently so — offences
and not one element of Theft exists in the 2^o theft charge.
These errors in the defendant's record discredited him unfairly and
were used to calculate a sentence.

Failure to effective assistance ii

procured to testify that Mr. Melidama attended
work at the Spokane Arena as Labor Ready
manager indicates that Mr. Melidama's work ticket
~~reads~~ ^{reveals} a worked day from 7:00 am until 2:00 am
(~~EX~~ D121; RP 355) where supervisors may have
been with Mr. Melidama all day or not, Julie
Ellison ~~states~~ conveys ^{Steinmetz'} to prosecutor ~~Steinmetz~~ (RP 354-
-355). Counsel for the defense compare defendants
work community to Eddie Ray Hall and Robert
Gates poor reasoning not to compel them to confirm
the defendant was at ~~the~~ the Spokane Arena on

Failure to effective assistance iii

May ~~9~~ 9, 2011 (CP 20). Furthermore counsel fails to
contact or subpoena the other employers that
Mr. Madama was employed by ~~at~~ during the time to
establish a sufficient work community (CP 20).
Even the prosecution declares that: "I would just
state again, your Honor, no ones ^{Presented Mr. Hannibal} ~~presenting~~ from
bringing forth any witnesses, as far as I know." (RP 21).

Two other vital witnesses were not put on the
defendants ^{witness} ~~subpoena~~ list by Counsel Hannibal, those
witnesses are Officer Thomas ~~State~~ Stanton and
Dr. Alyssa D. Dalton (RP 23). ~~Both~~ Officer Thomas

Sailor to effective assistance IV

can testify to his police reports that reveal both
that Mr. ~~Dr~~ Mohammed-Dalton was injured to a
possible substantial degree and that the original
suspect was not Mr. Melodane (Police Report). Dr. Myres
D. Dalton, also readily available, was stricken from

the witness list (RP⁴⁴) as ~~Dr. Dalton's~~ ^{Dr. Dalton's} medical reports
indicate that a fracture occurred, but the fracture was
of an anterior wall of a bone with the posterior
wall ~~being~~ ^{remaining} intact. (CP... see appendix ^{vi} ~~ii~~) this should

have been clarified to the jury by Dr. Dalton. The prosecutor
refers to a fracture in his closing statement (AP494) yet the

Salver ^{to be} effective assistance V.

fracture referred to was testified to by M.D. Drouin Oliver
on a fracture revealed by the CT scan and does not
describe that the fracture was not a complete fracture (RP
156). ~~The~~ Prosecutor Steinmetz associates the testimony
of a fracture with great bodily harm caused by a
deadly weapon. (RP 494). Dr. Dalton could have
yielded more information regarding numerous
issues distinguished during Ph.D. James Bryan's
testimony ~~the~~ such issues as; (1) Mr. ~~Salih~~ Mohammed-
Salih's condition being referred to as "questionable
postconcussion syndrome" upon transfer; ~~to~~ (2) that the

Failure to effective assistance vi

injury was from 4-12 blows ~~through~~ (RP 387), the lower number of blows is not referred to by anyone else and Dr. Bryan is interpreting the reports declared by Dr. Dalton; (2) and (3) the main issue regarding the medical reports being "System ^{validity} ~~validity~~ testing" (RP 370-371) as, quoting Dr. Bryan, "something else other than a medical factor that needs to be identified," about Mr. Mohammed-Labina's reported conditions (RP 370).

Mr. Hamble, counsel for indigent defendants, fails to object to the prosecutor redefining jury instruction

Failure to effective assistance VII

15. Similarly not one objection is made during the prosecution's closing argument especially when the prosecution refers to the brain and great bodily harm (RP 495) which merely confuses the jury and there is no testimony supporting that great bodily harm occurred to Mr. Mohammed-Salih nor his brain. In fact Mr. Mohammed-Salih's claims of symptoms that had while not at the hospital are analogous to the side effects of the 'nicodin' prescribed (RP 163). Lastly counsel for the defense did not question Enad Mohammed-Salih as to merely recalling memories of the event

Failure to effective assistance VIII

that were of what people had told him and not
what he remembered himself ~~from~~ as of June 6th
2011 (AP161), yet Mr. Mohammed-Salih ~~to~~ make
an identification on May 17, 2011 (CP 43, Page 6).

Failure to effective assistance IX

D. Statement of the Case

3. The court abuses its discretion by employing a local non-certified interpreter under the good cause clause of RCW 2.43.030 when the appropriate certified interpreter was available within the week.

Trial-of-fact, Gregory D. Dypolt decides to employ

Amos Bizaroty to interpret in lieu of adjusting the proceedings to use the appropriate certified interpreter - Ms.

Norman (RP150). On June 6, 2012 the court was apprised

that ~~Amos~~ Norman, the ^{appropriate} certified interpreter was available

(RP147)

on ~~the~~ Friday, Monday, and Tuesday. Simultaneously, prosecutor

Steinmetz conveys that ~~at~~ the defense counsel, public defender

Mark Hamble indicated or ~~communicated~~ communicated to

Mr. Steinmetz that Mr. Hamble would withdraw the

interpreter ~~that~~ ^{who} fails to interpret i

Defence objection⁽¹⁾ to the local Spoken interpreter (~~RP 147~~),

Notwithstanding that ~~the~~ ^{defence} counsel ~~has~~ ^{has} ~~not~~ ^{has} formally

withdrawn his objection nor ~~has~~ ^{has} ~~he~~ ^{he} ~~yet~~ ^{yet} his objection, the court appoints

Amad Beirouty (R.P.150).

The court was presented with numerous facts

indicating that Mr. Beirouty falls below an appropriate

standard for trial interpreter. Mr. Beirouty was not able

to simultaneously interpret, ~~with~~ ^{also Mr. Beirouty claimed} ~~to~~ ^{applied} ~~have~~ ^{to have} ~~applied~~ ^{applied}

to take the certification exam and then cancelled prior to the

~~test~~ ^{test} ~~being~~ ^{being} administered, yet Mr. Beirouty was not

Footnote (1): The offer from defence counsel to 'withdraw
the objection' regarding ^{the use of the} ~~using~~ the noncertified ~~an~~ interpreter,
Amad Beirouty demonstrates counsel's tendency to be ineffective.

Interpreter who fails to interpret ii

was not ^{familiar} ~~familiar~~ the Administrative Office of Courts
interpreters (RP135). Mr. Beirouty ~~conveys~~ ^{conveys} that he knows
Mr. Mohammed-Salih, the alleged victim and witness of which
Mr. Beirouty interpreted for (RP136). Mr. Mohammed-Salih
claims not to know Mr. Beirouty (RP133); Contrary to that
claim the rapport between the two was ~~as~~ customer,
Mr. Mohammed-Salih, and proprietor, Mr. Beirouty (RP121, 122).
Prosecutor, Mr. Steinmetz, states: "I was advised during
the ~~break~~ ^{break} that the interpreter knows Mr. Salih." (RP117).

With regards to ^{the} experience in court ~~interpreting~~ ^{interpreting} that
Mr. Beirouty ~~had~~ had prior to this trial, Mr. Beirouty

Interpreter who fails to interpret iii

participated in traffic ticket on occasion over a three month
interim and Mr. Beirouty participated one restraining
order hearing (RP123). Accuracy of Mr. Beirouty's ^{interpretations} ~~interpretations~~
were not confirmed to the court ~~by~~ ^{neither} ~~either~~ the
prosecution ^{nor} public defender. Mr. Beirouty learned English
by living in Spokane since 1979, having attended English
courses at Gonzaga — no grades indicated, getting his business
back in 2003, and having graduated from Spokane
Community College with a degree in aviation as
an aircraft mechanic (RP#119-120).

Mr. Mohammed - Salih does not need an interpreter;

Interpreter who fails to interpret 1/4

~~22~~ 25.

i.e. at no point prior to the request ~~to~~ made for an interpreter

during trial was an interpreter ~~present~~ ^{necessary} for Mr. Mohammed -

Dalib' (RP32). Contrary to the reasoning to employ an

interpreter the ~~pro~~ prosecutor states in a motion response:

"Mr. Dalib spoke in English and ~~detective~~ ^{detective} Burbidge

did not have any difficulty understanding Mr. Dalib,"

quoting prosecutor Steinmetz (CP 42 page 6 line 13). ~~and~~

Prosecutor Steinmetz further claims that his communications

with Mr. Mohammed-Dalib in English were understood

without difficulties (CP 42 page 6, line 20 through 22).

Footnote (1) The question of how accurately can Mr. Mohammed -
Dalib communicate in English and how well does he understand as
it is apt that this issue could be the Metaphysical error causing

Interpreter who fails to interpret ✓

In light of the foregoing facts the prosecutor's request for or
need for an interpreter must have been a subterfuge to
~~conceal~~ ^{conceal} the witness from the finder-of-fact and elicit
sympathy (RP29). The defence counsel does indicate that
there ~~was~~ ^{was} a problem with using a certified interpreter (RP53),
i.e. the witness, Mr. Mohammed-Dalith, speaks English
fluently along with five other languages (RP29), and that
problem was exacerbated by using a non-certified
interpreter (RP33). Mr. Beirauty interprets and over 35

'points of confusion' ~~occur~~ ^{occur} while interpreting his testimony (RP 253-268).

both an erroneous jury verdict and numerous
fallacies in the investigation. The use of a certified
interpreter would most likely have changed the outcome of trial.

Interpreter who fails to interpret vi
27.

E. Argument Why Review Should Be Accepted

1. Was the defendant provided a sufficient record to raise claims of ineffective assistance of counsel et alia?

The Division I Court of Appeals held, "that where

appellate counsel, who was not trial counsel, sought

transcription of closing argument and sentencing in order,

both to review and record for substantive errors and for fulfilling requirements of Anders, Court should have entered supplemental order," in State v Thomas, 852 P.2d #1130, 70 Wn. App. 246 (Wash. App. Div. I 1993).

In State v. Yoshing, 856 P.2d 399, 70 Wn. App. 578 (Wash. App. Div. I 1993), the division I court of appeals held: "that defendant was entitled to a verbatim transcript of trial."

The opening statement and voir dire are two examples of proceeding transcripts that the petitioner

Records

may be entitled to.

The following is quoted from State v Barza, 100
Wn. 2d 487, 670 P. 2d, 646 (Wash. 1983):

"To satisfy due process requirements the State must prove, beyond a reasonable doubt, every fact necessary to constitute the crime charged. Jackson v Virginia, 443
U.S. 307, 316, 99 S. Ct. 2781, 61 S. Ed. 2d 560 (1979). In evaluating a petitioner's claim, the reviewing court must not attempt to determine whether it believes the State has met the burden of proof. State v. Green, 94 Wash.
2d 216, 616 P. 2d 628 (1980). Rather, the relevant inquiry is "whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier-of-fact could have found the essential elements of (charged offense) beyond a reasonable doubt." Jackson v. Virginia, 443
U.S. 307, 316, 99 S. Ct. 2781, 2787, 61 S. Ed. 2d 560 (1979) at
2789; State v. Green, 94 Wash. 2d 216, 616 P. 2d 628 (1980)."

In the petitioner's case the evidence does not
plausibly equate neither first degree assault nor first
Records ii

degree robbery, yet the record may be insufficient to reveal the errors that lead to a finding from fallacious elements. The residual records ~~of~~ ^{of proceedings} enumerated on the trial docket have not been transmitted to neither the Appeals ~~Court~~ Court's jurisdiction nor to the appointed appellate counsel to be properly review as the petitioner is indigent in his appeal.

"In Gaffin v. Illinois, 351 U.S. 12, 76 S. Ct. 585, 100 S. Ed. 891, we held that a State may not grant review in such a way as to discriminate against some convicted defendants on account of their poverty. There, as in Draper v. Washington, 372 U.S. ~~487~~ 487, 83 S. Ct. 774, the right to a free transcript on appeal was an issue In either case the evil is the same: discrimination against the indigent. So there can be

Records

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No ~~and~~ equal justice where the kind of an appeal a man enjoys depends on the amount of money he has. Griffin v. Illinois, supra, at p. 19, 76 S. Ct., at p. 591. "quoting Douglas v. People of State of California, 372 U.S. 353, 83 S. Ct. 814, 9 S. Ed. 2d 811 (U.S. Cal. 1963)"

The transcription of both the voir dire and opening statement have not been prepared ~~and~~ ^{for} review, because the petitioner is indigent these two some quorum parts of the trial proceeding were excluded.

To properly raise the claims of ineffective assistance of counsel, et alia those transcripts are a necessity to be reviewed and errors designated. There are other proceedings and clerks papers and exhibits that

Records

iv.

