

310353-III
THE COURT OF APPEALS
of the
STATE OF WASHINGTON, DIVISION III

FILED

MAY 28 2013

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
BY _____

STATE OF WASHINGTON, RESPONDENT

v.

GRANT T. MCADAMS , APPELLANT

COPY

APPEAL FROM THE SUPERIOR COURT OF
SPOKANE COUNTY CASE # 11-1-015808

STATEMENT OF ADDITIONAL GROUNDS
OF APPELLANT

GRANT T. MCADAMS
The Appellant

Coyote Ridge Correction Center
#303490
P.O. Box 769
Connell, WA 99326

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P.O. Box 769
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STATEMENT OF ADDITIONAL GROUNDS

GRANT T. MCADAMS

Index

section A.

This section are the facts of trial my family has noticed and has brought to my attention today. Pages 1-3 in letter form to Janet Gemberling, no response.

section B.

This is eight pages of evidence showing the character of the alleged victim to be violent to a more than slight degree and counsel of trial missed the argument pertaining to Emad M. Salih's past history of violence. page 1-2 are of Emad being restrained from his Ex-wife, son, and friend of the two who is quite scared of Mr. Emad. At trial he sounded like a decorated war hero with degrees in law, ESL and friends with the interpreter Imad. Pages 3-8 Order of protection for Lamyaa Shamal and child Muheymin, Petitioner vs. Emad Mohammed Salih, Respondent. Pages 8-10 child custody information sheet with case number 09-3-00237-0 as another case ti inquire a possible further scope of who this Emad M. Salih even is.

section C.

This section is five pages of two starts of threshold arguments showing that the charges should be acquitted to produce effective reasoning and Justice if it may be seen that way by the courts. Page an introduction and bear with me I do stay very busy always will. That was page 1. Page 2-5 the two arguments.

just ran out of time thank you for your service to our society.
Grant T.McAdams 303490

Janet Gemberling,

April 1, 2013

We, Tawnya Bruns (sister of Grant McAdams) and Kristy McAdams (mother of Grant McAdams) are writing you in regards to the content of your brief filed for Grant McAdams. Grant asked that we contact you, as he is not able to call your office long distance and/or send you e-mail. Grant McAdams would like for you to re-submit the brief to argue the following points regarding his case for the appeal. If this is not possible then Grant McAdams would like for you to file for more time. We all would appreciate your time in reading the following information regarding the case of Grant McAdams.

The following are facts that should have been considered during the trial:

- Mr. Emad K. Mohammed Salih was provided with a court approved interpreter, after requesting an interpreter the week prior to the trial. We, Grant's family, requested that Mark Hannibal request under Title V, Rule 603: Oath or Affirmation 604/Foreign Laws Oaths that Mr. Salih be sworn in under his original country's religious faith. Since, Mr. Salih has a law degree, he would know that not being sworn in under the oath from the origin of his own country, would allow him to lie under oath in a United States court room. Therefore, Mr. Salih was not questioned effectively by Mark Hannibal as he knew he could lie because he was sworn in by taking the oath in the United States.
- The character of Mr. Emad K. Mohammed Salih was never questioned or mentioned by Mark Hannibal. After the attack, Mr. Salih told the police and witnesses, that the assailant said, "I have a message from Ali-leave us alone." Also, Mr. Salih stated to police and witnesses that he might have been attacked due to a conflict with his ex-wife over the child custody battle of their three year-old son. Mark Hannibal knew of the violent character of the victim from public court documents filed by the victim's ex-wife, but never entered these facts into court as evidence or even questioned Mr. Salih about his statements regarding his ex-wife and the custody battle possibly leading to his attack. On May 20, 2011, the day before Grant McAdams, was picked up and charged for this incident, Mr. Salih's ex-wife filed a public protection order (No. 11202070-8) for their son. Mr. Salih's ex-wife, Lamyaa Shamal, states that she has a protection order for herself against Mr. Salih because he tried to kill her with a knife. This is crucial evidence along with the latent finger prints found inside the car that could have contributed to reasonable doubt. The latent finger prints could have been an assailant from Canada or someone not in the system, but none of this was disclosed to the jury.
- Additionally, Mr. Salih lied on the witness stand about the nature of a phone call made from the pay phone outside of the 7-Eleven. Mr. Salih told police and witnesses he was being watched and followed by the assailant throughout the morning, at his work, prior to the incident. Also, Mr. Salih states that he seen the assailant prior to entering the 7-

Eleven on Indiana Avenue. When Mr. Salih exited the 7-Eleven the assailant approached him for a ride. We, Grant's family, questioned the manager of 7-Eleven for video footage, but we were told it was too late and the video footage was gone. So, we took the phone number of the pay phone down and pushed for documentation to be found regarding the location of the phone call placed at the pay phone outside of the 7-Eleven. The pay phone traced the phone call to Canada. Then one year later Mr. Salih was questioned about the phone call and stated on the witness stand that he made a phone call to Seattle, not Canada. Mr. Salih lied on the witness stand about where the location of the phone call was made to. Mark Hannibal knew that the family of Mr. Salih's ex-wife lived in Canada, but never mentioned or questioned Mr. Salih about this fact while on the witness stand.

- Grant McAdams' medical condition was a contributing factor during the trial. As, Grant's family we tried to ask Mark Hannibal about this several times, but were told nothing could be done. Since Grant was incarcerated for over 1 year, he had lost more than 43 pounds, and looked like a concentration camp victim. After the trial one of the jurors approached our family to tell us that the entire jury thought Grant was a meth addict. The jury had been unaware that Grant had been held in the Spokane County Jail for over a year leading up to the trial. Additionally, during the weeks leading up to the trial, Grant was given an ADHD medication, from the jail, in the dosage of three times the normal amount he was supposed to be taking. Throughout the trial, Grant was tapping, and could not hold still. Judge Sypolt addressed this behavior several times throughout the trial. We are including with this letter a PAML lab report showing Grant's medical results for a blood test. The results show an ALT level high of 121, where the normal range should have been from 5-50. These results recommended that Grant needed his kidneys checked, but this never happened. During the entire trial Grant complained about being very weak, dizzy, and hungry. Then on one occasion after the jury was dismissed, Judge Sypolt, asked and directed the guards to "get this young man some food," as they were taking Grant out of the courtroom.
- The medical reports of Mr. Salih's injuries needed to be addressed by Mark Hannibal. The prosecutor falsely presented the injuries of Mr. Salih to be newly inflicted fractures. The clerical reports left out the word "old" from the original reports regarding nasal fractures and facial deformities. The old nasal fractures and facial deformities were from an attack Mr. Salih suffered before he sought asylum in the United States. Additionally, the doctor at Deaconess Medical Center stated the Mr. Salih had no sign of concussion, and the CT Scan showed no intracranial bleeding or new fractures. However, Mr. Salih did suffer four to five cuts to the head that needed to be sutured. Mr. Salih was then discharged the same day and given pain medication. If this was a first degree assault then Mr. Salih would have had more suffered more damage. Overall, the clerical error of leaving out the word "old" before nasal fractures.

(4)

TOP

We have enclosed copies of the Protection Order filed by Mr. Salih's ex-wife, Grant McAdams, PAML records for his health issues, and Grant McAdams work record from True Blue Corporation.

We would greatly appreciate your consideration of this information in regards to filing an additional brief. Grant McAdams does not feel that the current brief has enough evidence and facts to prove that Mark Hannibal provided ineffective assistance of counsel to represent McAdams as his defense lawyer. We understand that we may have not used the appropriate terms in this letter, but Janet we are relying on you for your guidance and expertise to

Jacob stated to a Spokane Police Officer that Mr. Salih's car had the windows rolled down, the keys in the ignition, and that he thought that the car was parked there by his neighbors on his property. Jacob states that he wrote a note to neighbors asking them not to park their vehicle in that spot. Next, Jacob reached in Mr. Salih's vehicle, and removed the cell phone from the front seat and placed it on the roof of the car to hold his note in place. The next day Jacob spoke to his neighbors and realized that the car did not belong to them, so he removed the note and left the cell phone on top of the car. Jacob called the police to inform them of the car parked by his property. (This information is documented on the original police report.)

The first three bullets refer to Mr. Salih not being properly sworn in at the trial, Mr. Salih's violent character not being mentioned, and the fact that Mr. Salih lied about the phone call placed outside the 7-Eleven on the pay phone. Additionally, in the fourth bullet, Grant McAdams' poor health was a contributing factor during the trial. The fifth bullet is in regards to Mr. Salih's medical condition being portrayed in a more severe manner than what he actually suffered, according to medical documentation. Finally, the last two bullets are questions that the jurors had regarding the case as the jury was out deliberating. The True Blue Corporation documentation could have been accessed by Mark Hannibal for use during the trial, but he failed to do so. Finally, to prove that the partial palm print of Grant McAdams was on the car needed to be supported by the fact that Jacob Sateren placed the cell phone on the roof of the car, but Jacob was never subpoenaed to court by the defense as to why there was a cell phone on top of Mr. Salih's car.

STATEMENT OF PETITIONER

1. **Emad (the Respondent), his wife Lamyaa, and I are all refugees from Iraq. I became friends with them both, but particularly Emad, when I came to Spokane in August 2007. Since that time, I have become increasingly fearful of Emad, and believe he is unlawfully harassing me for no good reason. During that same period of time, the domestic violence between Emad and Lamyaa became so bad that she had to leave him and file for divorce. I have attached two declarations from the divorce file to show that Emad is a violent, dangerous man. (Exhibit A, B)**
2. **I believe there will soon be criminal charges filed against Emad, if they have not been filed already, for his violence against Lamyaa, and she has a No-Contact Order protecting her from him. (Exhibit C) The crimes were DV Harassment (including a death threat) and Assault 2.**
3. **Even back when Emad and I were friends, I was still afraid of him. He told me that he was in the National Guard in Iraq. The National Guard in Iraq does horrible things to people, picking people up off the street in trucks and making them disappear. The Emad told me that when he was in the National Guard he was ordered to beat up a prisoner, and that he followed the order. I do not know for a fact that he was in the Iraqi National Guard, only that he told me he was.**
4. **I believe that Emad would talk about the National Guard because he knew it frightened me. When I still lived in Iraq, I was kidnapped once by the National Guard, and they destroyed one of my eyes. After I was released, I was so afraid that I didn't leave my home for three months. I told Emad about how the National Guard did this to me, and he brings it up to scare me.**
5. **Most of my fear of Emad relates to his relationship with his soon-to-be ex-wife Lamyaa, who is still my friend. Consistent with Iraqi culture, he is extremely possessive of her to the point that I believe my friendship with her puts me in danger.**
6. **In late 2007 or early 2008, I got into an argument with another refugee I know in town, named Sattar, because I did not want Sattar to come to my house. When Sattar got upset, he decided to get back at me by lying to Emad, telling him that I had said dirty things about his wife Lamyaa (and that I wanted to have sex with her). This was completely untrue; in fact, at that time I had an American girlfriend. The words Sattar told Emad I said are very serious words in Iraq.**
7. **After Sattar told Emad the lies about me, Emad called me and told me to come to his house. I didn't want to go, because I was afraid of what he would do, but I didn't know if I should get the police involved. I drove over, and my girlfriend waited in the car. I got out and stood on Emad's front porch. He told me to come in, but he looked very scary and angry, so I told him I didn't want to, and that he could talk to me on the porch. He started threatening me. He said that if I didn't come in he would punch me and drag me into his house. He looked so**

angry that I was afraid to say no. I went in, and Sattar was there too. We all sat down in the living room, and Emad interrogated me. I denied saying anything about Lamyaa. Emad screamed in my face. He got up and picked up a letter opener that looked like a knife, which was sitting on the TV, and said that if I'd said anything like that about her he would kill me. I offered to swear on the Koran that I had not said such things, and Emad finally seemed to believe me. He ordered me to leave, and told me that if he saw me again near his house or at the Yoke's Supermarket near his house he would stab me and punch me.

8. We later made up, and continued to see each other sometimes, but I was scared of him from then on. Emad is not afraid of the law or the government here. If he wants to do something he will just do it. Most of the refugees here are careful to behave well because we could get sent away if we get in trouble. Despite this, the Emad assaulted a Jordanian man who used to live in Spokane and worked with Emad at the Davenport Hotel, and he violated Lamyaa's No-Contact Order. (Exhibit A, B, C)

9. Lamyaa called me to ask for a ride to the airport on December 24, 2008. She said that she was afraid that Emad was going to show up, despite the No-Contact Order. She also contacted Sergeant Monk (who had helped her in the past when Emad was arrested) so that he would meet us there, in case Emad was there too. As Lamyaa and I walked into the terminal I saw Emad. He was standing there, glaring at Lamyaa and me. I pointed him out to Lamyaa, and Sergeant Monk. The police began pursuing the Emad, and he ran outside, across the street toward the parking lot. They caught him and arrested him. I was afraid after this, because I knew Emad would be very upset that I was with his wife without him being there, which is not allowed in Iraq.

10. The main reason I am afraid that Emad will try to hurt me is that he believes it is wrong for me to be friends with Lamyaa, based on Iraqi culture. If I had spent time alone with Lamyaa in Iraq (if I'd known them when we were all living there), I have no doubt that Emad would have murdered me and maybe my family. I am afraid for my life, and ask this court to make Emad stay away from me.

11. In addition to the incidents that involved Lamyaa in some way, Emad has also been harassed me in other contexts. For example, Emad has told me that he watches me frequently when I am out on the streets. I do not know the truth about this surveillance, but I would not be surprised if it was true.

12. In the fall of 2008 when I was driving down the street, I saw Emad playing soccer. As I drove by he threw the ball at my windshield. I stopped the car and told him not to do that again. He came up to my car and started screaming at me, calling me things that would be the equivalent of "dog," "pig," "bastard," etc. Everyone stared at him because he was so vicious.

13. Most recently, Emad harassed me through the computer. I use Yahoo Instant Messenger (IM) to communicate with my family and friends in Iraq. More than a year ago,



1-6

FILED

MAY 20 2011

THOMAS R FALLQUIST
SPOKANE COUNTY CLERK

**Superior Court of Washington
For County of Spokane**

Lamyaa Sharmal (for my child Muheymin)
Petitioner
vs.
Emad Mohammed Saleh
Respondent

No. **11202070-8**
Petition for Order for Protection
(PTORPRT)

1. I am a victim of domestic violence committed by the respondent.
 A member of my family or household is a victim of domestic violence committed by the respondent.
 I am a guardian guardian ad litem next friend of a minor who is 13 to 15 years of age and is a victim of domestic violence in a dating relationship with a person age 16 or older. The name of the minor victim is Muheymin Mohammed. This person's identifying information is provided in paragraph 5 below.