FF 31.

are a right to be reviewed by the petitioner under
the due process ~~process~~ ^{rights} provided by the Fifth
and Sixteenth Amendments of the United States of
America. The petitioner's rights should not be derogated
because he does not have the amount of money
required to purchase the transcripts, clerical papers,
and exhibits on the trial docket and relating to
past derelictions — that the statement of facts will reveal
~~no~~ either the offence did not occur but was ignorantly
pled to or that there was no mens rea, which were
~~were found~~ ^{were found} ~~to be~~ ^{admissible} by the trial court to impeach

Records

V

the petitioner from testifying on his own behalf. A full appellate review is a must in the petitioner's case, his Eight-Nine on September 28, will be more developed into a functioning successful contributor to society member of that society with the petitioner's fair and just relief from the false convictions. The records must be fully reviewed in the petitioner's case the institution of justice is at risk of seeming arbitrary and inappropriate.

In *Dwyer v. State of Washington*, 372 U.S.

487, 83 S. Ct. 774, 9 L. Ed. 2d 899, the Supreme Court held:

"that the conclusion of a trial court judge that an indigent's appeal is frivolous is an inadequate substitute for full appellate review available to nonindigents in the state of Washington, where effect of the finding is to prevent appellate examination based on a

Record

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FF. 33.

sufficiently complete record of the trial."

The petitioner, Mr. Melidemos filed a prose motion regarding the insufficient record with the Court of Appeals to which the Court denied. The record, trial docket, transcriptions of proceedings, Clerk's papers, and exhibits will further reveal the error that synergistic influence thereof constituted the finding of fact to reach an erroneous verdict.

Article 1 section 22 of Washington State Constitution

Does provide an accused with the right to a copy of the records, whether indigent or not. See Appendix B for the trial Court Docket ~~per~~ i.e. p. page 1 through 4.

Records

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E. Argument.

2. Defendant's counsel provided at public expense acts and omissions that ~~constitute~~ may equate failure to be provided effective assistance of counsel.

"Although certain police reports admitted into evidence by the trial court did not technically qualify as ~~hearsay~~ ~~evidence~~ exceptions under the "business records" exception of rule 803 (6) of the Fed. R. E., 28 U. S. C. A., the trial court had substantial latitude under rule 803 (24) of the Fed. R. E., to admit the evidence," the court held in Hess v. Trece (1995) 434, 643 S.W.2d 792, cert denied, (U.S.) 89 S. Ct. 354, 106 S. Ct 1245, citing 51 A.2.R. 4th 999 § 5 [d],

Defence counsel fails to admit records of both police and medical reports especially those reports declared by Officer Stanton, Thomas and Dr. Clayton B. Bolton. Counsel neglects to procure both,

Counsel fails to be effective assistance i

as witnesses for the defence and both are ~~struck~~ stricken from the witness list.

"This court does not sit to second guess strategic and tactical choices made by trial counsel. However, when counsel's choices are uninformed because of inadequate preparation, a defendant is denied the effective assistance of counsel," quoting United States v Delatorre, 497 S. 2d 1197 (C.A. 2. (1973)).

One ~~other~~ ^{exemplar} ~~example~~ ~~test~~ omission was when counsel does not contest the criminal history admitted to impeach the defendant especially the second degree left ~~that~~ or that ~~offence~~ ^{offence} has neither the mens rea nor the actus reus that constitutes any ~~test~~ dishonesty. A second omission of

Counsel fails to be effective assistance ii

indigent defendant's counsel ^{was counsel} ~~with that counsel~~ ~~not~~ ~~did~~ not procuring
witnesses favorable to justice both the readily available
two, Officer Thomas Staton and Dr. Alysse D. Dalton, and
the supervisors from the Spokane Arena and Convention
Center. The subpoenas were not filed to compel these
supervisors to testify ^{that} ~~to~~ Mr. McDonald, the defendant
~~was~~ attended work and his work ethics. An
action that counsel did which allegedly occurred
during opening statement was to purport guilt of the
defendant to the ~~fact~~ jurors contrary to the
~~alibi~~ alibi defence theory. A cross of omissions

Counsel fails to be effective Assistance iii

occurred when Public Defender Mr. Hamble does
not use the street map to demonstrate the route
traveled by Mr. Meadams after cashing that days
work ticket, at Labor Ready prior to Labor Ready closing
at 6⁰⁰ p.m., to obtaining food at the local 7- eleven, In
this route is the location of the ^{abandoned} ~~stolen~~ car
Owned by Mr. Mohammed - Salih which had
a partial palm print ~~of~~ on the exterior of the car
that O.V.D. 2 matched to Mr. Meadams and numerous
prints under the handles of the doors that are not
registered in O.V.D. 2.

Could failure be effective resistance iv.

E. Argument.

3. Abuse of discretion was demonstrated by the trier-of-fact, Gregory D. Syppolt, when ~~the~~ ^{Mr.} Syppolt decided to use inappropriate local business owner to interpret as the appropriate certified interpreter was available ~~within~~ within the block. Defence counsel did object.

Counsel does indicate to the court that

the victim-witness, Mr. Mohammed-Balich ~~did~~ ^{does} speak ~~English~~ English

along with five languages fluently and an interpreter was

not required. Abuse of discretion occurred with the application of RCW 2.43.03(i),

In H. D. v. Markarian, 967 F.2d 1098 (C.A. (Mich.) 1992) the court found that an interpreter was not necessary and the bilingual judge indicated that at trial he pays special attention to this question and did not feel that an interpreter was required in this case,

Mr. McAdams, ^{defence} ~~the defendant's~~ counsel, the

prosecutor, et alia all indicate at some point that

Mr. ~~Balich~~ ^{Mohammed-Balich} does not require an interpreter.

Abuse of discretion, interpreter i

In United States v. Vallabore, 871 S.2d 1564,
(C.A. 11 (D.C.) 1989) the Court of Appeals held: "that properly
found... (the translator)... were adequate, ..., particularly
in light of fact that defendant failed to object... at time
of trial."

Contrary ~~to~~ ^{to} the United States v. Vallabore ^{supra}
~~case~~
case, Mr. Madama, the defendant, did object, i.e. defence
counsel formally objected to the use of a certified
interpreter, as there was no need for an interpreter, and
suggested the court appoint a second good cause interpreter
to check the accuracy of the non-certified interpreter.

The use of Mr. Beirouty infringed both the defendant's
right to confront Mr. Mohammed-Delich and the defendant's

rights to due process, rights enured by the Fifth, Sixth and Fourteenth amendments.

Abuse of discretion, interpreter 11

A relative issue regarding interpreter ~~competence~~ ^{degree} of being competent to interpret and whether the defendant's due process rights were infringed was weighed and considered in State v. Pham, 75 Wn. App. 626, 879 P.2d 321 (Wash. App. Div 3 1994). Diometric to ~~the~~ ^{Mr. Madams case} this case, in State v. Pham supra, "the ~~defendant~~ Mr. Pham (the defence) does not suggest that ~~interpreter~~ Mr. Lamb (the interpreter) was incapable, biased or otherwise unable to properly interpret Y.T. & (the child victim) testimony. Nor does the defendant allege prejudice. ... Moreover, the court retained Mr. Williams (a second uncertified checking interpreter) to ensure Mr. Lamb's interpretation was accurate."

As the defence does object to the use of the uncertified local Civilian Man to interpret in Mr. Madams case and the defence suggest to the court use a second interpreter to ensure accuracy. Through the defence suggestion in form of a request for an interpreter Abuse of discretion, interpreter iii

i.e. an interpreter for the defence to check the accuracy of Mr. Beiroutzi's translation. As Mr. Beiroutzi was not formally ~~trained~~ trained to interpret, has rapport with the ^{alleged} victim-witness, has prior knowledge of the case, and has not been tested to ensure his interpretation ~~is~~ was proper between the English language and Arabic language.

In People v Estrada, 176 Cal. app. 3d 410, 221 Cal. Rptr. 942, 929 (1986), the court recognized a defendant's constitutional right to an interpreter means a competent interpreter, not necessarily a certified interpreter. ~~State v Pham~~ The court found good cause did exist in 'State v Pham' and that the interpreter was competent. Id. State v Pham supra.

Abuse of discretion occurred in Mr. McClain's

Abuse of discretion, Interpreter IV

precluding a proper confrontation of the witness^①
and thereby infringed on the defendants rights
to confront witnesses provided by the Sixth Amendment
of the Constitution of the United States.

Finally the performance violated the General
Rules, DR 11.2 Code of Conduct for Court Interpreters

(A), (B), and (C). Mr. Beirut's ability fell far below the

high standards of part (A) under ~~the~~ DR 11.2, ^{Beirut's} ~~Mr. Beirut~~

violated part (B) by answering for the witness at times,

Footnote: ① Mr. Mohammed-Salim's testimony was interpreted
with numerous errors that were obvious, so that ^{the} query
arises as to how many errors occurred during
the actual translation from Arabic to English, without
the checking interpreter requested by the defence the ~~interpreter~~

Abuse of discretion, interpret. vii

and part (c) may or may not have been violated, as at one point Mr. Berouty indicates that Mr. Mohammed-Salih was communicating nothing ~~but~~ ^{and} was moving his head, at other points Mr. Berouty's prior knowledge regarding the case must have influenced ~~the~~ the interpretation.

This clearly is an abuse of discretion and must be ~~re~~ reheard. The errors and possible misunderstanding of the English language may be a metaphysical contribution to the ~~confusion~~ ^{confusion} that lead to the false conviction by ~~the~~ jury trial.

answer is as of ~~answer~~ now unknown. The accuracy of Mr. Berouty's interpretation has not been examined and contributed to the confusion of the jurors. ~~facts~~

Abuse of Discretion, Interpret. VIII

"A court abuses its discretion when it selects an interpreter who is not qualified, sworn, and impartial to assist a party in a criminal proceeding who does not speak or understand." (quoting 75 Am. Jur. 2d Trial §169)

appointing an interpreter who has a rapport with the victim and witness, no formal training in interpreting — where accuracy is questionable, and the person who the interpreter is to interpret for can speak fluent English must be considered abuse of discretion.

If not then what standards should the ~~court~~ court be held to when employing interpreters who ~~are~~ are neither certified and not requisite for the witness to communicate in English?

Footnote ①: *Ramos v. Terry*, 279 Ga. 889, 622 S.E. 2d 339 (2005)

Abuse of Discretion, interpreter ix

"Appointment of an interpreter is within the discretion of the trial court and will not be ~~disturbed~~ disturbed on appeal absent a showing of abuse. RCWA 2.43.010", quoting State v. Ramirez-Dominguez (2007) 140 Wash. App. 233, 165 P.3d 391.

Distinctive to Ramirez-Dominguez who's defence counsel did not object, the petitioner did object to the use of the interpreter at trial. The trial court does seem to have abused its discretion in the petitioner's case.

Abuse of discretion, ^{interpreter} ~~interpret~~ X

F. Conclusion

In light of the foregoing reasons indicated in Part E the petitioner beseeches this Court to accept review, and reverse and remand this case with orders to establish a sufficient 'record on review' — including recorded facts relating the petitioner's inflated criminal history of offences that look more real, but were filed to, foolish behavior — and hear the appeal or trial appropriately, de novo.

Respectfully submitted, Grant Thomas McAdams, on
August 4, 2014. Grant Thomas McAdams, ~~pro se~~
Pro se petitioner, Grant Thomas McAdams

Conclusion

Statement of Service

I, Grant Thomas McClellan, pro se petitioner, have deposited a copy of this ~~the~~ petition, in the U. S. Mail with postage prepaid on ~~on~~ September 4, 2014, to the following parties:

(1) Court of Appeals, Division iii

11500 Cedar / PO Box 2159

Spokane, WA 99201-2159

(2) Court of Appeals, Division iii c/o Supreme Court

11500 Cedar / PO Box 2159

Spokane, Wash. 99201-2159

(3) Spokane County Prosecuting Attorney

11000 Mallon Avenue

Spokane, Wash. 99260

I am an offender confined in the Washington Department of Corrections, DOC, resident at Loyale Ridge Correctional Center, CRCC, 1301 N. Epraha Ave. / PO Box 769, Camell, WA 99326-0769, where I mailed the petition copies pursuant to DOC and CRCC Policies 450.100 and 590.500 of the internal mail system. The copies were deposited in the internal mail system at CRCC and witnessed by:
~~_____~~

Statement of Service

Witness to Mail being deposited;

Signature of witness and date:



I hereby invoke the "Mail Box Rule" set forth in General Rule ("GR") 3.1, and hereby declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct with subscription below on September 4, 2014 at Lomell, WA.

Petitioner's Subscription; Grant Thom McAllen

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION THREE

STATE OF WASHINGTON,)	
)	No. 31035-3-III
Respondent,)	
)	
v.)	
)	
GRANT THOMAS MCADAMS,)	UNPUBLISHED OPINION
)	
Appellant.)	