2. The victim lives in this county.
 The victim left their residence because of abuse and this is the county of their new or former residence.

3. The victim's age is: Under 16 16 or 17 18 or over
Respondent's age is: Under 16 16 or 17 18 or over

4. The victim's relationship with the respondent is:
 spouse or former spouse
 parent of a common child
 current or former cohabitant as intimate partner, including current or former registered domestic partner
 current or former dating relationship
 stepparent or stepchild
 current or former cohabitant as roommate
 in-law
 parent or child
 blood relation other than parent or child



5. Identification of Minors (if applicable) No Minors involved.

Name (First, Middle Initial, Last)	Age	Race	Sex	How Related to		Resides with
				Petitioner	Respondent	
Muheymin Mohammed	3	Iraq	M	My son	his father	the mom

6. Other court cases or other restraining, protection or no-contact orders involving me, the minors and the respondent:

Case Name			
Case Number			
Court/County			

Check the box for each type of relief you are requesting, for each type of order you need.

Temp: I Request a Temporary Order for Protection, *effective until the hearing*, because an **Emergency Exists** as described in the statement below. A temporary protection order should be issued immediately without notice to the respondent, to avoid irreparable injury.

Full: I Request a "full" Order for Protection, following a hearing.

Temp Full



¹ **Restrain** respondent from causing any physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking
 me the minors named in paragraph 5 above these minors only:

(If the court orders this relief, and the respondent is your spouse or former spouse, the parent of a common child, or a current or former cohabitant as intimate partner, including a current or former registered domestic partner, the respondent will be prohibited from possessing a firearm or ammunition under federal law for the duration of this order. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1).)



² **Restrain** respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, locations, or wire or electronic communication of me the minors named in paragraph 5 above only the minors listed below; members of the victim's household listed below the victim's adult children listed below:



Temp	Full	Temporary Order, effective until a hearing. Full Order, effective following a hearing.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	³ Restrain respondent from coming near and from having any contact whatsoever, in person or through others, by phone, mail, or any means, directly or indirectly, except for mailing of court documents, with <input type="checkbox"/> me <input type="checkbox"/> the minors named in paragraph 5 above; subject to any court-ordered visitation <input type="checkbox"/> these minors only, subject to any court-ordered visitation:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	⁴ Exclude respondent from <input type="checkbox"/> our shared residence <input type="checkbox"/> my residence <input type="checkbox"/> my workplace <input type="checkbox"/> my school <input type="checkbox"/> the residence, day care, or school of <input type="checkbox"/> the minors named in paragraph 5 above <input type="checkbox"/> these minors only: <input type="checkbox"/> other: You have a right to keep your residential address confidential.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	⁵ Direct respondent to vacate our shared residence and restore it to me.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	⁶ Prohibit respondent from knowingly coming within, or knowingly remaining within _____ (distance) of <input type="checkbox"/> our shared residence <input type="checkbox"/> my residence <input type="checkbox"/> my workplace <input type="checkbox"/> my school <input type="checkbox"/> the day care or school of <input type="checkbox"/> the minors named in paragraph 5 above. <input type="checkbox"/> these minors only: <input type="checkbox"/> other:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	⁷ Grant me possession of essential personal belongings, including the following:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	⁸ Grant me use of the following vehicle: Year, Make & Model _____ License No. _____
<input type="checkbox"/>	<input type="checkbox"/>	⁹ Other .
N/A	<input type="checkbox"/>	¹⁰ Direct the respondent to participate in appropriate treatment or counseling services.
N/A	<input type="checkbox"/>	¹¹ Require the respondent to pay the fees and costs of this action.
N/A	<input type="checkbox"/>	¹² Remain Effective longer than one year because respondent is likely to resume acts of domestic violence against me if the order expires in a year.
N/A	<input type="checkbox"/>	¹³ Grant me exclusive custody and control of the following pet(s) owned, possessed, leased, kept, or held by me, respondent, or a minor child residing with either me or the respondent. (Specify name of pet and type of animal.):



4-6

N/A	<input type="checkbox"/>	¹⁴ Prohibit respondent from interfering with my efforts to remove the pet(s) named above.
N/A	<input type="checkbox"/>	¹⁵ Prohibit respondent from knowingly coming within, or knowingly remaining within _____ (distance) of the following locations where the pet(s) are regularly found: <input type="checkbox"/> petitioner's residence (You have a right to keep your residential address confidential.) <input type="checkbox"/> _____ Park <input type="checkbox"/> other: _____
<input type="checkbox"/>	<input type="checkbox"/>	¹⁶ Subject to any court-ordered visitation, Grant me the care, custody and control of <input type="checkbox"/> the minors named in paragraph 5 above <input type="checkbox"/> these minors only:
<input type="checkbox"/>	<input type="checkbox"/>	¹⁷ Restrain respondent from interfering with my physical or legal custody of <input type="checkbox"/> the minors named in paragraph 5 above <input type="checkbox"/> these minors only:
<input type="checkbox"/>	<input type="checkbox"/>	¹⁸ Restrain the respondent from removing from the state: <input type="checkbox"/> the minors named in paragraph 5 above <input type="checkbox"/> these minors only:

Request for Special Assistance From Law Enforcement Agencies:

I request the court order the appropriate law enforcement agency to assist me in obtaining:

- Possession of my residence. Possession of the vehicle designated above.
- Possession of my essential personal belongings at the shared residence respondent's residence other location _____
- Custody of the minors named in paragraph 5 above these minors only (if applicable):

Other: _____

"Domestic violence" means physical harm, bodily injury, assault, including sexual assault, stalking, Or inflicting fear of imminent physical harm, bodily injury or assault between family or household members.

Statement: The respondent has committed acts of domestic violence as follows. (Describe specific acts of domestic violence and their approximate dates, beginning with the most recent act. You may want to include police responses.)

Describe the most recent incident or threat of violence and date: I want a temporary order protection for my child because the father he has an accident and he still in the hospital and he lose his memories & he dose not remember any thing even his child and when he got a visit with the child he just get the child to sleep over night with his friend



5-6

with out asking me or take my
kids I just want to stop the visit
between my child and his dad because he
can't take care about him and give him
to his friend
He & The father can not take care
about him self so how he can
take care about the child

Describe the past incidents where you experienced violence, where you were afraid of injury or where
the respondent threatened to harm or kill you:

I have a Protection order against The
Father (No PFR 100-13511)

Describe any violence or threats towards children:

I want to save my child from his father
because he don't remember his son
and the father was a lot of problem
with dangerous people and they hit him
in the head and he is in the hospital
right now.

Describe any stalking behavior by respondent, including use of telephonic, audiovisual or electronic
means to harass or monitor:

Describe medical treatment you received and for what:

08
2

6-6

Describe any threats of suicide or suicidal behavior by the respondent: _____

Does the respondent own or possess firearms? Yes No I don't know!

Does the respondent use firearms, weapons or objects to threaten or harm you? Please describe:

IN LAST TIME HE USE A KNIFE TO KILL ME.

If you are requesting that the protection order lasts longer than one year, describe the reasons why:

I JUST WANT A TEMPORARY ORDER UNTILL WHEN HE GET BETTER

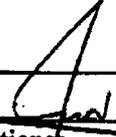
Other: _____

(Continue on separate page if necessary.)

Check box if substance abuse is involved: alcohol drugs other
 Personal service cannot be made upon respondent within the state of Washington.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: 5/19/11 at Spokane, Washington.



Signature of Petitioner

You have a right to keep your residential address confidential. If you have one, please provide an address, other than your residence, where you may receive legal documents: _____



<input type="checkbox"/>	<p>This state is the home state of the children because:</p> <ul style="list-style-type: none"> <input type="checkbox"/> the children lived in Washington with a parent or a person acting as a parent for at least six consecutive months immediately before the beginning of this proceeding. <input type="checkbox"/> the children are less than six months old and have lived in Washington with a parent or a person acting as parent since birth. <input type="checkbox"/> any absences from Washington have been only temporary. <input type="checkbox"/> Washington was the home state of the children within six months before the beginning of this proceeding and the children are absent from the state; but a parent or person acting as a parent continues to live in this state.
<input type="checkbox"/>	<p>The children and the parents, or the children and at least one parent or a person acting as a parent, have significant connections with this state other than mere physical presence; and substantial evidence is available in this state concerning the children's care, protection, training and personal relationships and</p> <ul style="list-style-type: none"> <input type="checkbox"/> the children have no home state elsewhere. <input type="checkbox"/> the children's home state has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under RCW 26.27.261 or 271.
<input type="checkbox"/>	All courts in the children's home state have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the children under RCW 26.27.261 or 271.
<input type="checkbox"/>	No other state has jurisdiction.
<input type="checkbox"/>	This court has temporary emergency jurisdiction over this proceeding because the children are present in this state and the children have been abandoned, or it is necessary in an emergency to protect the children because the children, or a sibling or parent of the children is subjected to or threatened with abuse. RCW 26.27.231.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated 5/19/01 at Spokane, Washington

Lamyaa Shamel
Petitioner

STATEMENT OF ADDITIONAL GROUNDS

This affidavit is written with out all the facts to show the courts that are on record. The opening brief is as well written with out all the facts to produce effective reasoning and is not an accurate.

This statement includes the Issues pertaining to the current failure to effective assistance of legal counsel, as well as trial issues that have been overlooked by the overworked appeals court attorney. As I am new to the litigation study these Issues, Pionts, Arguments, request to review all the record, time to review, Statement of the case, and the cases found are incomplete. Thus, leaving the court with out the merits of the case to produce effective reasoning.

Please bear with me and do your to take proper action by remanding for a fair trail to be set and allow myself and family and friends to seek assistance that is effective, time to review all the facts, and prepare for a new trial in one year. To stay here at CRCC with lesser chargers would help me to be a teachers assistance. Being at work at the time in question the charges should be acquitted.

Thank you for your service to our society.

THE THRESHOLD ARGUMENT OMITTED
FROM THE BRIEF AND NOT PRESENTED BY THE COUNSEL AT TRIAL

STATEMENT OF ADDITIONAL GROUNDS

I/ Issue

The fact the defendant was at work from 7:00 am to 2:00 pm on May 9th, 2013, the day in question. The defendant, Grant T. Mcadams, was working at Spokane Arena for 6 hours and at the Convention Center for 1 hour on the day in question (rp352-353). The situation under investigation took place after an alleged public phone call was made by the alleged victim at 2:10 pm to Ottawa, Ontario, Canada, from a 7-Eleven store. The store's address is 323 West Indiana Spokane, Washington (rp434-435). The distance between is approximately 15 blocks and a 15 minutes, 48 second walk (rp420).

II/ Argument

Working from 7:00 am to 2:00 pm, how is it possible for the defendant to travel approximately 15 blocks in less than 10 minutes? Being at the 7-Eleven to give the alleged victim 50 cents to make the phone call (rp257). This is not a possible conception for the defendant to have been at the 7-eleven by well before 2:10 pm. Yes well before 2:10 pm when the call was made, as call was made from a pay phone with coin, dialed long

distance to Canada and these two actions take time before the call connected at 2:10 pm.

III/ Conclusion

The fact that the defendant was at work until 2:00 pm and the man who Mr. Salih made a long distance phone call after meeting the man, dialing long distance and the call connecting at 2:10 pm. Leaves the defendant out of the area of people who are the possible men picked up by the alleged victim Mr. Salih. Thus, these charges should be reversed and acquitted.

THE SECOND ARGUMENT OMITTED

STATEMENT OF ADDITIONAL GROUNDS

I/ Issue

The alleged victim was not injured to a first degree level.

II/ Statement of the case

The police records read substantial injury, the definition for second degree assault is substantial harm'. This fact is not brought up at trial or in the current brief. Emad Salih's injuries are only to the third degree level in accordance with the actual medical records of Mr. Salih. The testimony of the

evaluating doctors use term "symptom validity testing as being the main issue, the credibility of the person's subjective report,"(rp371). Dr. James Bryant's expert opinion of the report is that Mr. Salih reports symptoms that do not reflect the injury (rp377). The circumstances here would be sufficient to relate to a post-traumatic anxiety emotional shock type of reaction. The atypical symptoms indicates that there may be a mental health issue, depression, any number of other factors that might be present in the context of unusual symptoms that would indicate that there was, I would say, quote, "something other than a medical factor that needed to be Identified" (rp370). The medical records show Emad M. Salih injury's to be of four minor cuts and a possible concussion he was at the hospital for a few hours released then returned with the atypical symptoms that were healed with visits by his church family (medical reports).

III/ Argument

The alleged victim was possibly injured to the second degree level as the police reports an injury of substantial amount and these reports are made by non-medical related persons. The medical reports show Emad Salih to be injured to third degree level. State v. Duncalf, 267 P. 3d 414, 164 Wn. App. 900 (Wash. App. Div.1 2011) at 2011 W1 5830453*2, this case shows that the courts define 'substantial bodily harm' to be a great deal of substantial injury as follows. The victim named Ketchum

is injured to the second degree and his injuries are as follows: at least eight fractures; the exact number is uncertain because some of his orbital bones were shattered. This facial trauma required surgery whereby Ketchum's jaw was realigned, titanium plates were inserted and his jaw was wired shut for over five weeks. In addition to severe facial injuries, Ketchum sustained a fractured rib that punctured his lung, creating a pneumothorax -- a potentially life threatening condition in which air escapes from and then compress the lung. He further sustained a fracture to the base of his skull, an injury that can lead to cranial bleeding. Over a year after the assault, Ketchum still suffered from nerve damage.

Emad M. Salih injuries were Four minor cuts and a possible concussion. Mr. Emads injuries not at a first degree level and the failure of counsel at trial to point this fact out is a violation of the constitutional right to effective counsel.

IV / Conclusion

(a) The courts should see there are great errs in this case pertaining to failure to effective assistance of counsel at trial and acquit these charges.

(b) May the courts not acquit the charges than, may the may the courts schedule a new trial and new venue.

(c) The may the courts reduce the charges to reasonable charges to prepare a defense that is realistic with effective assisatnce.

ARRGUEMENTS AND POINTS

The issues of the current case which went to trial and resulted in a false finding of guilt do to ineffective assistance of counsel at trial, before trial, in the appeal process and over a life time.

I/ ARGUMENTS

A. The arguments omitted from the current opening brief:

(1) The eyewitness' all identify some one other than the current defendant at the time one and a half years prior to trial, then the states witness' point at the defendant and are not questioned by defense counsel as to who they originally identified at the time of the event.

(2) The time card stating defendant to be at work during the day in question was discredited by plaintive and not defended by the defense counsel.

(3) The alleged victim Emad M. Salih was released from the Emergence Room with four minor cuts and a possible concussion. Then returned the following day with atypical to report relating concussion symptoms. After passing every test possible he was moved to rehabilitation center with the term, ' questionable post concussion syndrome ' describing the issue. Also the doctor

at trial stated the alleged victim had, quote, 'mental, psychological, something other than medical issues that needed to be identified.' Then stated the main issue here was ' symptom validity testing.'

(4) The charge of first degree assault has no grounds to be involved in this case as a charge. The gathering of area peoples who live in the same area influenced one another to then recall a narrative that conflicts the medical reports. Medical records report Mr. Emad to have received 3 to 4 injuries from the confrontation i.e. records support the fact that Mr. Emad was not struck 10 to 15 times as stated and demonstrated by the prosecution in trials closing argument.

(5) The prior agreements made with ineffective assistance in the past were not briefed argue to be made inadmissible as material to impeach the defendant.

(6) The Interpreter used at trial states to the courts he knows the alleged victim in the community and is not certified to interpret at all. Furthermore the alleged victims current level in ESL (English as a second language), is of higher quality than Mr. Imad's ESL education received. The prejudice caused by the relationship of Mr. Emad and Mr. Imad preceding trial, if fact Mr. Imad state to the courts he knows the story of the event in question.

[002]

2018/12/13

B. The arguments pertaining to defense counsels failure to be effective assistance preceding trial:

(1) The counsel dictated false advise base on non-existence evidence, such as witness' identifications and a witness cell phone video, also made fraudulent statements as to the condition of the alleged victims condition.

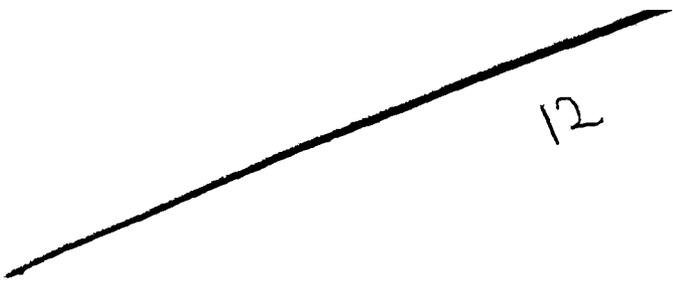
(2) The defense counsel was unable to brief or prepare a logical defense, the case load over the year and a half of time waitting for trial.

(3) Provided counsels advise was in between going to trial and pleading to a crime the defendant did not comet.

(4) The amendments made to the charges were not briefed and argued as not to let happen.

(5) Counsel also advised my close friends and family with fraudulent information for them to relay to me increasing the inflection of mental anguish, confusion and influencing the enviroment around me to think I was a witness, as well as to family to tell me I was guilty.

(6) As I did trust counsels advise and felt I should be put to death for not being able to recall, an event of making a man use a wheel chair for legs and droll with no control.



12



SPOKANE COUNTY SUPERIOR COURT

of the

STATE OF WASHINGTON

Petition of writ to vacation or extension of time limits and order to transmit all evidence to review.

Grant T. McAdams, Appellant, State of Washington, Respondant

Spokane superior court case no. 11-1-015808

Division III court of appeals no. 310353

I/ In re Time vacation or Extension of Time

Having filed as indigent, the provided transcript of trial are incomplete, omission of the opening statements are vital to present to the appeals court, as one example of the materials that are being requested. To be granted the time of 360 days or the amount of time required to obtain all facts and review.

A. The Washington law provides a bare minimum of materials to indigent peoples, the designation of clerks papers and exhibits order is the issue which requires a time extension or time vacation, to arrange for payment to the courts for all the materials to review and prepare a defense. The following are required; (1) All of the titles described in the Spokane County Trial Docket Case#: 111015808, Sub# 1 threw 77, audio

and verbatim transcriptions of all hearings, also the police reports, and Emad M. Salih's medical reports. (2) The merits of the matter also are intertwined in the agreements made with ineffective assistance of counsel to felonies that should have never been agreed upon, Spokane County case numbers for inquiry are as follows; 10-1-06636 accrued from PFR100226; 08-1-009948; 06-1-044682; 06-1-029748; and CR0101782.

B. Issues that are presented; (1) Can a court arbitrate justice being deprived of de facto materials to required to review to produce effective reasoning and see the errors pertinent to injustice? (2) Dose the United States Constitution grant the right of the accused, esp. of false convictions, to have alleged evidence made available to review and defend against? (3) Arrangements to pay for the materials required to review are made how?

C. Arguments of this petition are held in rules; RCWA 10.73.1 and RCWA 4.72.020 motion to vacate time limitations, and RAP rules (1) 9.1 Composition of record on review, (2) 9.3 verbatim reports of proceedings, (3) 9.8 Transmitting record on review, and 14.4 Cost of bill.

D. I the appellant, Grant T. McAdams, am acting pro se in this matter. To bring forth to the courts all the facts. The courts should be presented with all merits to analyze and synthesize effective reasoning equating fair criterion.

II/ In re Withdrawl of Opening Brief

The current brief filed to defend the appellant is a paradigm of ineffective ineffective appellant counsel. The appeal brief failure to show the following facts of the case is due to the omission of facts provided for the indigent people.

A. The opening brief is based and written with only 350 pages of the transcripts being propounded, thus omitting the the following points and arguments of facts to produce effective reasoning. (1) The case and chief of the case or the failure in preparing a case and chief, is based on the fact that the defendant is not the perpetrator. In the opening statements of indigent appointed counsel he states 'what we are going for here is a lesser included charge', influencing the jury to infer the defendant to be guilty. (2) The interpreter Imad Bierouty states to the courts he knows the alleged victim, is not certified to interpret, has English as Second Language education to permit good cause, and the close relation in the community of himself to the alleged victim caused him form a preconceived opinion from the narratives told by the alleged victim. (3) The prior agreements advised to sign by ineffective assistance of counsel preceding, where not briefed to argue and cause the defendant impeachment from testimony. (4) The allged

victim Emad M. Salih was injured to a third degree level, the police reports state 'substantial' injury though the reports are commonly written inflated to the injuries of an alleged victim. (5) Mr. Salih stating to have called Seattle when in fact he called Ottawa, Ontario, Canada at 2:10 pm as the defendant was just leaving work clocking off at 2:00 pm, the call was made from a public phone owned by Pacific Telemangement Services. (6) None of the merits in the Spokane County Trial Docket list are transmitted to be reviewed by the defense and his counsel has not requested or put forth any effort to request the materials to review.

III/ CASE CITES SUPPORT

(1) The motion to withdraw brief, State v. Robison, 794 P.2d 1293, 58 Wn. App.599 (Wash.App.Div.1 1990), "it is the duty of the state to provide the indigent as adequate and effective appellate review as that given appellants with funds"

(2) as to come pro se, State v. Rafay, 167 Wash.2d 644, 222 p.3d 86 (2009), and seek assistance.

IV/ CONCLUTION

To be granted the time to review the merits the materials described in the 'materials list' section. Thus, effective reasoning can only be established by propounding all the facts. The following are required; (1) The time of one year or 360 days to review all the merits with effective assistance. (2) To withdraw the opening brief as it fails to have all the facts considered and prepared to be presented to the courts to synthesize criterion by effective reasoning.

§ Do grant the requests of time to review all evidence, a withdraw of current brief, and effective assistance in obtaining the merits on record.

This has been written true and under the law of perjury by the defendannt, Grant T. McAdams seeking liberty, and a future in a successful good faith service to society.

Respectfully submitted by: Grant T. McAdams

Date of submitting: 5.23.2013.

Grant T. McAdams

Your service to society is appreciated.

DESCRIPTION OF ASSISTANCE

[T]here is merits pertaining to the case of Grant T. McAdams v. State of Washington, Spokane County Superior Courts cause number 11-1-015808, that require reveiw.

I/ EXPEDIANT ASSISTANCE IN RE:

- (1) Time to review all materials and prepare to present to the Division III Appeals court of Washington State.
- (2) A withdrawing of the current opening breief that is turned in the to the court of appeals case number 310353.
- (3) The arrangements for payment of cost to receive the materials required to review.
- (4) A copy of the (RAP) Rules of Washington.
- (5) Case cites relating to the list of arguments omitted from the current opening brief.
- (6) Ideas of which cases to cite for each argument.
- (7) Ideas of which statutes, rules and opinions would be proper to argue each piont.

DESCRIPTION OF ASSISTANCE

[T]here is currently 4 prior cases of which are bering merits to case 11-1-015808. As well to arrange for cost of copies to be made of all the Superior Court Trial Docket list. In accordance with which rule? Preceding what case? The matter funding to pay for copies Contact Marrienne Reents, Tawnya Bruns, and Ronald Dunnican. The contact information will be attached.

The Case Numbers that are to be inquired and arrangements to be paid for to reveivew will also be attached. All of these matters are in the Spokane County courts, filed under district and Superior. To assist me in obtaining all the facts of the record of Grant T. McAdams to present to the courts and bring forth justice. For once in my life I will put forth an opinion and show how ineffective the assistance of indigent quality has been.

Send the RAP rule of washington as well as a few case cites on Identifications of winess' at trial contradicting their statements in the police reports. A case cite on interpreters not being certified, knowing of the story before trial, and

having a close relationship with the alleged victim in the community. As well as the Alleged victim having symptoms at hospital that were recorded as Quote, " mental, psychological or something other than medical issues," i.e. cites of cases pertaining to level of assault, the alleged victim had four minor cut on his head and claimed to be in a concussion related state for as long as the hospital would care for him. As well as a case cite pertaining to the defense counsel fraudulently or possibly reading the evidence wrong and leading myself and my family to believe that I had crippled a man and was on video doing so with six eyewitness', when their are five eyewitness' who identify the suspect at the time to not be the defendant Grant T. McAdams.

The ineffective assistance provided for the public, does not provide assistance to fund the cost of the case files that are needed to be reviewed. further more the attorney Janet Gemberling's brief is a incomplete and in no way represents the defendant. Being obligated by the law to process 36 briefs a year she has little time to do any more than read 350 pages in her review of each case. Leaving her work quality to fail in the production of a realistic defense brief.

III/ STATEMENTS OF THE CASE

Plaintive witness M.D. Oliver Drouin

Dr. Oliver cared for Emad M. Salih from May 10th, 2011 through May 14th, 2011, after being released from the hospital he returned. With claims to have had episodes of losing memory, fainting, wasn't able to walk. Preceding an assault when he picked up a hitchhiker on the side of the road (rp155). Dr. Oliver states Mr. Salih had very labile emotions and amnesia of the event, appoximately, on initial exam. Emad is stated to have lacerations on the front and back scalp. Reports there appeared to be a fracture that did not show up on the first exam (rp157). The doctor dose not remember the exact number of sutures, were at least. He was diagnosed with 'post concussive syndrome,' the treatment supportive care and speach.

Witness Dr. James Bryant

Dr. Bryant's states, " in this case that would have occurred relating to a concussion. I'll qualify this as stating there's different points in the medical record as to whether there was -- if it was agreed upon wether a concussion had taken place. There's, at one point in the intake, the transfer to St. Luke's, the term 'questionable post concussion syndrome'. At other points physicians had felt quiet certain that the symptoms here

were consistent with what would be expected from a concussion. There is some uncertainty, from what i saw in those records" (rp363-364).

Distiguishes Post concussion syndrome to drive from a more serious head injury (rp365). In a situation like this there is not a moderate or sever brain injury, the symptoms of post concussion syndrome resolves more rapidly, with in hours or days, a few weeks in an overwhelming majority of cases(rp365). The doctor declares there to be yes and no to the symptoms of post concussion syndrome and the diagnosis of this non life threatening issue. The yes in this case an observed blow to the head, headache, alteration of consciousness. That's not necessary to identify a concussion. The no, there are atypical symptoms of which do not make sense. The clear recall for events before the incident which were then forgotten the next day. Furthermore the sudden onset of confusion a day later following the incident itself, after an observed and described period of clear, reasonable communication and mental focus. A situation in which you would expect a delayed onset would be if there some other factor that took place such as a bleed or some other insult to the brain during the interim. And these did not take place here (rp368).

The circumstances here would be sufficient to be related to a post traumatic anxiety emotional shock type of reaction. That in the context of the other unusual symptoms indicates that there may be a mental health issue, depression, any number of

other factors that might be present in the context of the unusual symptoms that would indicate that there was, I would say, quote, "something else other than a medical factor that needs to be identified" (rp370). Mr. Salih's main issue is described as " symptom-validity testing," i.e. the credibility of the person's subjective report (rp371). Most medical providers and rehabilitation therapists are in the role of accepting what is presented to them and the patient's complaints. There is not the roll of critical questioning, particularly in the context of unusual or atypical symptoms responding. And that is the concern the thinks was omitted here (rp372). A blow to the head and you don't forget who you are or where you are at or what is happening. So we can throw that out, that being amnesia (rp373). As for the episodes when Mr. Sahil was described as the eyes rolling back in his head, becoming unresponsive for a short period of time, raising the question of a possible seizure taking place. There was an EEG performed resulting in no brain abnormalities this was done to show prudent prevention of the unusual display. Furthermore, the rapid recovery following these seizure-like episodes when the typical course is for confution, wooziness, fatigue for some period of time following the actual seizure episode. The medical Dr. Bryan identified these episodes psychological functioning or, quote, some motivation to -- trying to possibly communicate or express or react in some way, but not in neurological functioning (rp376). The doctor's opinion of the reported symptoms by Mr. Salih do not reflect the injury (rp377).