KORSMO, J. — Grant McAdams appeals his convictions for first degree assault and first degree robbery on the basis that his trial counsel failed to provide effective assistance when he did not offer evidence of where a stolen vehicle was recovered. We affirm.

FACTS

The victim, Emad Mohammed Salih, gave a ride to a hitchhiker, Grant McAdams. After a short distance, Mr. McAdams instructed Mr. Salih to stop the car. Mr. McAdams then took a wrench from the car and used it to beat Mr. Salih. He dragged Mr. Salih from the car and pursued him a short distance while continuing to beat him with the wrench. Mr. McAdams then returned to the car and drove off with it.

Three eyewitnesses and Mr. Salih identified Mr. McAdams as the assailant. One of the witnesses testified that she lived in the 2100 block of North Cincinnati. The car was recovered 24 hours later in the 3000 block of North Standard. Forensic evidence retrieved from the car was admitted into evidence, including a palm print belonging to Mr. McAdams found on the driver's door.

Alternative charges of attempted first degree murder and first degree assault were filed along with one count of first degree robbery. Defense counsel argued the case on a theory of alibi by calling a witness to show that Mr. McAdams had been working 15 blocks from where the hitchhiker was picked up and could not have covered that distance in the 10 minute period between the end of his shift and the time when the hitchhiker met Mr. Salih. Defense counsel also argued that the evidence showed there was no robbery because the assailant's intent had been to assault Mr. Salih rather than steal the car. Thus, the use of force preceded the taking of the property. Mr. McAdams did not testify.

The jury convicted Mr. McAdams of first degree assault and first degree robbery, but did not return a verdict on the attempted murder charge. He timely appealed to this court.

ANALYSIS

The sole issue¹ presented by this appeal was whether defense counsel rendered ineffective assistance by failing to present evidence of the distance between where the car was taken and where it was recovered to support his claim that he did not commit robbery.² This argument fails to establish that counsel's performance was defective.

The standards governing review of this claim are long settled. An attorney must perform to the standards of the profession; failure to live up to those standards will require a new trial when the client has been prejudiced by counsel's failure. *State v. McFarland*, 127 Wn.2d 322, 334-35, 899 P.2d 1251 (1995). In evaluating ineffectiveness claims, courts must be highly deferential to counsel's decisions. A strategic or tactical decision is not a basis for finding error. *Strickland v. Washington*, 466 U.S. 668, 689-91, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984). Under *Strickland*, courts evaluate counsel's performance using a two-prong test that requires courts to

¹ Appellate counsel filed a motion to withdraw from further representation based on her client's desire that she do so. Mr. McAdams also has filed a motion to correct and supplement the record to include information that he did not offer at trial as well as litigation records related to the victim. Both motions are denied.

² Mr. McAdams also filed a pro se statement of additional grounds raising eight claims. The first seven claims clearly are without merit—some of them are not supported by the record, some lack legal significance, and other claims were not preserved at trial. The remaining issue is that the court used an uncertified interpreter during the testimony of Mr. Salih. The sole certified Arabic interpreter in the state was not available at the time of this trial, so the court used an uncertified interpreter after finding good cause to do so because no certified interpreter was available. This process complied with the

determine whether or not (1) counsel's performance failed to meet a standard of reasonableness and (2) actual prejudice resulted from counsel's failures. *Id.* at 690-92.

When a claim can be disposed of on one ground, a reviewing court need not consider both *Strickland* prongs. *State v. Foster*, 140 Wn. App. 266, 273, 166 P.3d 726 (2007).

The claim here fails both prongs of *Strickland*. Although the State produced the two addresses showing where the car was taken and where it was recovered, Mr. McAdams argues that his counsel should have provided testimony that these addresses were not far apart. The evidence showed that the car was recovered nine blocks north of where it was taken; the evidence did not reveal that Cincinnati and Standard are two blocks apart. Thus, the car was located eleven blocks from where it was taken.

This evidence is not very significant and, without more, not helpful to the defense. The reason is that no one was able to establish *when* the car was abandoned. Without a showing that it was abandoned shortly after being taken, there is no basis for showing that it was driven a short distance (if eleven blocks even qualifies as a short distance). Given the 24 hour time frame from theft to recovery, it is possible the car was driven to Seattle and back before it was abandoned. It is even likelier that it was driven about north Spokane for some time before it was abandoned at a safe location. In the absence of evidence that it was *used* for only a brief time, evidence that it may have been driven

only a short distance simply is not significant. We do not believe counsel erred in this regard.

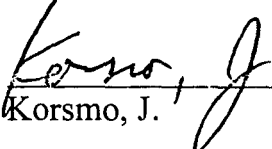
We also do not believe there was any prejudice to the defense. The primary defense to both counts was alibi. Lack of intent to steal was a secondary defense to the robbery count. Defense counsel had what he needed to make his argument—the assailant pursued Mr. Salih on foot for a brief period of time before returning and taking the car. That fact allowed counsel to raise the lack of intent argument, but this record does not establish that there was any further evidence to support that argument. Counsel understandably focused on the alibi theory applicable to all charges. Hence, even if there was more evidence to support his technical argument on the robbery count, its absence did not prejudice the case as a whole.

Mr. McAdams has not established that useful evidence existed that his counsel failed to develop. Accordingly, he has not shown that counsel erred. He also has not established how he was prejudiced by the supposedly missing evidence. Finally, in light of the fact that the supposedly missing evidence only addressed a secondary defense to a secondary charge, he cannot overcome counsel's tactical decision to primarily assert an alibi defense. For all of these reasons, he has not established that counsel was ineffective.

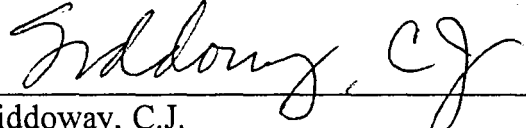
No. 31035-3-III
State v. McAdams

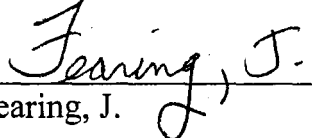
Affirmed.

A majority of the panel has determined this opinion will not be printed in the Washington Appellate Reports, but it will be filed for public record pursuant to RCW 2.06.040.


Korsmo, J.

WE CONCUR:


Siddoway, C.J.


Fearing, J.

No. 310353-dld

In The Court of Appeals, Division 1
The State of the Washington

State of Washington, Respondent,
V.
Grant Thomas McDann, Appellant.

Motion for Reconsideration

Of the unpublished opinion filed on June 17, 2014

Presented pro se by Grant Thomas McDann, the
appellant:

Grant Thomas McDann, DOC no. 303490

~~Cyber Connections Center~~ Coyote Ridge Corrections Center

PO Box 769 / 1306 N. Ephrata Avenue

Connell, Washington 99326

In The Court Of Appeals Of The State Of
Washington, Division iii.

State of Washington, Respondent, } No. 310353
v. } Motion for Reconsideration
Grant Thomas Melidame, Appellant. }

I. Identity of Movant

I, Grant Thomas Melidame the ~~App~~ Appellant,
supplicates for the court to grant the relief
denoted in Part I.

II. Statement of ~~Relief~~ Relief Sought

I, supplicate the court to a ~~transmittal~~
of records from Spokane County Superior Court, ~~to~~ to put
a ~~stay~~ stay in proceeding, while
reconsidering the ineffectiveness of trial
counsel during trial and ere (before); Or Reverse and
Remand for de novo trial; or acquit; put a stay in
proceeding to establish a complete record on review.

Child. Facts Relevant to The Motion.

(1) The facts of this case seem to be drifting farther from the truth. Janet G. Demberling, ~~an~~ appellate attorney, appointed at expense of the public, has had restricted communication with me and ~~to~~ Mrs. Demberlinge's opening brief is inaccurate. One fact omitted from ~~the~~ the opening brief is that the individuals who ~~part~~ identify myself at trial each identify some ~~and~~ other person at proximate time of the ~~act~~ assault. Both Wendy Melcher and Lori Kramer identify other persons (RP 239), in the photo montage. While Emad Mohammed Salih initially accuses an Ali Fadile and has no recollection of the assault (records that prop this have not been transmitted to the court). Simultaneously, one witness continued to convey to the court and prosecution that I was not the assailant, this eye witness, named Randall Brown, (RP 412), was not in Mrs. Demberlinge brief; relating to ~~the~~ Mr. Brown's testimony here is a quote from the Report of Proceedings at ~~page 2~~.

[Facts relevant to the motion]
page 2

RP 408, 410, and 412:

Q: And did you see the one individual go around the car and try and yank out the driver?

A: No. They jumped out of the driver's side and took off... "(RP 408)."

Q: And if you didn't see him ~~once he was~~ hit him once he was down on the ground?

A: No, I didn't. (RP 410)."

Q: And they showed you what?

A: They had a picture like this. It was a big picture, I think, and I believe it was of the young gentlemen there (referring to me). They said, "Is this the guy?" And, you know, I ~~then~~ said no, it wasn't. It's not. (RP 412)."

Mr. Brown estimates himself to be proximately thirty feet from the two men (RP 399).

This demonstrates the inaccuracy of the opening brief and is merely one example. Moreover, the eye witness Rendall Brown conveys that the two men exited the car independently, thus he was not dragged out nor struck on the ground.

[Facts relevant to the motion]

(2) Confrontation of medical report declarant.

The reports written by Dr. Alyson D.

Dalton were interpreted by others at trial as

Dr. Dalton was stricken from the witness list (RP48).

The prosecutor states in his closing ~~the~~ argument:

"We heard testimony that Mr. Salih in fact did

suffer a fracture from the use of this weapon

(AP494)." This fact is from information that

~~Dr. Dalton has report~~

Dr. Dalton reported. The reports written by Dr.

Dalton ^{convey that} ~~state~~ there was a fracture to an anterior

wall ~~and~~ while the posterior wall was still intact,

and there is a deformity from an old fracture.

[Side relevant to] page 4
[the motion]

The reports are ambiguous and the statements conveyed in those ~~no~~ medical reports ~~are~~ ^{were} not explained properly. Dr. Alyssa D. Dalton not being confronted at trial by cross-examination has contributed to the finders-of-facts misled verdict in this case. This fact evinces an omission of appointed counsel to object at an appropriate time and an infringement of my right to confront the Doctor who wrote the report that was misinterpreted at trial ACWA 10.52.060 provides this right to confront witnesses.
[Case relevant to the motion]

(3) Witnesses stricken from the list

Officer Thomas Stanton can testify to his police reports that corroborate Mr. Salih (the victim) was injured to a second degree level and that an Ali Salih (err in spelling) was responsible for his injury as Mr. Salih communicates that to Officer Thomas Stanton. Officer Robert Collins can testify to his report assessing the bodily injury to be substantiated of Mr. Salih. Both Officers Robert Collins and Thomas Stanton along with Dr. Alyssa Dalton were stricken from [facts relevant to the motion]

page 6

the witness list for trial (RP 44). Appointed counsel for the public is ~~omitted~~ omission and does not object. This proper ineffective assistance of counsel claim.

(4) Evidentiary Hearing Refusal

Appointed trial counsel refuses to participate in an evidentiary hearing regarding the identifications made by the five witnesses who do not identify me and Mr. Salih who does point at me though he is confused and was the last possible person to corroborate an indictment (RP 47).
[State relevant to the motion]

(5) Pictures that were misleading and irrelevant

Counsel does not object to the ~~pictures~~

~~pictures~~ ~~from~~ numerous pictures admitted as exhibits

that are both irrelevant and misleading (RP 24).

The counsel appointed during this case was omission

in filing any motions to exclude or limit evidence

such as the pictures of possible blood, and the

eye witnesses who point at me, the defendant at trial.

Notwithstanding that these eye witnesses identify

other ~~people~~ persons at the proximate time of trial.

This illuminates that counsel was a failure to assist.
[Facts relevant to the motion]

(6) Abuse of discretion by applying the good cause
clause of statute RCW 2.43.~~030~~⁰³⁰ (RCW 2.43.030)

Emad Khaeraw Mohammed Salih is
claimed not to require (need) an interpreter (RP 32),
Mr. Salih is the victim and witness ~~being~~^{was} interpreted
for by Amad Beirouty. Some of the reasons
that should have precluded Amad Beirouty from
interpreting in this case are: (i) Amad Beirouty
declares having a relationship with the victim and
~~the~~ witness whom he is interpreting for (RP 117 ~~and~~;

(ii)
RP 128) ~~Mr.~~ Mr. Beirouty clearly conveys that Mr.
[Each relevant little motion]

Salih and Mr. Salih's personal life occurrences are
prior knowledge to ~~the case~~ Mr. Beirouty, the
appointed ~~unsworn~~ uncertified interpreter (RP 128);
(iii) ~~the~~ ^{the} security ability to interpret simultaneously
(RP 125) of Mr. Beirouty; ^(iv) ~~the~~ Mr. Beirouty has no
training in court interpreting (RP 124); and Mr. Salih
states not to be familiar with Mr. Beirouty (RP 133),
notwithstanding that Mr. Beirouty is familiar with
Mr. Salih (RP 133). Furthermore there ~~was~~
a certified interpreter readily available in
Seattle Washington (RP 29-30). Finally prior to
[facts relevant to the motion]

the trier-of-fact, Judge Gregory Dypolt,
exercising his power to appoint the interpreter
it was suggested to employ a second non-
certified interpreter to confirm a proper
translation between language to the Court (RP33).