III/ STATEMENT OF THE CASE

(a) witness' testimony

On May 9, 2013 around 2:00 in the afternoon Whitney Melcher is in front of her house talking to a neighbor(rp73), when the next sight she saw was a man beating another on the street(rp74). Ms. Melcher identifies the suspect as number two or three when shown a six person montage with Mr. McAdams being number five (rp242). Lori Kramer lives in the same area and heard screeching tires. She the looks out her window to see two men arguing in a car. Next she sees the driver being hit onthe other side of the car several times. The striker was Caucasian and the man being struck was Middle Eastern (rp85). Ms. Kramer is shown the montage and identifies number 6 as the suspect(rp242). During the direct examination by Mr. Seinmetz, the prosecutor, testifies for the witness by stating the number of times the witness saw the Middle Eastern man stuck. Ms. Kramer stated between five to ten more times, then corrects her claim to being several, while Mr. Steinmetz inflates an estimate of 10 to 15 strikes in yes or no question formation to influence the jury (rp87). Dennis O'Brian was talking to his neighbor Whitney Melcher, when he heard screaming. Saw two men on shorter in height and Caucasian jumping up and hitting the other man Middle Eastern, tall, and is said to be yelling "Allah", with a red pipe wrench (rp98). Watching Mr. Emad being struck probably three times, then another four while on the ground, Mr. Obrian yelled, "We've called the police, you're killing him. Stop." Mr. O'Brian thought the tool being use was a pipe wrench, which he supposed at the time could have caused death (rp100). Mr. O'Brian recalls Mr. Emad stating "My son, my son" as though Mr. Emad's worried about his son. The suspect Mr. O'Brien is not able to put forth an identification (rp103-104). Randall Brown was a back yard located thirty feet from where the Mr. Emad's vehicle came to a stop (rp399). Having an unobstructed view, Mr. Brown saw Mr. Emad run down the street after Mr. Emad left the car by means of the driver side door. The man chased him and struck Mr. Emad four or five times once the man caught Mr. Salih. Now standing 15 feet from both men having a great opportunity to view the man (rp401-402-403). Mr. Brown states he saw quiet a few strikes, possibly seven or eight. Also states the man seemed like he was going to finnish off Mr. Emad, but did not strike him at all on the ground (rp409)

III/ STATEMENT OF THE CASE

§ (a) witness' testimony

Mr. Brown identified the suspect to be number one or number three, in may (rp241-242).

§ (b) officer's testimony

Detective Mark Burbridge, the lead investigator believes eyewitness testimony and the evidence suggests Mr. Emad first circles the car then runs to the corner and collapsed (rp193). The detective presents State's Exhibits 19-59 of mainly alleged blood and clothing of Mr. Salih. Detective Burbridge connects alleged blood dots to demonstrate a supposed path of travel around the car and to the corner (rp194-200). After stating on States Exhibit 47 "This close-up of the blood on the ground.

This particular photograph was taken to try to show the direction of motion of the blood. Blood falls in the direction that a person's running, and you can show that by the direction of the splatter. (line 19-23,198)". Detective continues to comment on exhibits of his opinion," States exhibits 52.' Again this is a close-up photograph of blood to show tha direction of travel of the person that was bleeding.'(line 9-11)". Draws the path he think could have been ran by the man who started bleeding in the car and travel form the car to the corner of street intersection (rp199-200). Detective is unable to depict if Mr. Emad was struck at any time, he knew that Mr. Salih was bleeding from his car to the corner (rp201). May 11th preforms a search of the vehicle without obtaining a signed warrant to perform the search (rp202). Starts reviewing states exhibits 60-64 are pictures of the out side of the car, 65 is a picture of blood on the inside panel with drivers side door open (rp205).

III/ STATEMENTS OF THE CASE

(a) officer testimony

[D]etective Mark Burbidge reviews exhibits 66-88 stating repetitively each picture was of the alleged victims blood, not confirmed as blood. Exhibits 83-84 are pictures of a child seat and cloths very unrelated to the case trial to have to possibly have assisted in the unjust verdict (rp208-209). There were items in the car taken for finger printing along with the tool used in the altercation no results to Mr.McAdams (rp211). States exhibits 89-96 are of Mr. Emad in the hospital directly after injury. Detective Burbidge makes fallacious statements of Medical injuries form pictures of dry blood and leaves an influence on jury which may have lead false verdict of guilt (rp217-219). The detective continues to give his professional opinion on possible injuries out of his area of practice (rp221-223). Then gives an estimate of ten blows to amount to the substantial injury(rp223,and poilice report). Two differnt statements at trial Mark refers to the injury of Emad to Be serious injuries, (rp185), and the injury is labeld as substantial injury,(Police Reports).

§ Officer Kannberg Erick, arrives in the area at 2:20 four minutes after the incident and observed a group of people around Mr. Salih. Then summons medics and identifies the injured man to be Emad Mohammed Shali (rp111-112). The prosecution presents the officer with exhibits P1-P5, to officer Kannberg for him to give his description of the photos. The scene is discribed of Mr. Sahil's journey to the medics care with all the standard precautions taken (i.e. he was place on a backboard with his his tee-shirt and coveralls removed). The officer then keeps the integrity of the scene (rp114-115).

III/ STATEMENTS OF THE CASE

(b) Officer testimony

§ Officer Robert Collins responded at 2:00pm to the area and spoke with Mr. Brown. Officer Collins states Mr. Brown's description of what he saw 16 months before. Mr. Brown saw a the driver exit the vehicle then the passenger exit the same vehicle both traveling toward the corner. The passenger hits the once with a rusty pipe wrench pipe wrench after 10 more strikes knocking Mr. Salih to the ground, then striking him two more times on the ground. Mr. brown then yelled to stop the altercation(rp460). Describes a suspect(rp461). And Mr.

(c) Closing arguments

§ The prosecutor Mr. Steinmetz begins stating to the jury "I do not have to prove during this trial"... "I do not have to show any physical injury to Mr. Salih under" the charges instrucionyions..."i don't have to prove motive"(rp487). Then continues to give the jury a description of the elements and rules with no objections to his personal opinion statements. Uses this analogy, 'if I got in my car and I was driving to Coeur d'Alene and I got to Liberty Lake, would that be a substantial step towards me going to Coeur d'Alene? Or if I got to Post Falls, would that be a substantial step towards me getting to Coer d'Alene? Again, I don't have to complete the trip, only that I have to show conduct that strongly indicates, in this case a criminal purpose, and it's more than mere preperation." Then MR. Steinmetz defines first-degree murder as," premeditated intent to cause the death of another person.

III/ STATEMENT OF THE CASE

(c) Closing arguments

Again, I have to show a substantial step toward that." Then Mr. Steinmetz continues to give the jury fallacious depictions of the law possibly influencing the jury to the err of verdict (rp489-490). Gives a demonstration to the jury of ten full strikes in the air with the about foot long $\frac{1}{2}$ in. wide tool in the air and then two more bent over to the ground this psychodrama may have caused the false verdict. Also states that Mr. Salih had a fracture, not in accordance with the medical records (rp 495 and Emad M. Salih Medical Record). Mr. Steinmetz continues to intertwine the instructions in such a fashion the jury may have begun to miss understand the proper instruction first administered by the courts (rp495-496-497).

§ Mark Victor Hannibal defensive publicly funded counsel starts his closing argument with the witness' all of whom id other suspects in the photo montage and though he argues this slightly he contradicts this argument all threw out the rest of the closing argument (rp498-499). The facts that Mr. McAdams was at work until 2:00 and the man who was picked up by Mr. Salih after a call made by both men from a public phone at 2:10. meaning that Mr. McAdams had walked 15 blocks in less than 10 minutes after work. further more Mr. Salih states he required money to make the phone call to Seattle when it was really to Canada for two minutes requiring a few dollars in change not just 50 cents or the time required to type in a long distance phone card making the time even closer to 2:00 in the after-noon the time Mr. McAdams got off work 15 blocks away (rp499-500).

III/ STATEMENTS OF THE CASE

(c) Expert witness Jennifer Devenport, Ph.D.

Dr. Devenport is qualified in the field of legal psychology which is a specialty in the area of social psychology (rp439). The factors that influence eyewitness memory and their accuracy, as well as factors that are designed within the legal system to protect defendants from wrongful convictions that might result from mistaken eyewitness identification (rp440). Studies show the best practice to administer a photo montage is sequentially. The officer should not be familiar with who the suspect is in the case, this causes possible verbal and nonverbal cues to be displayed to the witness can actually lead witness to pick a particular person from the line up. The witness want to do a good job and identify the person, thus, being more in tune with subtle cues that might be presented unconsciously even by the officer (rp 446). Montage picture packs as used in this case of six pictures can generate false identification by mean of a suggestive photo of the suspect. Dr. Devenport examines the the six photo mantage just as Mr. Salih Would have and states number 4 can be thrown out and number five jumps out from the rest of the photos presented simultaneously. This photo number five is of Mr. McAdams, Dr. Devenport believes his eyes are suggestive in the montage (rp447-446). The last one questioned Mr. Salih is of Middle Eastern decent. A large

factor in reliable identification is cross-race, people who attempting to make an identification of someone of a different race have a much more difficult time and make more false identification than someone who's viewing and making identification of some one of their own race (rp451). Thus, cross-race identifications lead to higher rate of false identifications and time is also a factor more exposure time better chance of a identification (rp453). The factors that produce false identifications are stress, time allowed for memory decay, and the desire to please the officer presenting the montage. There is an expectation that witness' automatically have, "oh, the police must have a suspect. That's why I am being asked to view (rp454)." The finding that memory decays over time, especially with regards to the amount of time. A fairly large decay immediately afterwards, so within a couple of days; and then a bit less decay after that, and then it sort of tapers off. Memroy does not improve after that point but stays at that lower level (dcic5). An indicator of accuracy when a witness makes a quicker decision they are actually more accurate than witnesses who spend a longer time viewing the montage. The confidence of a witness dose not relate improvement in accuracy (dcic6). Dr. Devenport states that in this field of study there is 5% or less error rate in the findings (dcic13). Light is

another factor along with distance, the lighting can change the accuracy decreasing with less light or too much light, while accuracy decreases by the increase of distance and anything beyond 150 feet is something we can't see well enough to make out (dcic17). Next the factor of drinking, drugs or other mind altering substances, declines the accuracy of a witness identification. Such as medication administered in a hospital. The stress of the witness during observation and the object of focus, i.e. the focus could be on the weapon or the even on something other than the situation asked to describe (dcic19). In a stressful event one could describe the weapon very well or the object of focus, this is a detriment to describing the characteristics of the perpetrator (dcic22). College students are of an age in which they have generally good brain function and good memory. The memory decreases with age, thus, college student age is an optimal performance group. In summary, if there's multiple items in presence and you combine that with the desire of the witness to try to come up with an answer for the detective or whomever has shown this, because of their perception that they wouldn't be shown it unless there's a person in the montage, those in combination could increase or cause a higher percent of misidentification? Dr. Devenport states "That is possible, yes." (dcic29-30).

§ dcic, defense case in chief, page cite

§ rp, verbatim report of proceedings, page cite

11

~~Copies~~

Copies

Copies for Wednesday

STATEMENT OF ADDITIONAL GROUNDS

Grant T. McAdams Future Plans
of success as a productive, positive influence
on society and provider

[G]rant T. McAdams, I am a 26 year old father of one son with a future in business, good faith business. first order of business is to open up Dr. floor Co. and continue formal education. To become business engineer, floor covering guru, good faith service to society company creater, as well as an educated father,

Do read over the following papers to show the courts I am not the person who ~~creates~~ assaults or robs any one.

My son is coming to visit tomorrow I do hope the, no I will yes hope the courts will see the error of a trial that I was convicted under false allegations.

Grant T. McAdams

5-23-2013

Fact to be propounded producing effective reasoning

The preceding paper are to demonstrate to the courts the defendant, Grant T. McAdams, has been forced to live in an ecosystem at Washington State Penitentiary do to this time in close custody communication between myself and the court assistant of counsel was nonexistent. Also my legal ignorance was a large issue as well. I do see that I have a record that requires review and there are agreements I made out of ignorance to the law that require review. As I been a victim to ineffective assistance of counsel and legal ignorance as well as my unwillingness or knowing that I needed to stand up for myself in agreements I signed in the past. I was a father at young and broke a window and plead to inflated charges to what counsel would suggest.

This has kept me from good job do to record of crimes I did not do.

While in I have been at Coyote Ridge Correction Center I have been involved in Toastmasters International, Church, Education from Walla Walla where I started the Basic Bookkeeping then continued here at Coyote Ridge Correction Center I am about to graduate. I have realized the importance of a good record here i have be unable to be a teachers assistant do to the false

charges of which I have been charged with. The victim of media slander and failure to effective assistance of counsel is a fact of which the courts may see once all the record is reviewed.

I ask the courts to grant myself the time of one year or 360 days to prepare a proper appeal brief while I live and learn in prison. I am studying to be a successful good faith business creator, a positive influence on and within society as well as great father to my 7-year-old son, Evan. *Will keep in practice of.*

Do please ~~open~~ acquit the current charges, I have been falsely convicted.

This was drafted at Shelton, before Walla Walla also completed the Institutional Sanitation Course.

To show the time at Walla Walla Penitentiary was an environment that was unproductive. There are grievances as well for having to beg for new clothes to soap as well as a threat made on my life as the Sgt. stated. I was blamed for what ever was wrong and moved after 3 months in the segregated area being taken out of school and only just talking Janet ~~one~~ one time Janet is the provided assistance of Counsel.

PERSONAL RELEASE PLAN

FOR RE-ENTRY INTO THE COMMUNITY

Also drafted the Articles of the P/h Agency, that's People helping people agency, a life wellness method of goals and communication as a group or team or family of good people.

Name : Grant Thomas McAdams
DOC # : 303490
ERD : 2-2-2028
Release County : Spokane
Institution: Coyote Ridge Correction Center
Unit/Cell: B/BB43
Counselor: Porter
Date submitted for typing: _____

Please Copy and send back.

Introduction: I am a 26 year old father of one son. He is 7 years of age and is the center of my life. Before being convicted of these charges I was not a believer in god. Now I see how valuable the constructive imagination is and hope to help the lost souls of our society by providing good jobs, good work-environment, and good business, currently I have begun my business planning venture of the futur business Dr. Floor & custom tile, a good faith business company, in Floor Covering's. We provide a quality service of Designs, SALES, installs, repairs, removal, and storage of M.F.G.s. This venture is to be a perfect place for me to be a positive influence on society and a functioning member. I have ben developing a four goal, list technique, of life wellness. A exercise of Constructive Social Imagination, to which people communicate thier goals and ideas to each other help each other accomplish said goals, This is a formula for sure success in life. While I wait for a peal news ~~form~~ and correction of this Manifest injustice

~~I did not shoot nor I shot any one. All evidence supports my case and will result in an acquittal. Five witness claim a different man was the perpetrator. A year and a half ago, then 2 two arrive at trial and point at me due to the psychological influence of the state. The Alibi, of a work night, of mine that states me to be a work, ~~on the day, in question~~ was SIAD to be for the wrong date, with out any objections, and was considered pointless evidence. Further more in accordance with the police Reports and medical Reports the assault, was assaulted to the ~~Substantial bodily harm level, which, is a second degree~~ ~~and~~~~

~~Result. As well the case shows no missing objects~~ ~~Support a robbery at all.~~ While waiting, I ~~hope to~~ ^{am} communicating my goals in life and learning thirty other people's or members of my (U.C.R.F) Under Cover Angel Family. To practice this life wellness techniqe and exercise our constructive Imagination as a social network, of people helping to better each others quality of life. Upon acquittal, I will be starting up the first good faith company I hope to name, Dr. Floor & custom ^{Coverings} ~~tile~~. Taking care of parenting responsibility, ~~combating with~~ ~~soot~~ practicing great hobbies, golf, gym, church, business, and business classes. Develop the people helping people Agency of Under Cover angels, by ~~starting~~ starting up new families, ~~advocate~~ ^{U.C.R.F.} and be a successful business owner.

I touched the top of a car in my neighborhood and have been fairly convicted

Release Address:

Current release Address is at my mothers house, well our house in Spokane Washington at 705 E. Calkins Dr., Spokane, Wa 99208. I hope to live around Seattle coast. My mom is a good person who is learning many different ways to better her self after her fight with cancer she has gained much by going to group meetings to help her socialize and break the Herder Habit. AFE will hopefully help her with a second show cleaning her house to sell and move to coast.

Family:

Mother: Kristy McAdams Father: David Dresback
 Sisters: Tawnya Bruns, Tiffany Bruns, Jessica Bruns, Shelby Dresback
 Brothers: Dylan McAdams, Kyle Dresback
 Son: Evan Michael McAdams Uncles: Dan McAdams, James Dresback, Ron Duncan
 Great Uncle Aberham McAdams Aunt's Patsie McAdams, Harry Duncan
 Cousin's Terry Jordan, Tina Jordan, Brandie Armstrong, Brad Armstrong, Aaron McAdams,
Travis McAdams, Kalee McAdams, Jenny McAdams, Kelly McAdams, Tom
 In-laws Michael Reents, Marienne Reents, Adrienne Reents, Cria Allen, Angie Allen
 Friend's
Levi Horn, Tatum Horn, Roger Edwards, La Sandra Edwards, Johnthen Bingle,
Trina Stout, Kevin Bruns, Caril Land Kramer

Finances/Support: Will find job and jobs, to work and obtain the proper licenses, bonds, insurance, tools, vehicles, and start doing floorcovering, installs, repairs, removals, and sales. The Developing Social Network of the people helping people will help me to be guided down the most successful life possible. To be assisted by family, friend, and The P.h.p. Agency, inc. The First good faith Business in Floorcovering; will be a form of financial support. The P.h.p. Agency will be asking for \$200,000 to start up 15-30 good faith companies at the end of 2013 to create 100 job or more from these well planned companies and people, I hope.

Budget:

Transportation:

- **Stipulations of Judgment and Sentence:** The charges of current are false and should be acquitted this claim is supported by evidence. please assist me to review. How can one establish effective reasoning without all the facts

Treatment/Counseling Information:

boardmasters, education, business, inside out clubs, church, family and friends, myself (I have been a peer mediator since I was 10 years old).

Support System/Social Network: The P.h.p. Agency, of under cover angels, is developing a life wellness technique of four goals interchanged between thirty members (4,3³⁰), of ones Under Cover Angel Family (U.C.A.F.), to which members help each other accomplish set goals of each others and communicate on a positive level, communicate with a different member of ones U.C.A.F. each day or daily. Help a member to make progressive step toward or to complete a goal on 1st, in an orderly fashion, Weekly. Communicate with every member monthly. This network will guide me in starting up the Path way of opportunities to achieve first good faith business in Floor covering, I hope to name Dr. Floor & custom tile. To generate great moral support and inspiration for all involved in our Under Cover Angel Family and their families too. This (4,3³⁰ = U.C.A.F.) technique of life wellness will be a marketable membership and huge Family Social Network.

The P.h.p. Agency, inc., is the umbrella to our First Family or Main board of said corporation of thirty.

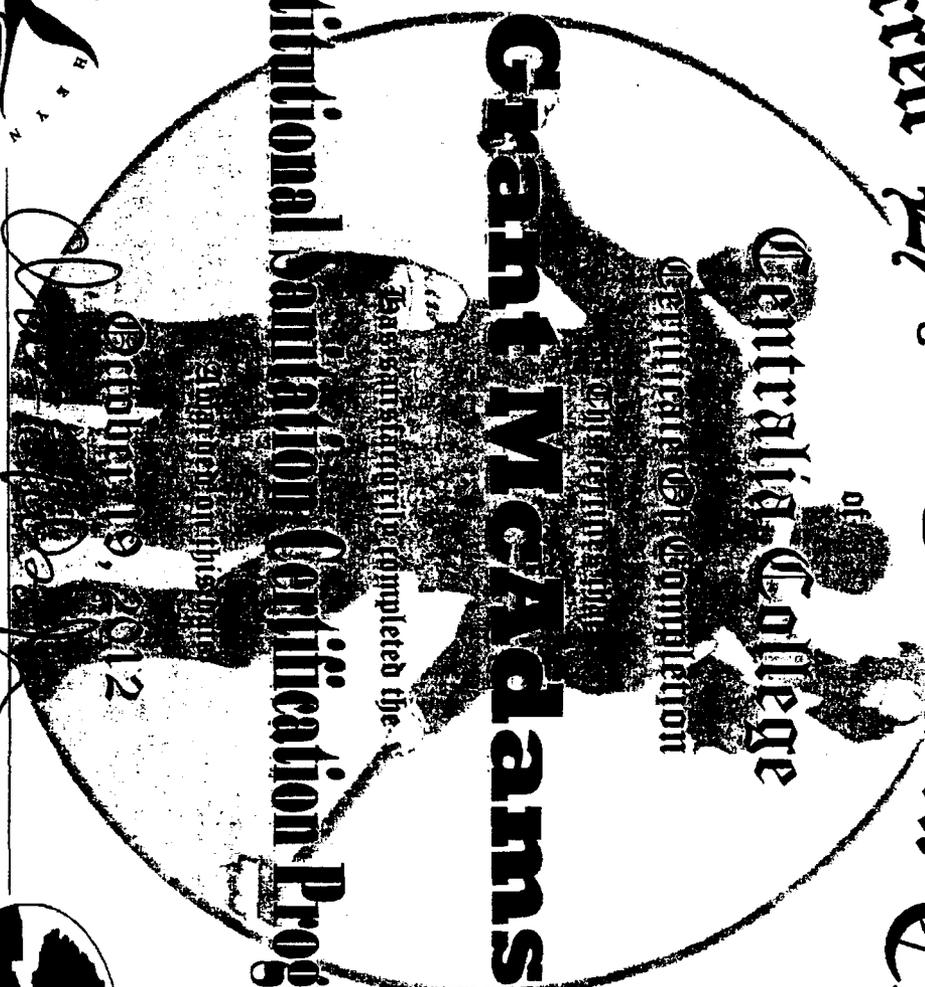
Education: In this department, I received a G.E.D. in 2006, then attended Spokanes Community College for One plus years, were I was studying to receive the accelerated math and Science Degree, to transfer to a four year college. Now have changed my study to Business, Economics, Marketing, and intire Floorcovering industry. Classes are a must to keep up with change and also expand social Network to positive functional members of society, while in D.O.C. I see many opportunities further myself closer to my goal of good faith business creation number one Dr. Floor & custom tile. Continue to study into business, law, social science, and continue to become a success in our society.

Certificates/Volunteering: Just graduated first class and am now certifide in Institutional Sanitation, Now about to graduate Accounting or basic book keeping at CRCC, the first class was at Shelton.

Employment:

- Seven years in Floorcovering business experience in installs, repairs, removals, and sales.
Kevin's Floorcovering ~ Kevin Bruns # (509) 216-0318 560 E. Rich^{er}, Spokane, Wa 99207
- One year Framing houses, Framing, read plans, list cuts and make cuts, position measurements, complex angle cuts, and safety harness / equipment set up.
Twin Holmes
- One year in pole buildings, Bobcat operator, and all other responsibilities that are required to build pole buildings, ~ Rich Sherman # (509) 951-6377 E. Rich^{er}, Spokane, Wa 99207
- Two months plumbing, sweating, cutting, measuring, installs of fixtures and more
~ Tonye Yates # (509) 723-0127
- Four months at Labor Ready ~ Spokane, Wa.
- ~~One and for~~ one year and six months at K.F.C./A&W

Barrett Hepus Education Center



Institutional Sanitation Certification Program



Mr. G. Kelsio, Education Director



Institutional Sanitation Certification Program

The recipient of this certificate has satisfactorily completed the required program elements:

Verified

Professionalism

- Positive Attitude
- Appropriate Appearance
- Positive Communications Skills
- Outstanding Dependability
- Pride in Work

CDL

Employee Health and Safety

- Protective Equipment and Practices
- Source of Threats to Health and Safety
- Safety Signage

CDL

DOC 2-Hour Asbestos Class IV Awareness Training

Recognizing and Handling of Hazardous Materials

- MSDS
- HMIS
- HAZCOM
- Proper use of Chemicals
- Recognizing and Mitigating Bio-Hazards and other Dangerous Spills

CDL

CDL

Use and Maintenance of Equipment

- Vacuum Cleaners
- Carpet Cleaner/Extractor
- Hard Floor Surface Equipment
- Maintain Routine Cleaning Equipment and Supplies

CDL

Cleaning and Sanitation Practices

- Hard Floor Surfaces
 - * Stripping, Sealing, and Refinishing
 - * Spray Buffing
 - * Daily Maintenance
- Carpet and Upholstery
 - * Spotting
 - * Deep Cleaning
- Wall Cleaning
- Restrooms, Showers and Lockers
- Glass Cleaning
- Room Cleaning

CDL

Meeting Standards

- Local Health Department
- American Corrections Association
- State and Federal Laws and Standards
- Efficient Energy Use Practices
- Environmentally Friendly Practices

CDL

CDL

Mr. C. Gilson, Instructor



Walla Walla Community College
Degree Audit

Student Name: MCADAMS GRANT T
Student ID: SID303490
Monday, March 25, 2013 9:58:20 AM

Walla Walla Community College

*****WARRIOR TRAIL*** - Unofficial Degree Audit**

This is an unofficial Degree Audit for advising purposes only. Final approval of degree or certificate completion resides with the Evaluation Office. Students should consult with an advisor to finalize any degree or certificate planning. Credits in progress are counted as applied credits. Degree requirements are not complete until all courses receive a passing grade. Semester credits transferred from other colleges are multiplied by 1.5 converting them to quarter credits.

***WSP & CRCC: BASIC BOOKKEEPING SHORT PROGRAM (505Y) Catalog Year 2009**

Credits required:16 Credits applied:10
GPA required:2.0 Current GPA:3.0

Core Requirements

Courses required:4 Courses applied:2
Credits required:16 Credits applied:10

ACCT& 201N

ACCT& 201 PRIN OF ACCOUNTING I 5 * Winter 2013

✓ BK 112

BK 112 BUSINESS MATHEMATICS 5 B Fall 2012

BK 115

BK 218

Unused Courses

Key

- 1 - Not applied to any category.
- 2 - Repeated course.
- 3 - Insufficient grade.
- 4 - Past non-transcripted course.

BK 112² BUSINESS MATHEMATICS 5 * Winter 2013
BK 218³ DESKTOP CALCULATOR 1 Y Fall 2012

College Grade Point Averages
Cumulative GPA: 3.00
College Level GPA: 3.00

Legend
✓ - Requirement Completed
TR - Transferred Course
WV - Waived Requirement
SB - Substituted Course

Community and Technical Colleges of Washington State

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OFFENDER'S KITE

PAPELETA DE PETICIÓN DEL INTERNO

OFFENDER NAME (PRINT) NOMBRE DEL INTERNO (LETRA DE MOLDE) Grant Thomas McAdams		
DOC NUMBER/NÚMERO DOC 303490	UNIT, CELL/JUNIDAD, CELDA B, BB43	DATE/FECHA 5-09-2013
DESIRE INTERVIEW WITH OR ANSWER FROM/DESEA ENTREVISTA CON O RESPUESTA DE Ms. G. Mendez of education department		

Interpreter needed for _____ (language).
 Necesito intérprete para _____ (Idioma).

REASON/QUESTION
RAZÓN/PREGUNTA

In re next quarter:

- (1) To enroll into business related classes.
- (2) Assist in accounting as a volunteer or be enrolled for an additional quarter.
- (3) to remain in education for summer quarter
- (4) Do I mail out the FASEA to acheive funds for NWCC's program to keep up and running?
- \$ my son is 7 and I discuss learning subjects with him and teach him. Thank you for service

SIGNATURE/FIRMA Grant T. McAdams	DAYS OFF/DÍAS LIBRES 5-09-2013
-------------------------------------	-----------------------------------

RESPONSE
RESPUESTA

- Resolue - *Resolue*
- (1) To decide firmly; intend
 - (2) To decide by formal vote
 - (3) To vote
 - (1) Sírmnes of purpose; resolution
 - (2) A determination or decision

RESPONDER/PERSONA QUE RESPONDE	DATE/FECHA
--------------------------------	------------

Department of Corrections

Legal Financial Obligations Withdrawal Acknowledgement

For the period 1/1/2013 through 3/31/2013, Payment Dates: 1/24/2013 and 4/8/2013

Ack#: 2512083 - 1

Facility: AR1

Location: R01BB431L

DOC#: 303490, Mcadams, Grant T

<u>County Paid</u>	<u>Cause#</u>	<u>LFO Balance</u>	<u>Withdrawals</u>	<u>Payments</u>	<u>Refunds</u>
Spokane County Clerk	061029748	\$4,871.97			
	061044682	\$1,111.44			
	111015808	\$8,033.92			
<i>Total Paid To: Spokane County Clerk</i>				\$28.57	
Withdrawal Acknowledgement Summary			\$28.57	\$28.57	\$0.00

*The County Clerk maintains the official LFO payment record. For proof of receipt of money by the county, send a self addressed stamped envelope to the County Clerk.
Some counties may charge copy fees for a payment history.*

009006

MCADAMS GRANT T 536021036 03/26/13 PAGE 1

**2,041

MCADAMS GRANT T

WALLA WALLA COMMUNITY COLL
500 TAUSICK WAY
WALLA WALLA WA 99362

1112
WALLA WALLA
WA

=====

A COURSE WITH "6" IS COMMON AMONG
WASHINGTON STATE COMM & TECH COLLEGES
WITH THE SAME COURSE.