[Facts relevant to the motion]

The "record on review" requires supplementation and corrections to be sufficiently a complete record: this "court has the authority to issue orders, ..., to insure effective and equitable review, including to grant injunction or other relief to a party." § Provided by R.A.P. 8.3, Rules of Appellate Procedure.

The 'report of proceedings' (RP) verbatim transcriptions of trial proceedings are an essential component of the "record on review" and both the 'opening statement' and 'voir dire' are excluded from being prepared for indigent persons in accordance with R.A.P. rule 9.2(b). Appointed appellant counsel has not motioned the trial court to order the residual records of trial proceedings to be prepared in RP transcription form and transmitted to the Court of Appeals for review in light of "extraordinary circumstances". In this case the 'extraordinary circumstances' are that trial counsel's conduct was contravene to the theory of the case and he being a public defender more than likely was aware that the transcriptions of proceedings ~~at that~~

Record on review page 12 i

during which appointed counsel declares that the defence was going for a lesser included charge and inferring guilt to the finders-of-fact, jurors. Also other errors are not capable of being elicited from the opening statement and voir dire without the prepared transcriptions being ordered to preclude an infringement of Due Process rights. Thus the 'record on review' is insufficient, see State v. Desouvanh (2012) 2012 W2 494480, revealing; "A party presenting an issue for review has the burden of providing an adequate record to establish error and should seek to ~~or~~ supplement the record when necessary."

Do consider the fact that ~~the~~ the appointed appellant counsel did not represent me at trial, therefore appellant counsel could not elicit the issues of error to designate and assign for review without a verbatim record of trial proceedings that is adequately complete. The Supreme Court reversed and remanded a case predicated on that precise rationale: "Our Supreme Court
Record on review page 13 ii

held that, since appellate counsel did not represent Lonsen at trial, he could not satisfactorily determine what errors to assign on appeal; accordingly, without a verbatim record of trial proceedings, the Supreme court reversed Lonsen's convictions and remanded for retrial." ~~Lonsen~~ State v. Lonsen, 62 Wash. 2d 64, 381 P.2d 120 (Wash. 1963).

The records that Spokane County Superior Court takes are essential to bring about an impartial appellate review; an adequate array of facts is required to consider and produce effective reasoning. And ~~in~~ the case of In re Detention of Morgan, 253 P.3d 394, 161 Wn. App. 66 (Div. II 2011), although affirmed, states an argument regarding the record as follows: "An insufficient appellate record precludes review of the alleged errors. RAP 9.2(b)." Similarly record insufficiency is ~~argued~~ argued in State v. Tilton with a quote: "a criminal defendant is constitutionally entitled to a record of sufficient completeness to permit effective appellate review of his or her claims." State v. Tilton 149 Wash. 2d 775, 72 P.3d 735 (quoting

State v. Thomas 70 Wash. App. 296, 298, 852 P.2d 1130 (1993) which quotes Coppedge v. United States, 369 U.S. 438, 446, 82 S.Ct. 917, 8 S.Ed. 2d 21 (1962).

In the Tilton case the reconstructed record is insufficient to replace the verbatim report of proceedings proping a claim of ineffective assistance of counsel. This case is analogous to the Tilton case, in that excluding the transcription of ~~the~~ both the 'opening statement' and 'voir dire' of the jurors from being constructed is akin to the insufficient reconstruction of a record, both are not capable of being reviewed properly by an appellate court.

In regards to record sufficiency here are precedent criteria from State v. Chasen origin:

"When reviewing whether the record is sufficient to allow review, we consider the following factors: (1) whether all or only part of the trial record is 'missing' or reconstructed; (2) the importance of the missing portion to review the issues raised on appeal; (3) the adequacy of ~~reconstruction~~ the reconstructed record to permit appellate review; and (4) the degree of ~~the reconstruction~~ resultant prejudice from the 'missing' or reconstructed record on review

record if any, to the defendant." State v. Classen,
143 Wash. App. 45, 176 P.3d 582 (Wash. App. 2, 2008) (quoting
State v. Halverson, 2013 W2 5406449, Wash. App. Div. 2, 2013).

To ensure (review) with reliable evidence that
trial counsel was in fact a failure to be effective
assistance of counsel the residual records of trial
proceedings must be prepared by Spokane County
and transmitted to be reviewed. When ~~the~~
weighing and considering this case to ~~decide~~
decide whether to put a stay in proceedings
to establish a sufficient "record on review" or
order some other action may the court use RAP
9.10 as a decision balance:

"If a party has made a good faith effort to provide
those portions of the record required by rule (RAP)
9.2(b), the appellate court will not ordinarily
dismiss a review proceeding or affirm, reverse,
or modify a trial court decision or administrative
adjudicative order certified for direct review by the
superior court because of the failure of the party to
provide the appellate court with a complete record of
the proceedings below. If the record is not sufficiently
Record on review page 16 V

No. 310353-III

complete to permit a decision on the merits of the issue presented for review, the appellate court may, on its own initiative or on the motion of a party (1) direct the transmittal of additional clerk's papers and exhibits or ~~the~~ administrative records and exhibits certified by the administrative agency, or (2) correct, or ~~and~~ direct the supplementation or correction of, the report of proceedings. The appellate court may impose sanctions as provided in rule 18.9(a) as a condition to correcting or supplementing the record on review. The party directed or permitted to supplement the record on review ~~must~~ must file either a designation of clerk's papers as provided in rule 9.6 or a statement of arrangements as provided in rule 9.2 within the time set by the appellate court."

Finally, in State v. Thomas, 70 Wa. App.

296, 852 P.2d 1130 (Wash. App. Div. I 1993) an argument is presented that causes a reversal and remand, ~~is~~ a germane part of that case proper to this case and is cited as follows: "a separate but related issue arises under Anders v. California, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed. 2d 493 (1967).

An indigent defendant may be entitled to a complete ~~transcript~~ transcript in order to permit counsel to comply with Anders, which requires counsel to include in the brief "anything in the record that might arguably support the appeal." State v. Theobald, 78 Wash. 2d 184, 185, 470 P. 2d 188 (1970) ~~quoting State v. Theobald~~, 78 Wash. 2d 184. (quoting Anders v. California, 386 U.S. at 744, 87 S.Ct. at 1399). [insert a proposed amendment to RDP 9.2 (b) provides that a rebuttal report of voir dire or opening statement will not be prepared at public expense unless so ordered by the trial court 120 Wash. 2d 619 (1993)]. Thus, a defendant whose appeal is ~~not~~ ultimately determined to be frivolous may be entitled to a complete record, whereas the defendant who raises a substantive issue may be entitled to a transcription of only a portion of the record:

"The issue on appeal is whether there is sufficient evidence to ~~not~~ support the verdict. The trial court need not furnish petitioner with the portions of the record which do not concern this issue. Thus, petitioner does not need the transcript or the portions of the Record on review

statement of facts which concern the voir dire of [70 am. app. 302] the jury and instructions to the jury. However, counsel may need the entire record if he (or she) decides to comply with *Anders v. California*...". See Otterberry, 87 Wash. 2d at 562 n. 4, 554 P. 2d 1053.

The crux of this matter is that the record furnished for indigent appellants is inadequate to elicit all the errors to support the claim of failure to be provided effective assistance of counsel. Therefore will this court put a stay in proceedings to establish an adequate record on review or order the residual records from the trial docket to be prepared for review. In the *Analysis of Unpublished Opinion* the court ~~found~~ found that the argument, presented from the minimal records, fails to establish that counsel's performance was defective; though the errors that have not been elicited, assigned, and presented ^{from} within the residual records are ~~of~~ of substance and ~~and~~ should be revealed to the court properly. I beseech the court to order the records.

The trial court ~~found~~ ~~of~~ trier-of-fact abused his discretion by appointing an uncertified interpreter who does not meet the standard of proficiency established by the administrative office of the court and does not qualify to interpret in court ~~it~~ because the interpreter is not able to interpret in the simultaneous mode pursuant to USCA §1827 and RCWA 2.43.070. These provisions are in place to aid in efficient administration of justice. The trier-of-fact, Judge Gregory D. Sypolt was notified of the interpreters defects and inability to meet the standards that qualify an interpreter to interpret in court proceeding; notwithstanding, ~~that~~ those notifications the trier-of-fact ~~with~~ erroneously applied the good cause clause of RCW 2.43.030 (2) and hence abused his discretion.

Under Chapter 2.42 of the Revised Code of Washington ~~the~~ "qualified interpreter" is defined as "a person who is able readily to interpret or translate spoken and written English for non-English-speaking persons and to interpret or translate oral or written statements of non-English-speaking

[good cause interpreter] page 20 i.
[Court abuse discretion]

persons into spoken English." ~~That~~ The court decided that Imad Beirouty was a qualified interpreter; ~~that~~ ^{albeit} the good cause qualified ^{interpreter} ~~he~~ lacked the ability to simultaneously interpret, which is a requirement for interpreting in trial proceedings especially for testimony being presented before the finder-of-fact, the jurors. Secondly, the witness being interpreted for communicated more effectively in English than that of a non-English-speaking person thus there was no need for an interpreter to be appointed. RCWA 2.43.030 defines "non-English-speaking person" as any person involved in a legal proceeding who cannot readily speak or understand the English language, but does not include hearing-impaired persons who are covered under chapter 2.42 RCW. The witness Emad Alhasraw Mohammed-Salih communicates with the court, the prosecutor, the detectives, the medical doctors, et alia (PP 30,31,32) effectively, so the need for a qualified interpreter was not an aid in the attempt to efficient justice.

The court or ~~the~~ trier-of-fact exercised an abuse of discretion in appointing Imad Beirouty as qualified interpreter applying the good cause clause

[Good cause interpreter,
Court abuses discretion]

of ACW 2.43.030 (a) in at least two ways: (1) the person being interpreted for ~~to~~ was readily able to effectively communicate in English at all other times ~~that~~ prior to testimony, e.g. no interpreter was needed for ~~the~~ the witness Emad Mohammed-Balich during the communications between Mr. Balich and detectives, prosecutor, et alia from their perspective; and (2) Emad Beirouty, the person permitted by the ~~of~~ court to interpret is not certified, has no formal training in court interpreting (RP124,125), has prior knowledge of the case, and has a relationship with the witness who he is interpreting (RP133), et alia.

The appointment of the interpreter precluded effective communication during proceedings and infringed my right to due process provided by the XIV Amendment of the United States Constitution. One final illustration of the infringement is the court denying me the appointment of a second qualified interpreter to confirm the interpretation; which infringes rights provided by this clause of the XIV (fourteenth) amendment: "nor deny to any person within its jurisdiction the equal protection of the laws."

The conduct of the public defender appointed to represent me, the accused, was omission insofar that Motions to effectuate an impartial trial were not filed nor were facts disputed which should have been disputed prior to trial. One instance ~~of~~ trial counsel's omission is not subpoena witnesses to establish a community and testify to my, the accused, character. Counsel similarly omits to compel the Officers that were on the scene to testify to Emad, the victim, initial suspected named and that Emad was injured to a substantial degree of bodily injury. ^

At trial medical reports were interpreted by someone other than the declarant, Dr. Olyssa D. Dalton is the declarant. Dr. Dalton was stricken from the witness list prior to trial precluding cross-exam questions about the injury and Emad Mohammed-hadi's condition. Thus infringing my right to confront pursuant RCW 10.52.060 and the neglect of appointed trial counsel to investigate the ambiguous reports frustrates the claim of failure to effectuate counsel.

- Trial counsel's cumulative omissions, and ~~contravene~~ ~~with~~ actions to the theory of this case, which was error in identification, are ~~not~~ revealed partially by the minute records constituting the record on review, but to elicit all the errors of trial and prop the claim of failure to effective assistance counsel during trial proceeding, the residual court docket enumeration of proceedings must be reviewed.

For the foregoing reasons I beseech this court to grant the following relief:

- (1) reverse and remand for new trial; or
- (2) put a stay in proceedings to establish a complete record on review by order of transmittal from Spokane County Superior Court; and (3) permit evidence that reveals the value of evidence not introduced during trial.