=====

***** FALL 12 *****

BK	112	BUSINESS MATHEMATICS	B	5.0	15.0		
BK	218	DESKTOP CALCULATOR	Y	1.0	0.0		
		P/S CR	CR ERN	GPA CR	GPTS	GPA	
QUARTER:		0.0	5.0	5.0	15.0	3.00	

***** WINTER 13 *****

ACCT&	201	PRIN OF ACCOUNTING I	A-	3.0	11.1		
BK	112	BUSINESS MATHEMATICS	B	5.0	15.0		
		P/S CR	CR ERN	GPA CR	GPTS	GPA	
QUARTER:		0.0	8.0	8.0	26.1	3.26	

		P/S CR	CR ERN	GPA CR	GPTS	GPA	
CUMULATIVE:		0.0	13.0	13.0	41.1	3.16	
COLLEGE LEVEL		0.0	13.0	13.0	41.1	3.16	

***** END OF TRANSCRIPT *****

MCADAMS GRANT T SID303490
10/05 FALL 12

MCADAMS GRANT T
PO BOX 769
CONNELL WA 99326

05

B B 4312



C-8

ADMINISTRATIVE SEGREGATION REVIEW

Offender Name McAdams, Grant	DOC Number 303490	Facility WSP/MC08	Date 12/20/12
---------------------------------	----------------------	----------------------	------------------

INSTRUCTIONS: Be Specific as to Reasons including 1. Specific Reasons for Placement; 2. Specific Reasons for Continuing Placement; and 3. Specific Reasons for Release from Segregation. Ensure that WHO, WHAT, WHEN, WHERE, AND HOW have been fully explained in Reason Area. 4. Include Offender Response to Allegations as Appropriate.

INITIAL ASSIGNMENT DATE 12/07/12	<input type="checkbox"/> Special Housing Intake	<input type="checkbox"/> Initial	<input type="checkbox"/> - Weekly
--	---	----------------------------------	-----------------------------------

RECOMMENDATIONS		
<input type="checkbox"/> Release from Segregation	<input checked="" type="checkbox"/> Continue Segregation and Schedule Next Review	<input type="checkbox"/> Release from Segregation and Place on Special Housing Assignment Protections/Mental Health

REASONS FOR CONTINUING BEYOND 72 HOURS				
<input type="checkbox"/> Threat to Others	<input type="checkbox"/> Threat to Self	<input type="checkbox"/> Threat to Security	<input checked="" type="checkbox"/> Threat to Orderliness of Facility	<input type="checkbox"/> Other (Specify Below)

Reason for placement: On 12/7/12 Offender McAdams, Grant # 303490 was referred to Administrative Segregation for Housing Review/Protection Concerns by CUS L. Oliver-Estes. Offender McAdams is referred for Administrative Segregation for protection concerns as a result of his inability to adjust to his incarceration. Despite multiple attempts and counseling sessions with custody, management, and mental health staff, he acts in a manner that puts him at risk from other general population offenders. At this point, staff have contact with him on a daily basis in order to try to help him make better choices and to adhere to facility rules. Based on the danger he presents to himself through his actions and inability to function in this setting, he is recommended for review for protective custody and/or mental health housing placement. No infraction pending. Supplemental information to be provided to support PC/MH housing.

Information presented by offender: This inmate had no questions or comments.

Information presented by others including witnesses and/or confidential information: Not applicable

Adjustment and IBMP: While this inmate is on Administrative Segregation status, he is expected to remain infraction free, cooperate with staff, participate in Hygiene, Recreation, and Food Service Programs.

Was offender present at hearing (if No, why): Present

Recommendation and justification: Retain on administrative segregation pending transfer to CBCC due to protection concerns. This inmate's behavior causes others to want to hurt him. He refuses placement in the BAR units. He cannot return to WSP general population. A close custody facility change is in order.

<input type="checkbox"/> MODIFY DECISION TO		
<input type="checkbox"/> Offender Requires Monitoring for Medication		
<input type="checkbox"/> Offender Requires Special Diet	<u>CS Sundberg</u> Signature	<u>12/20/12</u> Date

SUPERINTENDENT/DESIGNEE		
<input checked="" type="checkbox"/> Approves	<input type="checkbox"/> Disapproves	
	<u>Chris Bowman</u> Superintendent/Designee's Signature	<u>12/20/12</u> Date

<input type="checkbox"/> REASON FOR DISAPPROVAL/MODIFY DECISION TO
--

IIR

Offender's Signature

Date

WALLA WALLA COMMUNITY COLLEGE

500 Tausick Way, Walla Walla, WA 99362

Applying From Campus at CRCC

DOC # 303490

SATELLITE CAMPUS ADMISSIONS FORM

Last Name: McAdams First Name: Grant MI: T

AKA: Grant T. McAdams

Birth Date: Mo. / Day / Year
10 / 5 / 1986

Application for: Summer Fall Winter Spring 2013-2014

How long do you plan to attend WWCC? 11 -One Quarter 12 -Two quarters 13 -One Year 14 -Up to two years
 15 -Long enough to get a degree 16 -Don't know 90 -Other

What is your current work status while attending college? Check the box that BEST applies to you:
 15 -Not employed, but seeking employment 16 -Not employed, not seeking employment 90 -Other

What is your level of education prior to entry of Walla Walla Community College? Check the box that BEST applies to you:
 10 -Less than 9th grade 13 -High School Graduate 16 -Associate Degree
 11 -Less than high school graduation 14 -Some post high school, but no degree or certificate 17 -Bachelor's Degree or above
 12 -GED 15 -Certificate (less than two years) 90 -Other

What was your family status when you started at Walla Walla Community College? Were you... (Select the best response)
 11 -A single parent with children or other dependants in your care 13 -Without children or other dependants in your care
 12 -A couple with children or other dependants in your care 90 -Other parent no dependants

WHAT RACE/ETHNICITY DO YOU CONSIDER YOURSELF TO BE? Are you of Spanish/Hispanic/Latino ethnicity?
 No Yes, Cuban (709) Yes, Puerto Rican (727) Yes, Mexican, Mexican - American, Chicano (722) Yes, Other Spanish/Hispanic/Latino (Please Specify) _____

PLEASE MARK ONE OR MORE BOXES TO INDICATE WHAT RACE YOU CONSIDER YOURSELF TO BE
 White (800) Other Pacific Islander (681) Japanese (611)
 Native Hawaiian (653) Korean (612) Alaskan Native (597)
 Chinese (605) American Indian (587) Filipino (608)
 African American (872) Vietnamese (619) Other Asian (621)
 Other Ethnicity (Please specify) _____

U. S. Citizen? Yes No If not a U.S. citizen, Country of citizenship _____

VETERAN'S INFORMATION Are you a veteran? Yes No

FIRST GENERATION Are you a first generation college student? (Neither parent has a four year degree) Yes No

PREVIOUS EDUCATION - Have official copies of high school transcript or GED test scores, and all college transcripts sent to WWCC Admissions Office
Please ask instructor for a transcript request and release form.

Name of last high school attended: Ferris Date you graduated or will graduate Month _____ Yr 2006 City, State and Country: Spokane WA Spokane
If you did not graduate, indicate the highest graded completed 11th

Have you completed a GED? Yes No If YES, What year? _____ Where? _____

Name of last College, Vocational/technical school attended: See Graduated YES NO City and State: Spokane WA Years Attended: From 2008 to 2012

Name of last College, Vocational/technical school attended: _____ Graduated YES NO City and State: _____ Years Attended: From _____ to _____

Name of last College, Vocational/technical school attended: _____ Graduated YES NO City and State: _____ Years Attended: From _____ to _____

I certify to the best of my knowledge that the statements on this form are true.

Signature: Grant T. McAdams Date: 3 / 24 / 2013



Spokane Community College

Registration Office

1810 N Greene St | MS 2151
Spokane WA 99217-5399

1-800-248-5644 Toll-free line
509-533-8181 FAX
509-533-7482 TTY
www.scc.spokane.edu

Coyote Ridge Correction Center
Grant T McAdams #303490 Unit B Cell #BB43
1301 N Ephrata Avenue
PO BOX 769
Connell WA 99326

Dear Grant:

I have received your letter and Admissions form to Walla Walla Community College.

Your request to receive your official Spokane Community College cannot be granted. All college and Financial Aid debt must be paid in full before you may receive a copy of your official transcript. Unfortunately, no exceptions can be made to waive the college and Federal outstanding debt currently on record.

Your college debt of an estimated **\$774.30** from spring quarter 2009 has already been sent to collections and cannot be reversed. Please call NCO 888 289 0907 to resolve this balance.

Your State Need Grant repayment of an estimated **\$852.00** is also in collections. Please call ECSF 888 549 3274.

Your Pell Grant repayment is estimated at **\$649.00**, please call the US Department of Education – Debt resolutions at 800 621 3115.

I am returning your Walla Walla Community College – Satellite Campus Admissions Form to you.

Sincerely,

Robin Young
Registrar

STATE OF WASHINGTON/
:

DEFENDANT: Declaration of
legal author

I, Grant T. McAdams, have written the forging papers of
legal matters true and fair as a good faith father seeking all
the facts to produce effective reasoning.

Falsely imprisoned:

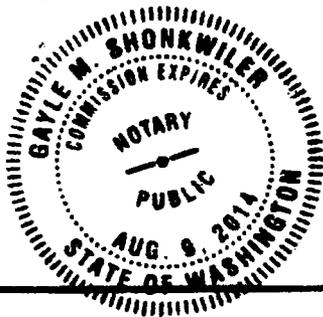
Grant T. McAdams DOC# 303490
Coyote Ridge Correction Center
PO Box 769 / 1301 N. Ephrata Ave.
Connell, Washington 99326

Signed at Coyote Ridge Correction Center,
Connell, Washington on this 23rd day of the month of May,
2013.

Signature: Grant T. McAdams
Grant T. McAdams

SUBSCRIBED AND SWORN TO before me this 23rd day of

May, 2013.



Gayle M. Shonkwiler
Notary Public in and for the State of Washington.

Residing in Grant County WA.

My Commission Expires: 8-9-2014

FILED

SEP 09 2013

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

31035-3-III

COURT OF APPEALS

DIVISION III

OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, RESPONDENT

V.

GRANT THOMAS MCADAMS, APPELLANT

APPEAL FROM THE SUPERIOR COURT
OF SPOKANE COUNTY

APPELLANT'S ADDENDUM
TO STATEMENT OF ADDITIONAL GROUNDS
ON REVIEW

Grant Thomas McAdams
Appellant

Grant T. McAdams
#303490
PO Box 769
Connell, WA 99326

ORIGINAL

INDEX.

SECTION; TITLE; section page and subsection
title

i; INDEX; Index. i- Index. ii

T.o.A.; Table of Authorities; T.o.A. page
1

I; INTRODUCTION; I. Page 1- I Page 2

II; ASSIGNMENT OF ERROR; II. Page 1, A. Trial
court error in the process of obtaining
witnesses in defense favor.

II. Page 2 B. The use of an interpreter
without formal training to perform this duty
is an error in the trial court?

III; STATEMENT OF THE CASE; 1-2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

1-4 A. Lay witnesses testimony;

3-4 B. Lead detective and officer testimony;

6-8 D. Medical Doctor Testimony;

13-15 E. Closing Arguments;

16-22 F. Testimony of alleged victim;

23 G. LOCAL INTERPRETER AND ALLEGED VICTIM DURING COURT
DETERMINING RO QUALITY OR NOT QUALIFY

IV; ARGUMENTS;

IV; Page 1- IV. Page 2 The defendant was at work from
7:00 am to 2:00 pm on May 9th, 2013 the day in question.

IV. Page 3- IV. Page 4 B. The use of an interpreter
without adequate certification was qualified pursuant
statute.

INDEX.

IV; Argument; (cont.)

IV. Page 5- IV. Page 8; Record on Review, Additional evidence, audio record to review and continue pro se.

V; CONCLUSION;

May this court grant the order to: (1) De Novo appeal; (2) represent myself in the appeal de novo; (3) Audio record to review pro se?

May this court foremost reverse and remand?

Appendix;

A.page 1- A.page 3 Police reports (Officer T. Stanton reports contain merits not brought forth at trial or in the brief)

B.page 4- B.page 5 Medical report performed by Scott p. Marquis, MD (Sacred Heart Medical Center)

C. page 6- C. page 7 STATEMENT OF PETITIONER (Ali Fidel states Emad Mohammed Salih to be a violent and dangerous man with history of physical assaults) Facts should have been considered by the Judge and Jury and could have impeach the witness with application of Rule 609.

D. page 8 second degree assault precedent case's. (level of injury is not first degree)

TABLE OF AUTHORITIES

Rules of Appellate Procedure of Washington

State: Title 9 Record on Review, 9A.04.010

RAP Rule 7.3

RAP Rule 9.10

RAP Rule 9.11

RAP Rule 8.3

Washington constitution Article 1. Sec.22

State Case's

Heilman v. Wintworth, (1997) 18 Wash.App.751,571p.2d
963

State v. Rafay, 167 Wash. 2d 644 (2009) 222 P.3d 86

Supreme Case's

Rheuark v. Shaw, 628 f. 2d 297, 302 (5th Circt. 1980)

Ross v. Moffit, 417 U.S. 600,611,94 S.Ct. 2437, L.Ed.2d
341 (1974)

Amendments of the U.S.A.C.

United States Constitution

Sixth Amendment

Fourteenth Amendment

I/ INTRODUCTION

The defendant, now appellant, Grant Thomas McAdams, was the first lead and only suspect to have been pursued with accusations imposed. There was a partial palm print on the exterior roof of a 1997 Chrysler involved in an assault or robbery or both. The car's owner and accuser, Emad Mohommed Salih is the alleged victim, last witnesses administered the photo montage and the only witness to suspect the photo of Mr. McAdams. Five eye-witnesses all identify other suspects preceding Mr. Salih and these persons do not have amnesia of the time period. Mr. McAdams being at work during the first viewing of the assailant by the accuser, Mr. Salih and at or near work during the time in question. The property that was claimed to be the object of theft, the 1997 Chrysler car, was abandoned in Mr. McAdams residential area and in the direct route traveled. In the evening of the day in question Mr. McAdams traveled from cashing time card of the day at Labor Ready to purchasing food and a cell phone card at the local convenient store. The latent palm print was located on the roof of the car right next to a cellular phone hold in a note in place.

Deficiency in Opening Brief, produced by public assistance counsel, propounding a mere fraction of the array of facts required to establish effective reasoning. In example, The order of the Designation of Clerks Papers and Exhibits of the 'recored on Review' from Spokane County Superior Court omitted; (1) Transcription of trial proceeding's; (2) Statement of Facts and remainder of the Superior Court Docket; (3) the history of Mr.Salih, has many issues in the U.S. society as "violent and dangerous man,...., has no fear of the government here." The preceding quotes two examples (appendix C. page 6,7). Furthermore tells stories of the prisoners he beat in Iraq, ect., to inflict fear on individuals. The assault on his own wife to the 2°, a Jordian man, the holding hostage at knife point and numerous no-contact orders with violations per se. These facts were not present at trial, Thus, depriving the accused of due process, if the court may view it this way as well? For the credibility of the witness should have been known by the Judge and Jury in their deliberations, more than likely changing the out come of the trial.