Submitted with genuine respect on July
24, 2014 by: Grant Thomas McDams
Grant Thomas McDams, appellant pro se.

[Failure to effective
assistance of counsel]

Certification

I certify under penalty of perjury under the laws of the State of Washington that ~~that~~ the ~~facts set out~~ foregoing ~~is~~ motion for reconsideration is true and on this day I served a copy of this document by mail on the attorney for the respondent:

Mark Lindsey
Spokane County Prosecutor
1100 W. Mallon Ave
Spokane, WA ~~99201~~ 99260

Subscribed at Connell, Washington on July 24, 2014.

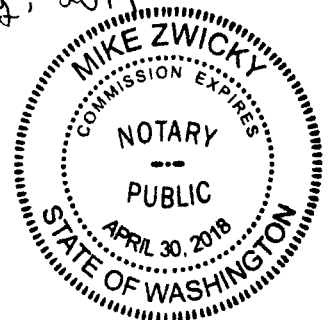
Grant Thomas Melidams
Grant Thomas Melidams, appellant pro se

On this day personally appeared before me Grant Thomas Melidams, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his ~~to~~ free and voluntary act and deed, for the uses and purposes therein mentioned,

~~Grant~~ Subscribed and sworn to before me, and given under my hand and seal of office this 24th day of July, 2014

[Signature]
Notary Public residing at Connell WA.

Certification page 25
Printed Name: MIKE ZWICKY
My Commission Expires: April 30 2018



FILED
AUG 7, 2014
In the Office of the Clerk of Court
WA State Court of Appeals, Division III

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION THREE

STATE OF WASHINGTON,)	
)	No. 31035-3-III
Respondent,)	
)	
v.)	
)	ORDER DENYING
GRANT T. McADAMS,)	MOTION FOR
)	RECONSIDERATION
Appellant.)	


THE COURT has considered appellant's motion for reconsideration and is of the opinion the motion should be denied. Therefore,

IT IS ORDERED, the motion for reconsideration of this court's decision of June 17, 2014 is hereby denied.

DATED: August 7, 2014

PANEL: Judges Korsmo, Fearing, Siddoway

FOR THE COURT:


LAUREL SIDDOWAY
Chief Judge

In The Spokane County Superior Court of The
State of Washington

State of Washington,
Respondent,
v.
Grant Thomas McAdams,
Petitioner.

Cause no. ~~10101782~~ 101016636
Cause no. PFR100 226
Motion For Relief
From Judgment

1. Identity of Movant

Grant Thomas McAdams, petitioner pro se, moves the Superior Court of Spokane County to grant the relief designated in part 2.

2. Relief the Movant Seeks Statement

I, Grant Thomas McAdams, beseech the court to expunge cause no. ~~10101782~~ 101016636 from record and review each felony on Mr. McAdams record.

3. Facts Relevant to The Motion.

On January 20, 2009 Mr. McAdams was ~~charged~~ indicted with both Criminal Trespass 1 and Malicious Mischief 3 to which he sought a fair trial to resolve. The prosecution chose to indict Mr. McAdams with

felony charge of Bailjumping in succession to Mr. McAdams being absent in court on April 16, 2010. While seeking a fair trial regard the two misdemeanor charges in case no. ~~PF100226~~ ^{PF100226} there were numerous continuances from January 2009 through April 2010 and these continuances in proceedings were not requested by Mr. McAdams, but both the appointed counsel for the indigent Mr. McAdams and the prosecuting attorney requested continuances. Mr. McAdams was attending courses at Spokane Community College for the accelerated Math and Science Degree so each proceeding that was continued precluded attendance and was not a desire of ~~the~~ Mr. McAdams.

On April 16, 2010 Mr. McAdams was, out of human error in scheduling the ~~correct~~ ^{correct} time and date of the hearing, absent and the charge of Second Degree Theft ~~was~~ ^{erred} from the absence from court. The Second Degree Theft Charge that is on Mr. McAdams was originally a Bailjumping charge directly caused from seeking a fair trial to resolve case no. ~~PF100226~~ ^{PF100226}, the misdemeanor. Thus, in light

of a Second Degree Theft element not ~~existing~~
~~being~~ having been existent in cause no. 101016636
this felony must be expunged from Mr. McAdams
record and the other ~~felonies~~ felonies need to
be reviewed and properly amended. 1

4. Grounds and Argument

Pursuant to Superior Court Criminal Rules,
Rule 7.8 ~~and~~ relief from judgment or order ~~to~~ this
motion is put before the court for consideration and
direction to correct the errors that have been recorded
on the petitioner, Mr. McAdams, record especially
the felonies pled to. This felony of Second degree
Theft (cause no. 101016636) which should not exist serves
as an indicator that there has been numerous errors
attributed to Mr. McAdams. Minors knowledge of law.

Contingent on the court's decision
of whether to pursue this important issue and accumulate
more information to produce effective reasoning or deny
this motion is the application of Supreme Court holding
that requires ~~the~~ the court to provide an
opportunity to withdraw or amend this motion

prior to an recharacterization of this motion. Thus upon the decision to deny this motion refer to State v. Smith, 144 Wash. App. 860 (Division II 2008), in which the court held: "that trial court lacked jurisdiction to deny motion to dismiss conviction that was untimely filed." And ~~and~~ the court cites Castro v. United States, 540 U.S. 375, 124 S.Ct. 786, 2 Ed. 2d 778 (2003): "recharacterizing pro se motion requires giving a petitioner notice of intent to recharacterize motion, a warning that the recharacterization could subject it to second or successive motion rule, and an opportunity to withdraw or amend the motion before successive motion rule restrictions can apply."

5. Conclusion

Mr. McDunn beseeches the court to grant the proper order to expunge Cause No. 101016636 and the proper order to review each felony plea agreement made to confirm that any of the elements of the pled to charges even exist in those cases or causes. (none of the ~~same~~ elements of RCWA 9A.56.040 can be applied to case no. 101016636...)

Certification and service by mail proof

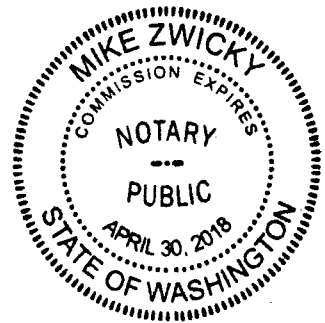
I certify, under penalty of perjury, under the laws of the State of Washington that the foregoing motion for relief from judgment is true and correct, and that on this day I served a copy of this document by mail on the attorney for the respondent:

Spokane County Prosecutory Attorney
W 1100 Mallon Avenue
Spokane, Wash. 99260

Subscribed at Connell, Washington on ~~July~~, 2014 August 11th, 2014; before an Office of the State of Washington,
Subscriptions: Grant Thomas McAdams
Grant Thomas McAdams

Subscribed and sworn to before me and given under my hand and seal of office this 11th day of August, 2014.

Mike Zwicky
Notary Public Residing at: Connell, WA
Printed Name: MIKE ZWICKY
My Commission expires: APRIL 30 2018



SUPERIOR COURT FOR THE STATE OF WASHINGTON
COUNTY OF Spokane

State of Washington)
Plaintiff/Respondent) No. 101016636 and PFR100226
) NOTE FOR MOTION TO DOCKET
V.) Court Calendar
Grant Thomas McAdams) (CLERK'S ACTION REQUESTED)
Defendant/Petitioner)

TO: Spokane County Court Clerk and
Superior Court : Spokane County ~~prosecuting~~ attorney
PLEASE TAKE NOTICE that the Litigant, Mr. McAdams

acting Pro Se, moves the above entitled court on the 5 day of October,
20 14, at 9 o'clock a. m. for a (an) With oral argument, or With out oral
argument, and that the undersigned will bring on for hearing a motion, or motions for :

Circumstances that are germane to the case, i.e. there
were errors in communication with the court during plea proceedings.

Nature of the Case: Criminal, or Civil

Or as soon thereafter as the motion (s) can be heard.

The address of the place of the hearing is:

Telephonic court between Spokane County and Coyote Ridge Correction Center

DATE: August 11th, 20 14.

Grant Thomas McAdams

Signature

Grant Thomas McAdams

Print/type Name

NOTICE SETTING OF HEARING D-6

RCW 2.43.030

Appointment of interpreter.

(1) Whenever an interpreter is appointed to assist a non-English-speaking person in a legal proceeding, the appointing authority shall, in the absence of a written waiver by the person, appoint a certified or a qualified interpreter to assist the person throughout the proceedings.

(a) Except as otherwise provided for in (b) of this subsection, the interpreter appointed shall be a qualified interpreter.

(b) Beginning on July 1, 1990, when a non-English-speaking person is a party to a legal proceeding, or is subpoenaed or summoned by an appointing authority or is otherwise compelled by an appointing authority to appear at a legal proceeding, the appointing authority shall use the services of only those language interpreters who have been certified by the administrative office of the courts, unless good cause is found and noted on the record by the appointing authority. For purposes of chapter 358, Laws of 1989, "good cause" includes but is not limited to a determination that:

- (i) Given the totality of the circumstances, including the nature of the proceeding and the potential penalty or consequences involved, the services of a certified interpreter are not reasonably available to the appointing authority; or
- (ii) The current list of certified interpreters maintained by the administrative office of the courts does not include an interpreter certified in the language spoken by the non-English-speaking person.

(c) Except as otherwise provided in this section, when a non-English-speaking person is involved in a legal proceeding, the appointing authority shall appoint a qualified interpreter.

- (2) If good cause is found for using an interpreter who is not certified or if a qualified interpreter is appointed, the appointing authority shall make a preliminary determination, on the basis of testimony or stated needs of the non-English-speaking person, that the proposed interpreter is able to interpret accurately all communications to and from such person in that particular proceeding. The appointing authority shall satisfy itself on the record that the proposed interpreter:

(a) Is capable of communicating effectively with the court or agency and the person for whom the interpreter would interpret; and

(b) Has read, understands, and will abide by the code of ethics for language interpreters established by court rules.

[2005 c 282 § 3; 1990 c 183 § 1; 1989 c 358 § 3. Formerly RCW 2.42.220.]

Notes:

Severability -- 1989 c 358: See note following RCW 2.43.010.

2.43.010:

ACWA ~~2.42.040~~: Legislative ~~Declaration~~ - Intent

It is hereby declared to be the policy of this state to secure the constitutional rights of deaf persons and of other persons who, because of impairment of hearing or speech, are unable to readily understand or communicate the spoken English language, and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them.

It is the intent of the legislature in the passage of this chapter to provide for the appointment of such interpreters.

ACWA 2.42.050: Oath

ACWA 2.42.110: Definitions

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Impaired person"

(2) "Qualified interpreter" means a visual language interpreter who is ~~certified~~ certified by the state or is certified by the registry of interpreters for the deaf to hold the comprehensive ~~state~~ certificate ~~or~~ or both certificates of interpretation and transliteration, or an interpreter who can readily translate statements of speech impaired persons into spoken language.

(3) "Intermediary interpreter"

(4) "Appointing authority"

28 U.S. CODE § 1827 - INTERPRETERS IN COURTS OF THE UNITED STATES

Current through Pub. L. 113-142, except 128. (See Public Laws for the current Congress.)

- [US Code](#)
- [Notes](#)
- [Updates](#)

[PREV](#) | [NEXT](#)

(a) The Director of the Administrative Office of the United States Courts shall establish a program to facilitate the use of certified and otherwise qualified interpreters in judicial proceedings instituted by the United States.

(b)

(1) The Director shall prescribe, determine, and certify the qualifications of persons who may serve as certified interpreters, when the Director considers certification of interpreters to be merited, for the hearing impaired (whether or not also speech impaired) and persons who speak only or primarily a language other than the English language, in judicial proceedings instituted by the United States. The Director may certify interpreters for any language if the Director determines that there is a need for certified interpreters in that language. Upon the request of the Judicial Conference of the United States for certified interpreters in a language, the Director shall certify interpreters in that language. Upon such a request from the judicial council of a circuit and the approval of the Judicial Conference, the Director shall certify interpreters for that circuit in the language requested. The judicial council of a circuit shall identify and evaluate the needs of the districts within a circuit. The Director shall certify interpreters based on the results of criterion-referenced performance examinations. The Director shall issue regulations to carry out this paragraph within 1 year after the date of the enactment of the Judicial Improvements and Access to Justice Act.

(2) Only in a case in which no certified interpreter is reasonably available as provided in subsection (d) of this section, including a case in which certification of interpreters is not provided under paragraph (1) in a particular language, may the services of otherwise qualified interpreters be used. The Director shall provide guidelines to the courts for the selection of otherwise qualified interpreters, in order to ensure that the highest standards of accuracy are maintained in all judicial proceedings subject to the provisions of this chapter.