[de novo trial or de novo appeal]
[Failure to Effective assistance
of trial and appellat counsel.]

II/ ASSIGNMENTS OF ERROR

A. Trial court error in the process of obtaining witnesses in defense favor.

1. When the defendant is not provided the witnesses in his favor to rebut the accusations presented, has the defendant been denied his Sixth Amendment right, to have compulsory process for obtaining witnesses in his favor?

2. When the contra identifications are not presented from the lay witnesses as given by them in reports of accusation, has the defendant's Sixth Amendment right to be informed of the nature of the accusation been stymied from his enjoyment?

3. The witnesses confirming the defendant, to have been at work, were obtained for trial? No, the witnesses to testify that the defendant was at work, Thus, more than likely impeding the defendant from his Sixth and Fourteenth constitutional rights, if the court may agree?

II/ ASSIGNMENTS OF ERROR

B. The use of an interpreter without formal training to perform this duty is an error in the trial court.

1. When the court uses an interpreter who is not certified to interpret, has the defendant been deprived of liberty without due process of law, the Fourteenth Amendment right?

2. When the interpreter from one language to another interprets for alleged victim and has knows states knowing the story preceding interpreting, dose this deprive the accused of his Fifth Amendment right, to due process of law?

III/ STATEMENT OF THE CASE

A. Lay witnesses testimony

[O]n May 9, 2013 around 2:00 in the afternoon Whitney Melcher is in front of her house talking to Dennis O' Brian a neighbor (rp73), when the next sight she saw was a man beating another on the street (rp74). Ms. Melcher Identifies the suspect as number two or three in the six person montage, Mr. McAdams is photo number five (rp242). Lori Kramer lives in the same area and heard screeching tires, looks out her window to see two men arguing in a car. Next she sees the driver being hit on the other side of the car several times. The striker was Caucasian and the man being was middle Eastern (rp85). Ms. Kramer is shown the montage and identifies number six as the suspect (rp242).

Dennis O' Brian was talking to his neighbor Whitney Melcher, when he heard screaming. Saw two men one shorter Caucasian jumping up and hitting the other man. The man being struck is described as Middle Eastern, tall, yelling "Allah" and being struck with a red pipe wrench (rp 98). Watching Mr. Salih being struck possibly three times, then another four while on the ground Mr. O' Brian yelled, " we've called the police, you're killing him. Stop." Mr. O'Brian belief of a pipe wrench assault at the time supposing it could cause death (rp100). Next, he hears Mr. Salih say "my son, my son" as though Mr. Salih

relating the event to his son. Mr.O'Brian is not able to identify a suspect (rp103-104).

Randall Brown estimates himself to be 30 feet from the vehicle when stopping* (rp399). Observing from an unobstructed viewpoint Mr.Brown saw a two men exit the vehicle. The first exits the driver side door and runs down the street. The second the assailant exits the passenger side door and pursues striking Mr.Salih four to five times. Mr.Brown is now only 15 feet from the two men (rp400-403). Mr.Brown states the assailant seemed as though he would finish off Mr.Salih, but did not strike him at all on the ground (409). Mr.Brown identified the suspect to be number one or number three (241-242).

B. Lead Detective and the officer testimony

[D]etective Mark Burbridge states eye-witness testimony and evidence suggests the [infra] or following. Mr.Salih first circles the car then runs to the corner and collapsed (rp193). The Detective is unable to depict if Mr.Salih was struck at any time, he knows that Mr.Salih's blood was in side his car and at the corner. Thus, leaving possible drops of blood in between *(rp199-201). The Exhibits 19-59 are mainly of possible blood or not confirmed, this goes no objections put forth by defense counsel (rp194-200). May 11, 2013 the car is searched with out a warrent (rp202). During the displaying of Exhibits 66-88, possible blood drops are stated to be Mr.-Salih's (rp208-209). There is no blood analysis performed to confirm the red drops to be blood or to be Mr.Salih's blood as stated and shown to the jury (rp217-219). The detective concludes the Mr.Salih to have been struck 10 times (rp223).

Officer Erick Kannberg arrived in the area at 2:00 pm four minutes after the incident, observing a group of person's gathered. Then summons medics and identifies the injured man as Emad Mohammed Shali (rp111-112). At trial officer Kannberg gives his description of Mr.Salih in the process medics transporting and Exhibits p1-p5 assist. The officer kept the integrity of the scene (rp114-115).

§ Exhibit p1-p5 show placement on to a backboard with his tee-shirt and coveralls removed.

Officer Robert Collins responded at 2:00 pm to the area and spoke with Mr. Brown as to what he saw. Mr. Brown saw a driver exit the vehicle then the passenger exit the same vehicle from the passenger side door and both travel to the corner. The passenger hits Mr. Salih once with a rusty pipe wrench and up to ten more times and two more while on the ground. Mr. Brown then yelled to stop altercation (rp460).

Officer Daniel Cole responded on May 10, 2011 to the called in complaint about Mr. Salih's 1997 red Chrysler as being a suspicious vehicle (rp173,174). Recalls the windows being down and the keys left in the vehicle. The doors on the driver sided looked like they had been wiped down or brushed by them with their clothing (rp175,176). Exhibits p6-p10 are described in words, to show the area of the vehicle where the palm print was left to be either wiped off on purpose or by rubbing of clothes walking by (rp178).*

* Cole, Dainel #149 Reports on May 10, 2011 at 19:19, The caller who reported the vehicle found a cell phone on the passenger seat of the 1997 Chrysler. He took the phone out of the passenger side, wrote a note for the neighbor, and left it under the phone on the roof of the car (Appendix, Reports page 2).

C. Expert witness Jennifer Devenport, Ph.D.

Dr. Devenport is qualified in the field of legal psychology which is a specialty in the area of social psychology (rp439). The factors that influence eyewitness memory and their accuracy, as well as factors that are designed within the legal system to protect defendants from wrongful convictions that might result from mistaken eyewitness identification (rp440). Studies show the best practice to administer a photo montage is sequentially. The officer should not be familiar with who the suspect is in the case, this causes possible verbal and nonverbal cues to be displayed to the witness can actually lead a witness to pick a particular person from the line up. The witness wants to do a good job and identify the person, thus, being more in tune with subtle cues that might be presented unconsciously even by the officer (rp 446). Montage picture packs, as used in this case, of six pictures can generate false identification by means of a suggestive photo of the suspect. Dr. Devenport examines the six photo montage just as Mr. Salih did and states number five jumps out from the rest of the photos presented simultaneously and photo number four can be thrown out. The photo number five is of the defendant and the eyes are suggestive in the montage (rp447-

446). The last possible person to make an identification for the Detective is Emad Mohammed Salih, a man of Middle Eastern decent. A large factor in reliable identification is cross-race, people who attempting to make an identification of someone of a different race have a much more difficult time and make more false identification than someone who's viewing and making identification of some one of their own race (rp451). Thus, cross-race identifications lead to a higher rate of false identifications and time is also a factor more exposure time better chance of a identification (rp453). The factors that produce false identifications are stress, time allowed for memory decay, and the desire to please the officer presenting the montage. There is an expectation that witness' automatically have, " Oh, the police must have the suspect. That's why I am being asked to view,"(rp454). The finding that memory decays over time, especially with regards to time. A fairly large decay immediately afterwards, so within a couple of days; and then a bit less decay after that, and it sort of tapers off. memory dose not improve after that point but stays at that lower level (rp,-dcic5). An indicator of accuracy when a witness makes a quicker decision they are actually more accurate than witnesses who spend a longer time viewing the montage. The confidence of a witness

> rp,dcic, Refers to 'Report of Proceedings, Defense Case In Chief' citations.

dose not relate improvement in accuracy (dcic6). Dr. Devenport states that in this field of study there is 5% or less error rate in the findings (dcic13). Light is another factor along with distance, the lighting can change the accuracy decreasing with less light or to much light, while accuracy decreased by the increase of distance and anything beyond 150 feet is something we can't see well enough to make out (dcic 17). Next the factor of drinking, drugs or other mind altering substances, declines the accuracy of a witness identification. Such as medication administered in a hospital. The stress of the witness during observation and the object of focus, i.e. the focus could be on the weapon or even on something other than the situation asked to describe (dcic 19). In a stressful event one could describe the weapon very well or the object of focus, this is a detriment to describing the characteristics of the perpetrator (dcic 22). College students are of an age in which they have generally good brain function and good memory. The memory decreases with age, thus, college student age is an optimal performance group. In summary, If there's multiple items in presence and you combine that with the desire of the witness to try to come up with an answer for a detective or whomever has shown this, because

of their perception that they wouldn't be shown it unless there's a person in the montage, those in combination could increase or cause a higher percent of misidentification? "That is possible, yes."(dcic 29-30).

D. Medical Doctor testimony

Medical doctor Oliver Drouin cared for Emad M. Salih from May 10, 2011 through May 14, 2011, upon Mr.Salih's return. Mr.Salih claims to have experienced an episode of a faint, some memory loss and dizzy when walking. Resulting from a preceding assault on May 9, 2011, possibly. Mr.Salih picked up a hitchhiker from the side of the road (rp155). The emotions of Mr.Salih are thought of as liable and amnesia of the event, on initial exam. In the reports there is laser-ations on the front and back of scalp. In addition Dr. Oliver states there appeared to be a fracture that did not show up on exam *(rp 157). The number of sutures were at least two and Mr. Salih was diagnosed with 'post concussion syndrome,' the treatment supportive care and speech (rp 158). Discharged home on the 9th, " standard protocol unless there's some sort of trauma features which would require a stay or as a inpatient" and he returns later the next day, claiming dizziness, woozness and balance issues. Was prescribed Vicoden for pain, with the same side effects as Mr.Salih's claims (rp 162,163).

* The Medical Report reads "there is an 'old' fracture". With no relation to the current case (see appendix:B,4).

and mental focus. A situation in which you would expect a delayed onset would be if there were some other factor that took place such as a bleed or some other insult to the brain during the intern. And these did not take place here (rp 368).

Doctor Bryant continues to describe Emad M. Salih's issues. The circumstances here would be sufficient to be related to a post traumatic anxiety* emotional shock type of reaction. That in the context of the other unusual symptoms indicates that there may be a mental health issue, depression, any number of other factors that might be present in the context of the unusual symptoms that would indicate that there was, I would say, quote, "something other than a medical factor that needs to be identified (rp370)." Emad M. Salih's main issue is described as "symptom-validity testing," i.e. the credibility of the person's subjective report (rp371). Most medical providers and rehabilitation therapists are in the role of accepting what is presented to them and the patient's complaints. There is not the roll of critical questioning, particularly in the context of unusual or atypical symptoms responding. That [supra] is the concern that DR. Bryant thinks was omitted here (rp 372). In addition, a blow to the head and you don't forget who you are or where you are or what is happening. So we can throw that out, that being

amnesia (rp 373). As for the episodes when Mr. Sahil was described as the eyes rolling back in his head, becoming unresponsive for a short period of time, raising the question of a possible seizure taking place. There was an EEG performed resulting in no brain abnormalities this was done to show prudent prevention of the unusual display. Furthermore, the rapid recovery following these seizure-like episodes when the typical course is for confusion, wooziness, fatigue for some period of time following an actual seizure episode. The doctor says " the reported symptoms by Mr. Salih don't reflect that which the injury is (rp 377).

E. Closing arguments

Prosecutor Larry D. Steinmetz states the following to the jury, "I do not have to prove during this trial," "...," "I do not have to show any physical injury to Mr. Salih under [reflects his own interpretation instructions read to the jury]..., I don't have to prove motive" (rp 487). Then continues to influence the jury with his description of the elements and rules with out any objection to his personal interpretation. The uses this analogy, 'If I got in my car and I was driving to Coeur d'Alene and I got to Liberty Lake, would that be a substantial step towards me going to Coeur d'Alene? Or if I got to Post Falls, would that be a substantial step towards getting to Coeur d'Alene? Again, I don't have to complete the trip, only that I have to show conduct that strongly indicates, in this case a criminal purpose, and it more than mere preparation." Next, Mr. Steinmetz defines First-degree murder as, " premeditated intent to cause the death of another person. Again, I have to show a substantial step toward that." Then Mr. Steinmetz continues to give the jury fallacious depictions of the law, possibly influencing the jury erroneous verdict (rp 489-490).

The demonstration of full strikes, to the jury, uses the about foot long $\frac{1}{2}$ inch wide tool to swing in the air ten full times and two more bent over, this psychodrama may have caused the jury to render the unjust verdict. In addition

Mr. Steinmetz states to the jury there was a fracture caused by this weapon *(rp 495). The closing argument is finished with a synthesis of accusation's, custom interpretation of the jury instruction and elements of different rule's that was done in a fashion most likely leading the jury to miss understand the proper instruction first administered by the court (rp 495-497).

Publicly funded counsel for the defense Mark Victor Hannibal begins his closing argument with, the witness' all identify some one other than the defendant in the photo matage and though he slightly puts forth this fact as an possible factor to a theory, he then contradicts all threw the closing (rp 498-499)*. The facts that the defendant, Mr. McAdams, was at work until 2:00 pm and the who was picked up by Mr.Salih after both made a phone call from a public phone. Meaning that Mr. McAdams had walked 15 blocks in less than 10 minutes after work. Furthermore Mr. Salih states he required money to make the phone call to Seattle when it was really to Canada two minutes requiring a few dollars in change not just 50 cents or the time required to type in a long distance phone card making the time even close to the time Mr. McAdams left work 15 blocks away (rp 499,500).

F. Testimony of alleged victim

[good cause interpreter is not capable of effective communication with the court or person.]

The succeeding is to show the many time the interpreter and the witness have issues that more than likely distracted the audience from the testimony. Also to point out the statements that are contradicting this witness' prior statements and direct evidence.

From the Report of Proceedings
The points when testimony being translated from English Arabic, when errors occur, i.e. the witness speaks English for important issues and the interpreter interprets a different story.

(Using direct quotations)

RP 254, INTERPRETER: He has a master in law and psychology. And what was the other one?

- Philosophy. He has a master in both.

COURT: You need to speak in the first person, Mr. Beirouty.

INTERPRETER: Yes, he did. He was lieutenant-

RP 255- After they enter Iraq and they topple Saddam, he started helping the American military.