(3) The Director shall maintain a current master list of all certified interpreters and otherwise qualified interpreters and shall report periodically on the use and performance of both certified and otherwise qualified interpreters in judicial proceedings instituted by the United States and on the languages for which interpreters have been certified. The Director shall prescribe, subject to periodic review, a schedule of reasonable fees for services

rendered by interpreters, certified or otherwise, used in proceedings instituted by the United States, and in doing so shall consider the prevailing rate of compensation for comparable service in other governmental entities.

(c)

(1) Each United States district court shall maintain on file in the office of the clerk, and each United States attorney shall maintain on file, a list of all persons who have been certified as interpreters by the Director in accordance with subsection (b) of this section. The clerk shall make the list of certified interpreters for judicial proceeding available upon request.

(2) The clerk of the court, or other court employee designated by the chief judge, shall be responsible for securing the services of certified interpreters and otherwise qualified interpreters required for proceedings initiated by the United States, except that the United States attorney is responsible for securing the services of such interpreters for governmental witnesses.

(d)

(1) The presiding judicial officer, with the assistance of the Director of the Administrative Office of the United States Courts, shall utilize the services of the most available certified interpreter, or when no certified interpreter is reasonably available, as determined by the presiding judicial officer, the services of an otherwise qualified interpreter, in judicial proceedings instituted by the United States, if the presiding judicial officer determines on such officer's own motion or on the motion of a party that such party (including a defendant in a criminal case), or a witness who may present testimony in such judicial proceedings—

(A) speaks only or primarily a language other than the English language; or

(B) suffers from a hearing impairment (whether or not suffering also from a speech impairment)

so as to inhibit such party's comprehension of the proceedings or communication with counsel or the presiding judicial officer, or so as to inhibit such witness' comprehension of questions and the presentation of such testimony.

(2) Upon the motion of a party, the presiding judicial officer shall determine whether to require the electronic sound recording of a judicial proceeding in which an interpreter is used under this section. In making this determination, the presiding judicial officer shall consider, among other things, the qualifications of the interpreter and prior experience in interpretation of court proceedings; whether the language to be interpreted is not one of the languages for which the Director has certified interpreters, and the complexity or length of the proceeding. In a grand jury proceeding, upon the motion of the accused, the presiding judicial officer shall require the electronic sound recording of the portion of the proceeding in which an interpreter is used.

(e)

(1) If any interpreter is unable to communicate effectively with the presiding judicial officer, the United States attorney, a party (including a defendant in a criminal case), or a witness,

the presiding judicial officer shall dismiss such interpreter and obtain the services of another interpreter in accordance with this section.

(2) In any judicial proceedings instituted by the United States, if the presiding judicial officer does not appoint an interpreter under subsection (d) of this section, an individual requiring the services of an interpreter may seek assistance of the clerk of court or the Director of the Administrative Office of the United States Courts in obtaining the assistance of a certified interpreter.

(f)

(1) Any individual other than a witness who is entitled to interpretation under subsection (d) of this section may waive such interpretation in whole or in part. Such a waiver shall be effective only if approved by the presiding judicial officer and made expressly by such individual on the record after opportunity to consult with counsel and after the presiding judicial officer has explained to such individual, utilizing the services of the most available certified interpreter, or when no certified interpreter is reasonably available, as determined by the presiding judicial officer, the services of an otherwise competent interpreter, the nature and effect of the waiver.

(2) An individual who waives under paragraph (1) of this subsection the right to an interpreter may utilize the services of a noncertified interpreter of such individual's choice whose fees, expenses, and costs shall be paid in the manner provided for the payment of such fees, expenses, and costs of an interpreter appointed under subsection (d) of this section.

(g)

(1) There are authorized to be appropriated to the Federal judiciary, and to be paid by the Director of the Administrative Office of the United States Courts, such sums as may be necessary to establish a program to facilitate the use of certified and otherwise qualified interpreters, and otherwise fulfill the provisions of this section and the Judicial Improvements and Access to Justice Act, except as provided in paragraph (3).

(2) Implementation of the provisions of this section is contingent upon the availability of appropriated funds to carry out the purposes of this section.

(3) Such salaries, fees, expenses, and costs that are incurred with respect to Government witnesses (including for grand jury proceedings) shall, unless direction is made under paragraph (4), be paid by the Attorney General from sums appropriated to the Department of Justice.

(4) Upon the request of any person in any action for which interpreting services established pursuant to subsection (d) are not otherwise provided, the clerk of the court, or other court employee designated by the chief judge, upon the request of the presiding judicial officer, shall, where possible, make such services available to that person on a cost-reimbursable basis, but the judicial officer may also require the prepayment of the estimated expenses of providing such services.

(5) If the Director of the Administrative Office of the United States Courts finds it necessary to develop and administer criterion-referenced performance examinations for purposes of certification, or other examinations for the selection of otherwise qualified interpreters, the Director may prescribe for each examination a uniform fee for applicants to take such examination. In determining the rate of the fee for each examination, the Director shall consider the fees charged by other organizations for examinations that are similar in scope or nature. Notwithstanding section 3302 (b) of title 31, the Director is authorized to provide in any contract or agreement for the development or administration of examinations and the collection of fees that the contractor may retain all or a portion of the fees in payment for the services. Notwithstanding paragraph (6) of this subsection, all fees collected after the effective date of this paragraph and not retained by a contractor shall be deposited in the fund established under section 1931 of this title and shall remain available until expended.

(6) Any moneys collected under this subsection may be used to reimburse the appropriations obligated and disbursed in payment for such services.

(h) The presiding judicial officer shall approve the compensation and expenses payable to interpreters, pursuant to the schedule of fees prescribed by the Director under subsection (b)(3).

(i) The term "presiding judicial officer" as used in this section refers to any judge of a United States district court, including a bankruptcy judge, a United States magistrate judge, and in the case of grand jury proceedings conducted under the auspices of the United States attorney, a United States attorney.

(j) The term "judicial proceedings instituted by the United States" as used in this section refers to all proceedings, whether criminal or civil, including pretrial and grand jury proceedings (as well as proceedings upon a petition for a writ of habeas corpus initiated in the name of the United States by a relator) conducted in, or pursuant to the lawful authority and jurisdiction of a United States district court. The term "United States district court" as used in this subsection includes any court which is created by an Act of Congress in a territory and is invested with any jurisdiction of a district court established by chapter 5 of this title.

(k) The interpretation provided by certified or otherwise qualified interpreters pursuant to this section shall be in the simultaneous mode for any party to a judicial proceeding instituted by the United States and in the consecutive mode for witnesses, except that the presiding judicial officer, sua sponte or on the motion of a party, may authorize a simultaneous, or consecutive interpretation when such officer determines after a hearing on the record that such interpretation will aid in the efficient administration of justice. The presiding judicial officer, on such officer's motion or on the motion of a party, may order that special interpretation services as authorized in section 1828 of this title be provided if such officer determines that the provision of such services will aid in the efficient administration of justice.

(l) Notwithstanding any other provision of this section or section 1828, the presiding judicial officer may appoint a certified or otherwise qualified sign language interpreter to provide services to a party, witness, or other participant in a judicial proceeding, whether or not the proceeding is instituted by the United States, if the presiding judicial officer determines, on such officer's own motion or on the motion of a party or other participant in the proceeding, that such individual suffers from a hearing impairment. The presiding judicial officer shall, subject to the availability of appropriated funds, approve the compensation and expenses payable to sign language interpreters appointed under this section in accordance with the schedule of fees prescribed by the Director under subsection (b)(3) of this section.

Source

(Added Pub. L. 95-539, § 2(a), Oct. 28, 1978, 92 Stat. 2040; amended Pub. L. 100-702, title VII, §§ 702-710, Nov. 19, 1988, 102 Stat. 4654-4657; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 104-317, title III, § 306, title IV, § 402(a), Oct. 19, 1996, 110 Stat. 3852, 3854.)

References in Text

The date of the enactment of the Judicial Improvements and Access to Justice Act, referred to in subsec. (b)(1), is the date of enactment of Pub. L. 100-702, which was approved Nov. 19, 1988.

The Judicial Improvements and Access to Justice Act, referred to in subsec. (g)(1), is Pub. L. 100-702, Nov. 19, 1988, 102 Stat. 4642. For complete classification of this Act to the Code, see Short Title note set out under section 1 of this title and Tables.

The effective date of this paragraph, referred to in subsec. (g)(5), is the effective date of Pub. L. 104-317, which was approved Oct. 19, 1996.

Amendments

1996—Subsec. (g)(5), (6). Pub. L. 104-317, § 402(a), added par. (5) and redesignated former par. (5) as (6).

Subsec. (l). Pub. L. 104-317, § 306, added subsec. (l).

1988—Subsec. (a). Pub. L. 100-702, § 702, amended subsec. (a) generally, substituting "certified and otherwise qualified interpreters in judicial proceedings instituted by the United States" for "interpreters in courts of the United States".

Subsec. (b). Pub. L. 100-702, § 703, amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "The Director shall prescribe, determine, and certify the qualifications of persons who may serve as certified interpreters in courts of the United States in bilingual proceedings and proceedings involving the hearing impaired (whether or not also speech impaired), and in so doing, the Director shall consider the education, training, and experience of those persons. The Director shall maintain a current master list of all interpreters certified by the Director and shall report annually on the frequency of

requests for, and the use and effectiveness of, interpreters. The Director shall prescribe a schedule of fees for services rendered by interpreters.”

Subsec. (c). Pub. L. 100-702, § 704, amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “Each United States district court shall maintain on file in the office of the clerk of court a list of all persons who have been certified as interpreters, including bilingual interpreters and oral or manual interpreters for the hearing impaired (whether or not also speech impaired), by the Director of the Administrative Office of the United States Courts in accordance with the certification program established pursuant to subsection (b) of this section.”

Subsec. (d). Pub. L. 100-702, §§ 705, 710(a), designated existing provisions as par. (1), in introductory provisions, substituted “qualified interpreter” for “competent interpreter”, “judicial proceedings instituted by the United States” for “any criminal or civil action initiated by the United States in a United States district court (including a petition for a writ of habeas corpus initiated in the name of the United States by a relator)”, and “such judicial proceedings” for “such action”, redesignated former pars. (1) and (2) as subpars. (A) and (B), and added par. (2).

Subsec. (e)(2). Pub. L. 100-702, § 710(b), substituted “judicial proceedings instituted by the United States” for “criminal or civil action in a United States district court”.

Subsec. (g)(1) to (3). Pub. L. 100-702, § 706(a), amended pars. (1) to (3) generally. Prior to amendment, pars. (1) to (3) read as follows:

“(1) Except as otherwise provided in this subsection or section 1828 of this title, the salaries, fees, expenses, and costs incident to providing the services of interpreters under subsection (d) of this section shall be paid by the Director of the Administrative Office of the United States Courts from sums appropriated to the Federal judiciary.

“(2) Such salaries, fees, expenses, and costs that are incurred with respect to Government witnesses shall, unless direction is made under paragraph (3) of this subsection, be paid by the Attorney General from sums appropriated to the Department of Justice.

“(3) The presiding judicial officer may in such officer’s discretion direct that all or part of such salaries, fees, expenses, and costs shall be apportioned between or among the parties or shall be taxed as costs in a civil action.”

Subsec. (g)(4), (5). Pub. L. 100-702, § 706(b), added par. (4) and redesignated former par. (4) as (5).

Subsec. (h). Pub. L. 100-702, § 707, amended subsec. (h) generally. Prior to amendment, subsec. (h) read as follows: “In any action in a court of the United States where the presiding judicial officer establishes, fixes, or approves the compensation and expenses payable to an interpreter from funds appropriated to the Federal judiciary, the presiding judicial officer shall not establish, fix, or approve compensation and expenses in excess of the maximum allowable under the schedule of fees for services prescribed pursuant to subsection (b) of this section.”

Subsec. (i). Pub. L. 100-702, § 708, amended subsec. (i) generally. Prior to amendment, subsec. (i) read as follows: "The term 'presiding judicial officer' as used in this section and section 1828 of this title includes a judge of a United States district court, a United States magistrate, and a referee in bankruptcy."

Subsec. (j). Pub. L. 100-702, § 708, amended subsec. (j) generally. Prior to amendment, subsec. (j) read as follows: "The term 'United States district court' as used in this section and section 1828 of this title includes any court created by Act of Congress in a territory which is invested with any jurisdiction of a district court of the United States established by section 132 of this title."

Subsec. (k). Pub. L. 100-702, § 709, amended subsec. (k) generally. Prior to amendment, subsec. (k) read as follows: "The interpretation provided by certified interpreters pursuant to this section shall be in the consecutive mode except that the presiding judicial officer, with the approval of all interested parties, may authorize a simultaneous or summary interpretation when such officer determines that such interpretation will aid in the efficient administration of justice. The presiding judicial officer on such officer's motion or on the motion of a party may order that special interpretation services as authorized in section 1828 of this title be provided if such officer determines that the provision of such services will aid in the efficient administration of justice."

Change of Name

"United States magistrate judge" substituted for "United States magistrate" in subsec. (i) pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of this title.

Effective Date of 1988 Amendment

Pub. L. 100-702, title VII, § 712, Nov. 19, 1988, 102 Stat. 4657, provided that: "This title [amending this section and enacting provisions set out as notes under this section and section 1 of this title] shall become effective upon the date of enactment [Nov. 19, 1988]."

Effective Date

Section effective ninety days after Oct. 28, 1978, see section 10(b) of Pub. L. 95-539, set out as an Effective Date of 1978 Amendment note under section 602 of this title.

Short Title

For short title of Pub. L. 95-539 as "Court Interpreters Act", see Short Title of 1978 Amendments note set out under section 1 of this title.

Payment for Contractual Services

Pub. L. 104-317, title IV, § 402(b), Oct. 19, 1996, 110 Stat. 3854, provided that: "Notwithstanding sections 3302 (b), 1341, and 1517 of title 31, United States Code, the

Director of the Administrative Office of the United States Courts may include in any contract for the development or administration of examinations for interpreters (including such a contract entered into before the date of the enactment of this Act [Oct. 19, 1996]) a provision which permits the contractor to collect and retain fees in payment for contractual services in accordance with section 1827 (g)(5) of title 28, United States Code.”

Impact on Existing Programs

Pub. L. 100-702, title VII, § 711, Nov. 19, 1988, 102 Stat. 4657, provided that: “Nothing in this title [amending this section and enacting provisions set out as notes under this section and section 1 of this title] shall be construed to terminate or diminish existing programs for the certification of interpreters.”

The table below lists the classification updates, since **Jan. 3, 2012**, for this section. Updates to a broader range of sections may be found at the update page for containing chapter, title, etc.

The most recent Classification Table update that we have noticed was **Tuesday, August 13, 2013**

An empty table indicates that we see no relevant changes listed in the classification tables. If you suspect that our system may be missing something, please double-check with the Office of the Law Revision Counsel.

Show How To Use

Multiple entries for a section are listed most recent first, within the section.

The Session Year indicates which session of Congress was responsible for the changes classified. The Congress number forms the first part of the Public Law number; each Congress has two sessions.

Abbreviations used in the Description of Change column:

- An empty field implies a standard amendment.
- "new" means a new section or new note, or all new text of an existing section or note.
- "nt" means note.
- "nt [tbl]" means note [table].
- "prec" means preceding.
- "fr" means a transfer from another section.
- "to" means a transfer to another section.
- "omitted" means the section is omitted.
- "repealed" means the section is repealed.

- "nt ed change" and "ed change" – See the [Editorial Classification Change Table \[pdf\]](#). The Public Law field is linked to the development of the law in the Thomas system at the Library of Congress.

The Statutes at Large field is linked to the text of the law, in the context of its volume of the Statutes at Large, at the Government Printing Office. Please note that it takes a while for these pages to get posted, so for very recent legislation, you need to look at the "enrolled" version at the [Thomas site](#).

The Statutes at Large references have been rendered in the format used as page numbers in the Public Law web pages to which we link, to facilitate copy-paste into browser "find on this (web) page" tools. We are still working on a more direct link facility.

For serious comparison work, we suggest copying all or a portion of the Public Law text into your favorite text editor, for convenient content traversal and window control.

Sections with change type "new" are a special case, still under development. All are now listed, at the title level only.

You will find that occasionally a specific update you notice in a Public Law listed in a classification table will already have made it into the Code. We assume this is an artifact of the LRC edit process. The LII does not edit the LRC content.

[top](#)

[Show General Reference](#)

Refer to the [LRC \(Law Revision Council\)](#) for explanations about the US Code from the folks who put it all together.

You can look for information about what it is and is not, which titles are *positive law*, the schedule of Supplements, etc. Under [download](#) you can find the source data we use here (GPO locator files), as well as, PDF files that look just like the paper books (these may be rather large).

Refer to the [Thomas site](#) for changes that have not yet made it into the classification tables.

28 USC	Description of Change	Session Year	Public Law	Statutes at Large
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West's RCWA 2.43.010
2.43.010. Legislative intent

Currentness

It is hereby declared to be the policy of this state to secure the rights, constitutional or otherwise, of persons who, because of a non-English-speaking cultural background, are unable to readily understand or communicate in the English language, and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them.

It is the intent of the legislature in the passage of this chapter to provide for the use and procedure for the appointment of such interpreters. Nothing in chapter 358, Laws of 1989 abridges the parties' rights or obligations under other statutes or court rules or other law.

West's RCWA 2.43.020
2.43.020. Definitions

Currentness

As used in this chapter:

- (1) "Appointing authority" means the presiding officer or similar official of any court, department, board, commission, agency, licensing authority, or legislative body of the state or of any political subdivision thereof.
- (2) "Certified interpreter" means an interpreter who is certified by the administrative office of the courts.
- (3) "Legal proceeding" means a proceeding in any court in this state, grand jury hearing, or hearing before an inquiry judge, or before an administrative board, commission, agency, or licensing body of the state or any political subdivision thereof.
- (4) "Non-English-speaking person" means any person involved in a legal proceeding who cannot readily speak or understand the English language, but does not include hearing-impaired persons who are covered under chapter 2.42 RCW.
- (5) "Qualified interpreter" means a person who is able readily to interpret or translate spoken and written English for non-English-speaking persons and to interpret or translate oral or written statements of non-English-speaking persons into spoken English.
- (6) "Registered interpreter" means an interpreter who is registered by the administrative office of the courts.

West's RCWA 2.43.050
2.43.050. Oath

Currentness

(1) Upon certification or registration and every two years thereafter, certified or registered interpreters shall take an oath, affirming that the interpreter will make a true interpretation to the person being examined of all the proceedings in a language which the person understands, and that the interpreter will repeat the statements of the person being examined to the court or agency conducting the proceedings, in the English language, to the best of the interpreter's skill and judgment. The administrative office of the courts shall maintain a record of the oath in the same manner that the list of certified and registered interpreters is maintained.

(2) Before any person serving as an interpreter for the court or agency begins to interpret, the appointing authority shall require the interpreter to state the person's name on the record and whether the person is a certified or registered interpreter. If the interpreter is not a certified or registered interpreter, the interpreter must submit the interpreter's qualifications on the record.

(3) Before beginning to interpret, every interpreter appointed under this chapter shall take an oath unless the interpreter is a certified or registered interpreter who has taken the oath within the last two years as required in subsection (1) of this section. The oath must affirm that the interpreter will make a true interpretation to the person being examined of all the proceedings in a language which the person understands, and that the interpreter will repeat the statements of the person being examined to the court or agency conducting the proceedings, in the English language, to the best of the interpreter's skill and judgment.

West's RCWA 2.43.070

2.43.070. Testing, certification of interpreters

Currentness

(1) Subject to the availability of funds, the administrative office of the courts shall establish and administer a comprehensive testing and certification program for language interpreters.

(2) The administrative office of the courts shall work cooperatively with community colleges and other private or public educational institutions, and with other public or private organizations to establish a certification preparation curriculum and suitable training programs to ensure the availability of certified interpreters. Training programs shall be made readily available in both eastern and western Washington locations.

(3) The administrative office of the courts shall establish and adopt standards of proficiency, written and oral, in English and the language to be interpreted.

(4) The administrative office of the courts shall conduct periodic examinations to ensure the availability of certified interpreters. Periodic examinations shall be made readily available in both eastern and western Washington locations.

(5) The administrative office of the courts shall compile, maintain, and disseminate a current list of interpreters certified by the office.

(6) The administrative office of the courts may charge reasonable fees for testing, training, and certification.

West's RCWA 2.43.080
2.43.080. Code of ethics

Currentness

All language interpreters serving in a legal proceeding, whether or not certified or qualified, shall abide by a code of ethics established by supreme court rule.

Credits

[1989 c 358 § 8. Formerly RCW 2.42.270.]

West's RCWA 2.43.080, WA ST 2.43.080

Current with 2014 Legislation effective on June 12, 2014, the General Effective Date for the 2014 Regular Session, and 2014 Legislation effective July 1, 2014

Effective: June 12, 2008

West's RCWA 2.43.040

2.43.040. Fees and expenses--Cost of providing interpreter--Reimbursement

Currentness

(1) Interpreters appointed according to this chapter are entitled to a reasonable fee for their services and shall be reimbursed for actual expenses which are reasonable as provided in this section.

(2) In all legal proceedings in which the non-English-speaking person is a party, or is subpoenaed or summoned by the appointing authority or is otherwise compelled by the appointing authority to appear, including criminal proceedings, grand jury proceedings, coroner's inquests, mental health commitment proceedings, and other legal proceedings initiated by agencies of government, the cost of providing the interpreter shall be borne by the governmental body initiating the legal proceedings.

(3) In other legal proceedings, the cost of providing the interpreter shall be borne by the non-English-speaking person unless such person is indigent according to adopted standards of the body. In such a case the cost shall be an administrative cost of the governmental body under the authority of which the legal proceeding is conducted.

(4) The cost of providing the interpreter is a taxable cost of any proceeding in which costs ordinarily are taxed.

(5) Subject to the availability of funds specifically appropriated therefor, the administrative office of the courts shall reimburse the appointing authority for up to one-half of the payment to the interpreter

where an interpreter is appointed by a judicial officer in a proceeding before a court at public expense and:

- (a) The interpreter appointed is an interpreter certified by the administrative office of the courts or is a qualified interpreter registered by the administrative office of the courts in a noncertified language, or where the necessary language is not certified or registered, the interpreter has been qualified by the judicial officer pursuant to this chapter;
- (b) The court conducting the legal proceeding has an approved language assistance plan that complies with RCW 2.43.090; and
- (c) The fee paid to the interpreter for services is in accordance with standards established by the administrative office of the courts.

General Rules, **GR 11.2**

RULE 11.2 CODE OF CONDUCT FOR COURT INTERPRETERS

Currentness

PREAMBLE. All language interpreters serving in a legal proceeding, whether certified or uncertified, shall abide by the following Code of Conduct:

A language interpreter who violates any of the provisions of this code is subject to a citation for contempt, disciplinary action or any other sanction that may be imposed by law. The purpose of this Code of Conduct is to establish and maintain high standards of conduct to preserve the integrity and independence of the adjudicative system.

- (a) A language interpreter, like an officer of the court, shall maintain high standards of personal and professional conduct that promote public confidence in the administration of justice.
- (b) A language interpreter shall interpret or translate the material thoroughly and precisely, adding or omitting nothing, and stating as nearly as possible what has been stated in the language of the speaker, giving consideration to variations in grammar and syntax for both languages involved. A language interpreter shall use the level of communication that best conveys the meaning of the source, and shall not interject the interpreters personal moods or attitudes.
- (c) When a language interpreter has any reservation about ability to satisfy an assignment competently, the interpreter shall immediately convey that reservation to the parties and to the court. If the communication mode or language of the non-English speaking person cannot be readily interpreted, the interpreter shall notify the appointing authority or the court.
- (d) No language interpreter shall render services in any matter in which the interpreter is a potential witness, associate, friend, or relative of a contending party, unless a specific exception is allowed by the appointing authority for good cause noted on the record. Neither shall the interpreter serve in any matter in which the interpreter has an interest, financial or otherwise, in the outcome. Nor shall any language interpreter serve in a matter where the interpreter has participated in the choice of counsel.

(e) Except in the interpreters official capacity, no language interpreter shall discuss, report, or comment upon a matter in which the person serves as interpreter. Interpreters shall not disclose any communication that is privileged by law without the written consent of the parties to the communication, or pursuant to court order.

(f) A language interpreter shall report immediately to the appointing authority in the proceeding any solicitation or effort by another to induce or encourage the interpreter to violate any law, any provision of the rules which may be approved by the courts for the practice of language interpreting, or any provisions of this Code of Conduct.

(g) Language interpreters shall not give legal advice and shall refrain from the unauthorized practice of law.

FEDERAL RULES OF EVIDENCE: 801-03, 901

Rule 801. Definitions

The following definitions apply under this article:

(a) Statement. A "statement" is (1) an oral or written assertion or (2) nonverbal conduct of a person, if it is intended by the person as an assertion.

(b) Declarant. A "declarant" is a person who makes a statement.

(c) Hearsay. "Hearsay" is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.

(d) Statements which are not hearsay. A statement is not hearsay if-

(1) Prior statement by witness. The declarant testifies at the trial or hearing and is subject to cross-examination

concerning the statement, and the statement is (A) inconsistent with the declarant's testimony, and was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition, or (B)

consistent with the declarant's testimony and is offered to rebut an express or implied charge against the declarant

of recent fabrication or improper influence or motive, or (C) one of identification of a person made after perceiving

the person; or

(2) Admission by party-opponent. The statement is offered against a party and is (A) the party's own statement, in either an individual or a representative capacity or (B) a statement of which the party has manifested

an adoption or belief in its truth, or (C) a statement by a person authorized by the party to make a statement

concerning the subject, or (D) a statement by the party's agent or servant concerning a matter within the scope of

the agency or employment, made during the existence of the relationship, or (E) a statement by a coconspirator of a

party during the course and in furtherance of the conspiracy. The contents of the statement shall be considered but

are not alone sufficient to establish the declarant's authority under subdivision (C), the agency or employment

relationship and scope thereof under subdivision (D), or the existence of the conspiracy and the participation

therein of the declarant and the party against whom the statement is offered under subdivision (E).

Rule 802.

AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

AMENDMENT V

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT XIV

SECTION 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2.

Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

SECTION 3.

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SECTION 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5.

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

*insurrection (noun) : an act or instance of revolting against civil authority or
an established government*
[insurrectionist (noun)]

Sacred Heart Medical Center (509) 474-3330

NAME MOHAMMED SALIH, EMAD KHASRAW		SEX M	ACCOUNT NUMBER Z22722126
ORDERING PHYSICIAN Dalton, Alyssa D	PT. STATUS DEP ER	LOCATION Z.BLU	MEDICAL RECORD NO. Z001168574
ATTENDING PHYSICIAN Dalton, Alyssa D	DATE OF BIRTH 03/03/1976	AGE 35	DATE OF EXAM 05/09/2011
RADIOLOGY NO.			

EXAM# 001343628 TYPE/EXAM CT/CT FACIAL UNENHANCED

CT MAXILLOFACIAL AREA WITHOUT CONTRAST (CPT)

CT FACIAL BONES

CLINICAL INFORMATION:

Patient assaulted. Presents with multiple abrasions to head and face.

COMPARISON:

Prior CT scan of the head dated May 9, 2011.

PROCEDURE:

CT FACIAL BONES: Thin-section 2.5 mm images were obtained through the facial bones with additional reformats performed.

FINDINGS:

There is a fracture involving the anterior wall of the right frontal sinus. The fracture is at the right lateral margin. There is an overlying soft tissue laceration and contusion. The posterior walls of the frontal sinuses are intact.

The orbital walls, zygomatic arches and mandible are intact.

The middle ear cavities and mastoid air cells are clear.

The visualized cervical spine is intact.

The globes and retro-orbital soft tissues appear normal. The nasal bones appear intact. The nasal septum is mildly deviated to the left.

There is moderate mucosal thickening and secretions involving the ethmoid sinuses. There is mild mucosal thickening involving the maxillary and left frontal sinus.

IMPRESSION:

1. Fracture of the anterior wall of the right frontal sinus. The posterior wall is intact.
2. Paranasal sinus disease as described above.

Seeks Asylum in USA because of Old Iraq Injury.

Clerical error!

They left out old, so the prosecutor made it news and the Doctor had examined Emad Salih 13 months prior to being on

Sacred Heart Medical Center (509) 474-3330

NAME MOHAMMED SALIH, EMAD KHASRAW		SEX M	ACCOUNT NUMBER Z22722126
ORDERING PHYSICIAN Dalton, Alyssa D	PT. STATUS REG ER	LOCATION Z.BLU	MEDICAL RECORD NO. Z001168574
ATTENDING PHYSICIAN Dalton, Alyssa D	DATE OF BIRTH 03/03/1976	AGE 35	DATE OF EXAM 05/09/2011
			RADIOLOGY NO.

EXAM# TYPE/EXAM
 001343607 CT/CT SPINE CERVICAL UNENHANCED
 001343608 CT/CT HEAD UNENHANCED

<Continued>

There is no evidence of a significant hematoma. There is mild soft tissue stranding along the anterior neck.

IMPRESSION:

1. Mild forehead soft tissue swelling and laceration with focal irregularity of the right frontal sinus anterior cortex suggestive of direct impact fracture. CT facial bones may be helpful for further evaluation. There is mild soft tissue swelling overlying the right occiput and parietal soft tissues.
2. No evidence of acute intracranial hemorrhage. There is no significant mass effect or definite acute cortical infarct. The intracranial portion of today's exam appears unremarkable.
3. Early degenerative changes of the cervical spine with mild straightening of the normal cervical lordosis. There is no evidence of acute fracture or dislocation of the cervical spine.
4. Rightward deviation of the thyroid cartilage without significant adjacent soft tissue stranding or hematoma. This may represent the prior injury or congenital abnormality. There is a small amount of soft tissue suggested near the vocal folds which may represent a small amount of fluid, small polyp or other soft tissue abnormality.

5-2

Copies of all these documents are being requested

Trial Court Docket

SPOKANE COUNTY SUPERIOR COURT Case#: 111015808

STATE OF WASHINGTON VS MCADAMS, GRANT THOMAS

Sub#	Date	Description/Name
1	05/23/2011	NOTICE OF ARREST
-	05/23/2011	PRELIMINARY APPEARANCE JUDGE MICHAEL P. PRICE
2	05/23/2011	STATEMENT OF FACTS
3	05/23/2011	NOTICE OF APPEARANCE - LIMITED -
4	05/23/2011	ORDER ESTABLISHING COND. OF RELEASE - JUDGE MICHAEL P. PRICE
5	05/23/2011	ORDER SETTING ARRAIGNMENT 06-01-11 - JUDGE MICHAEL P. PRICE
6	05/24/2011	INFORMATION
7	05/24/2011	ORDER FOR WARRANT BAIL \$75,000 JUDGE MICHAEL P. PRICE
8	05/26/2011	SHERIFF'S RET ON BENCH WAR 5-24-11 -
9	05/27/2011	NOTICE OF APPEARANCE HANNIBAL, MARK VICTOR
-	06/01/2011	INITIAL ARRAIGNMENT JUDGE MICHAEL P. PRICE
10	06/01/2011	ORDER SETTING TRIAL DATE JUDGE MICHAEL P. PRICE
11	06/02/2011	OMNIBUS APPLICATION OF PROS' ATTY - JUDGE MICHAEL P. PRICE
12	06/14/2011	ORDER FOR STAY OF PROCEEDINGS JUDGE MICHAEL P. PRICE
13	06/30/2011	HEARING STRICKEN IN COURT OTHER - JUDGE MICHAEL P. PRICE
13	06/30/2011	ORDER SETTING STAY HRG 08-05-11 - JUDGE MICHAEL P. PRICE
-	08/05/2011	MOTION HEARING JUDGE MICHAEL P. PRICE
-	08/05/2011	HEARING CONTINUED: STIPULATED - JUDGE MICHAEL P. PRICE
14	08/05/2011	ORDER SETTING STAY HRG 09-09-11 - JUDGE MICHAEL P. PRICE
15	09/08/2011	ORDER SETTING STAY HRG 09-23-11 - JUDGE TARI S. EITZEN
16	09/15/2011	CONFIDENTIAL REPORT IN SEALED ENVELOPE - HEALTH CARE RECORDS
-	09/23/2011	MOTION HEARING JUDGE MICHAEL P. PRICE
-	09/23/2011	HEARING CONTINUED: STIPULATED - JUDGE MICHAEL P. PRICE
17	09/23/2011	ORDER SETTING STAY HRG 11-04-11 -

JUDGE MICHAEL P. PRICE

- 11/04/2011 MOTION HEARING -
JUDGE MICHAEL P. PRICE

- 11/04/2011 HEARING CONTINUED: STIPULATED -
JUDGE MICHAEL P. PRICE

18 11/04/2011 ORDER STAY CALENDAR 12-9-11 -
JUDGE MICHAEL P. PRICE

19 11/18/2011 ORDER APPOINTING EXPERT FOR EXAM -
JUDGE TARI S. EITZEN

- 12/09/2011 HEARING CONTINUED: STIPULATED -
- 12/09/2011 MOTION HEARING -
JUDGE MICHAEL P. PRICE

20 12/09/2011 ORDER STAY HRG 01-13-12 @8:30 -
JUDGE MICHAEL P. PRICE

21 01/11/2012 ORDER SETTING STAY HRG 02-10-12
JUDGE ANNETTE S. PLESE - ID#24

- 02/10/2012 MOTION HEARING -
- 02/10/2012 HEARING CONTINUED: STIPULATED -
JUDGE ANNETTE S. PLESE - ID#24

22 02/10/2012 ORDER SETTING STAY HRG 02-17-12 -
JUDGE ANNETTE S. PLESE - ID#24

- 02/17/2012 MOTION HEARING -
JUDGE SALVATORE F. COZZA

23 02/17/2012 ORD PERMITTING FILING AMENDED INFO -
JUDGE SALVATORE F. COZZA

24 02/17/2012 AMENDED INFORMATION -

25 02/17/2012 OR DETERM COMPETENCY TO STAND TRIAL -
JUDGE SALVATORE F. COZZA

26 02/17/2012 ORDER SETTING TRIAL DATE -
JUDGE SALVATORE F. COZZA

27 03/02/2012 ORDER ALLOW ACCESS TO POLICE RPTS -
JUDGE ANNETTE S. PLESE - ID#24

28 04/17/2012 CERTIFICATE OF LARRY STEINMETZ -

29 04/17/2012 NOTE FOR MOTION DOCKET -

30 04/19/2012 ORDER SETTING TRIAL DATE -
JUDGE ANNETTE S. PLESE - ID#24

31 04/19/2012 TRIAL MINUTES -
JUDGE ANNETTE S. PLESE - ID#24

32 05/14/2012 DEFENDANT'S LIST OF WITNESSES -

33 05/14/2012 STATE'S LIST OF WITNESSES -

34 05/15/2012 ANSWER TO OMNIBUS APPLICATION -

35 05/24/2012 JOINT STATUS REPORT 06-04-12 -

36 05/25/2012 NT INTENT USE ER 609 CRIM HISTORY -
- 05/25/2012 PRE-TRIAL MANAGEMENT HEARING -
JUDGE SALVATORE F. COZZA

37 05/31/2012 PLAINTIFF'S PROPOSED INSTRUCTIONS -

38 06/01/2012 MOTION IN LIMINE -
 39 06/01/2012 STATES TRIAL BRIEF -
 - [] 06/04/2012 NOT GUILTY PLEA HEARING -
 2ND AMENDED INFORMATION -
 JUDGE GREGORY D. SYPOLT
 [] 06/04/2012 JURY TRIAL
 JUDGE GREGORY D. SYPOLT
 40 06/04/2012 ORD PERMITTING FILING AMENDED INFO -
 JUDGE GREGORY D. SYPOLT
 41 06/04/2012 AMENDED INFORMATION -
 42 06/04/2012 BRIEF RE: MOTION TO SUPPRESS - *In Limine response*
 43 06/08/2012 DEFENDANT'S PROPOSED INSTRUCTIONS -
 44 06/12/2012 ORDER FILE JUROR BIO AS EXHIBIT -
 JUDGE GREGORY D. SYPOLT
 45 06/12/2012 COURT'S INSTRUCTIONS TO JURY -
 JUDGE GREGORY D. SYPOLT
 46 06/12/2012 INQUIRY FROM JURY & COURTS RESPONSE -
 JUDGE GREGORY D. SYPOLT
 47 06/12/2012 VERDICT FORM A - NOT SIGNED -
 48 06/12/2012 VERDICT FORM B - GUILTY -
 49 06/12/2012 VERDICT FORM C - NOT SIGNED -
 50 06/12/2012 VERDICT FORM D - GUILTY -
 51 06/12/2012 SPECIAL VERDICT FORM - NOT SIGNED -
 52 06/12/2012 SPECIAL VERDICT FORM - YES -
 53 06/12/2012 SPECIAL VERDICT FORM - NOT SIGNED -
 54 06/12/2012 SPECIAL VERDICT FORM - YES -
 55 06/12/2012 JURY PANEL -
 56 06/12/2012 WITNESS RECORD -
 - [] 57 06/12/2012 STIP&OR RET EXHIBTS UNOPND DEPOSTNS -
 JUDGE GREGORY D. SYPOLT
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70	07/19/2012	CONFIDENTIAL REPORT IN SEALED ENVELOPE VICTIM ADDRESS
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75	07/27/2012	CERTIFICATE OF HOLLY DEVEREUX
76	08/03/2012	TRANSMITTAL LETTER - COPY FILED
77	08/14/2012	PERFECTION NOTICE FROM CT OF APPLS

SCOMIS Notes:

*CONF FOLDER

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