-Yes, he did.- After he helped the American military, he got some threats on his life. That's why he went to U.N. (continues to speak in second person)

RP 256 INTERPRETER: No, he cannot.- He was working in a bank by Gonzaga University. -

- Construction. I'm sorry. At the bank. He was working construction at that bank. He worked from 7:00 to 3:00 o'clock, but that day he finish early.

COURT: Hold on a second. Mr. Beirourty, you need answer as if your repeating exactly what the witness says, as if--

INTERPRETER: What he says. That's what he say.

COURT: I understand. For example instead of/ RP 257/ saying, "He says he worked here or there, "the answer would be, " I worked at X location."

INTERPRETER: Oh, okay. COURT: Lets proceed.

[question asked to Witness]: Why did you drive to the 7-eleven? INTERPRETER: He was-- (now the non-English-speaking person starts to speak in English) WITNESS: I want to use the public phone and buy some cigars.

RP 258 INTERPRETER: The man, he gave him 50 cents because he doesn't have any change.

-Oh, after him. I'm sorry. He went in the car first and he- - the other guy went beside him, after him. - He did not look-- he didn't look/ RP 258/ His face.

(Mr. Salih looked at the man in the font seat not the back)

RP 259 INTERPRETER: Yes, he did. "nearly" he said.

RP 260 INTERPRETER: "yes", he said. He said the minute he told him to stop, he want but pass the stop point, and he just went-- he told him to continue to the next street.

RP 261 INTERPRETER: Yes, he dose. (answer in second person)

RP 261 Interpreter : Just himself and the other guy. He's shorter than him.

RP 263 Interpreter: I can't translate. -Lemia [question] Do you know a man names Ollie.(see appendix page 6,7; Ali Fadhi's petition to keep Mr.Salih from being violent toward the man)

INTERPRETER: I think-- I think he refers to his wife, Lemia. (now ex-wife do to assault and holding hostage, see appendix C-page 6 (2))

RP 264 INTERPRETER: Can you repeat that.

[question] Do you remember this person saying anything about ollie (Ali) when you were running away from the car?

[answer in proper form by interpreter] I think when I lost my consciousness -- I don't recall if he talking or I'm just imagining somebody's talking.

Interpreter: he wants you to repeat the question.

RP 265 Interpreter: "yes". (pertaining to identifying someone who may have been with him on May 9, 2011.)

RP 266 INTERPRETER: He said, "I told two reasons."

[question] You went to this 7-eleven just because?

INTERPRETER: He said, "yes".

No particular reason to go to this 7-eleven?

PROSECUTOR: it's been asked and answered, judge.

Court: Sustained.

RP 266

[question] The other 7-Eleven that's closer to your house, what's that intersection?

INTERPRETER: His house or his work?

RP 267 [question] The 7-Eleven he usually goes to.

PROSECUTOR: Objection, Judge.

THE COURT: Counsel, hold on a second. Counsel and interpreter, Mr. Beirouty, please speak in the same person as the witness is speaking. I think we're getting away from that. RP 268

INTERPRETER: Can I say something?

COURT: You have a question?

INTERPRETER: Sometimes he doesn't speak, he just move his head.

COURT: Well, the witness needs to answer out loud so the interpreter can interpret.

* WITNESS: Okay. Sorry about that (in English).

COURT: Go ahead and interpret that, interpret what I just said. RP 269

[question] Okay. He doesn't -- do you recall the passenger saying, "I have a message from Ollie. Leave us alone"?

[question] Do you recall telling the officers that you thought this was family motivated?

RP 270

INTERPRETER: Can you repeat.

* WITNESS: Yeah, my divorce can -- lies and -- I thought it was conspiracy. I'm not God but I think. (in English)

RP 270 INTERPRETER: He remembered he gets out of the hospital.

RP 271 * WITNESS: My friend told me next day.
(in English)

INTERPRETER: The second day he doesn't remember anything completely.

* Mr.Salih spoke with the detective, doctors, prosecutor and defense counsel all in English(rp 271).

PROSECUTOR: Judge, I'm gong to object to this relevance.

COURT: Overruled.

* WITNESS: Yes (in English).

INTERPRETER: I'm sorry, my mistake. My mistake.

RP 272 INTERPRETER: Can you -- he speaks five languages except other Iraqi language

WITNESS: Besides (in English)

[question] did you actually talk to the person you were trying to call?

WITNESS: No (in English).

INTERPRETER: He understood.

*RP 273 INTERPRETER: I think that's what the pay phone says, 50 cents. * And I use it before.*

*WITNESS: I don't use it before, actually. I don't use it before, pay phone, so (in English).

INTERPRETER: "I don't use it before" -- Your Honor, you know, he keeps using --

COURT: Yes. Please continue in Arabic and translate it, please.

* WITNESS: I'm so sorry (in English).

The testimony interpreted appointed court interpreter created a great disinformation to all in audience at trial. In addition the alleged victim's credibility is an issue, he give's false testimony at several points during the examination's and the interpreter is used to quasi-hide the contra statements. For example: Mr.Salih says he was calling Seattle (rp 268). When, the one call made from that pay phone betwen 1:30 pm and 2:30 pm was to Ottawa, Ontario, Canada (rp 435). The number dialed 613.260.2338 (rp 435), connected at 2:10 pm as the telephone company's representative states the information (rp 436).

Furthermore, Mr.Salih using 50 cents to call Seattle with a pay phone and has performed this action before, using the interpreter to translate. Then speaks quality English, as he denies using the pay phone before (rp 278). Thus, causing a distraction, confusion and prejudicing the accused to Due Process. Also the reasoning he states he was in an animal like conflict was due to his Ex-wife who's family lives in Canada (rp 269,270),*[more facts pertinent to the Credibility of Mr.Sahlih is in the police reports and records of his assault's , restraining orders and violation's per se, as well in medical reports].

G. LOCAL INTERPRETER AND ALLEGED VICTIM DURING COURT DETERMINING TO QUALIFY OR NOT QUALIFY

The local interpreter with no formal training in court interpreting (rp 124) has prior knowledge a narrative in this matter from local Middle Eastern store customers(rp 128). Admits to knowing Mr.Salih, alleged victim, and could pick him out of a crowd (rp 128). As well as speaks with Mr.Salih in this matter before he knows about trial, he being the good cause qualifying interpreter Imad Beirouty (rp 122). Also, now Mr. Salih's past events of life events (rp 122). The prosecution was advised during the break prior to the procedure to the fact that the interpreter knows Mr.Salih (rp 117).

During court inquiries with Mr.Salih in regards his need for an interpreter, he claims not to know Mr. Beirouty (rp 133) though Mr. Beirouty knows him. The entire interview of Mr. Salih, he speaks English effectively. (rp 129-137). There was no need for an interpreter and the interpreter qualified was more of a tactic to hide Mr.Salih from the jury as he is not credible and is a violent and dangerous man in society. The Good Cause clause of statute 2.24.030 (ii) was mis-guided to the court by the prosecutor. Thus, the application of the statute caused undue distractions during the victims testimony and prejudicing the accused of his right to Due Process.

IV/ ARGUMENTS

A. The fact that the defendant was at work from 7:00 am to 2:00 pm on May 9th, 2013, the day in question. During both time the victim sees the assailant. The defendant, Grant Thomas McAdams, was working for Labor ready at the Spokane Area location and Convention Center (rp 352-353). The situation under investigation took place after an international phone call was made by the victim to Ottawa, Ontario, Canada, from a coin pay phone at 2:10 pm. The location of the phone is at 323 west Indiana avenue, Spokane, Washington (rp434-435). The distance from work to the pay phone is approximately 15 blocks and a 15 minute, 48 second walk (rp420).

Working from 7:00 am to 2:00 pm, how is it possible for the defendant to travel by foot 15 blocks in less than ten minutes? It is not possible, to be at the 7-Eleven to give the alleged victim 50 cents to make the phone call as Emad Mohammed Salih, alleged victim, claims (rp 258). Furthermore Mr. Salih sees the assailant at his work earlier in the day (appendix A-page3) Officer Thomas Stanton reports. Synthesis of the facts that were not presented at trial show the phone call to have been made at well before 2:10 pm. Thus, Officer Thomas Stanton testimony to his reports being omitted from trial has caused prejudice to the defendant.

The Officer's reports were not presented at trial, as he was not obtained as a witness in favor of the accused. The reports shed light on the conflict between Mr. Salih and a man named Ollie or Ali Fadhil who could have had a role in Mr. Salih's injury. The statement of petitioner Ali Fadhil(see appendix C-page 6,7) shows the history of Mr. Salih to be violent and not a credible witness. In Officer Stanta's report there a relation between Mr. Salih, his injury and ex-wife (appendix A-page 3), as well as Ali Fadhil are all referred to in the Officer's report. The assailant states to Mr.Salih,"I have a message from Ali. Leave us alone. (appendix C-page 3)." In addition Thomas Stanton's report classifies the degree of assault to be substantial bodily harm, defines second degree assault(see precedents, appendix D-page 8). Officer Thomas Stanton being stricken from the witness list to give testimony to his reports has created prejudice upon the rights of the accused.

The court may take judicial notice of the facts that can not be reasonably questioned, pursuant Rules of Evidence Rule 201. Thus, may the court see Sate v. Hayes (2011) 265 P.3d 982, and take notice of the documents in the appendix and see State v. Allen S. (1999) as the credible quality of Mr. Salih is a great issue in this case, requiring attention.

B. The use of an interpreter without adequate certification was qualified pursuant Statute 2.43.030 subsection(ii) of the Revised Code of Washington. The statute pertains to good cause to use the interpreter of which was more than likely an error in application of the law (rp 138). Imad Beirouty's three months of some traffic court case and an anti-harassment case (rp140), seems have left his ability to simultaneous or real time interpreting impeded. The errors are problems addressed by the court to speak as the witness or interpret as a certified interpreter would. Also Mr. Salih speaks for himself in English adding to the confusion created by novice interpreter in the testimony.

Emad M. Salih's perjury statements may have gone without notice due to the issue of the use of Imad Beirouty as interpreter in a case of this magnitude. Thus, the may not have heard Mr. Salih's statements of calling Seattle(rp268) with 50 cents as he has done before (rp273). When the phone call made is confirmed to be to Canada (rp 435). The next fact jeopardize from use of this interpreter is, the conflict between his Ex-wife and himself as the motive of his injury (rp 269). Furthermore missing the fact of his ex-wife's family living in Canada and Mr.Salih having no family in Canada (rp 270).

[T]he use of an interpreter without formal training non the experience to satisfy the statute RCWA 2.24.030 (2) has prejudiced the defense during trial.

1. When the court uses an interpreter who is not certified to interpret, has the defendant been deprived of liberty without due process of law, his Fourteenth Amendment right?

The errors of the testimony interpreted at trial was prejudicial to the defense, i.e. the novice interpreter was not needed though acquired by the prosecution as a possible sympathy scheme. The use of this interpreter was an issue in Motions to Limine as the witness states there is no need. Defense counsel dose reiterates the no need statement to the court, though dose not as one could not predict the disturbance the appointment of this interpreter would cause during the trial examination of the witness' interpreted for. Thus, an error of trial has effected the adjudication of jury trial, by the application of the Statute 2.24.030 (ii) good cause:

> RCWA 2.24.030(b,ii) " the current list of certified interpreter maintained by the administrative office of the courts dose not include an interpreter certified in language spoken by the non-English-speaking person"

The counter balance of the statute 2.24.030 is discovered in section (2) subsection (a), in review of the trial transcripts the good cause qualification of the interpreter Imad Berouty has prejudiced the accused.

[Record on Review]

The order placed for the Statement of Arrangements filed by appointed attorney exclude merits of this case: i.e. Transcripts of Trial in Spokane County Superior Court, reporter Rosadovelazquez, Trial date of 6.04-6.07.2012, Judge Gregory Sypolt, the Voir dire and opening statements are excluded from the Report of Proceedings. The opening statement made by the appointed defense counsel, Mark Victor Hannible directly oppose the case and chief theory of the defense. This evidence supports the premise pertaining to Failure to effective assistance of legal counsel and a defiance of the Sixth Amendment right to counsel for the accused.

Good cause interpreter was not needed and the Certified interpreter was readily available in Seattle(RP 29-30). Accuracy of the translation performed by the novice interpreter Imad Beirouty is in dispute. With the amount of errors cause by the use of Mr. Beirouty and the failure to effectively communicate with the witness before the court at trial the Audio Record becomes a necessity. Review of the audio record pro se would be a path of efficient use of judicial time and judicial economy. Once the audio record is reviewed the proper request of correction of the record on review can be put forth and agreed upon.

[Audio Record]

PREMISE.

[RECORD ON REVIEW]

Deficiency in Opening Brief, produced by public assistance counsel, propounding a mere fraction of the array of facts required to establish effective reasoning. In example, The order of the Designation of Clerks Papers and Exhibits of the 'recored on Review' from Spokane County Superior Court omitted; (1) Transcription of trial proceeding's; (2) Statement of Facts and remainder of the Superior Court Docket; (3) the history of Mr.Salih, has many issues in the U.S. society as "violent and dangerous man,...., has no fear of the government here." The preceding quotes two examples (appendix C. page 6,7). Furthermore tells stories of the prisoners he beat in Iraq, ect., to inflict fear on individuals. The assault on his own wife to the 2^o, a Jordian man, the holding hostage at knife point and numerous no-contact orders with violations per se. These facts were not present at trial, Thus, depriving the accused of due process, if the court may view it this way as well? For the credibility of the witness should have been known by the Judge and Jury in their deliberations, more than likely changing the out come of the trial.

[deficient Record on Review:

Effective reasoning can only be made justly with an accurate array of facts to consider..]

§ Review of the audio record by the appellant, Pro Se, is a path to produce effective reasoning in this case.

[Correct Record on Review:
additional evidence and impeachment]

RAP Rule 7.3 provides this court of appeals the authority to determine whether a matter is properly before it, and to perform all acts necessary or appropriate to secure the fair the fair and orderly review of a case. Also in RAP 9.10 permits but dose not require or appellate court to allow the correction or supplementation of an record, and see Heilman v. Wintworth, (1977) 18 Wash.App. 751,571P.2d 963. Incorporate RAP rule 9.11 the evidence in the appendix may be considered by this court as subsection (a)(1)(2) this court may direct additional evidence that is required to resolve the decision being reviewed. As the attached appendix has proof that would probably change the decision being reviewed. NOTE TO COURT: this is only part of the proof and facts in requirement of being considered by this court to produce reason.

This court should see the failure to effective assistance of counsel during the trial proceedings and the appointed counsel in this appeals court. From the evidence in the appendix the witness Emad Mohommed Salih should have been impeachable whith application of Evidence Rule 609. As Mr.Salih's record of convictions of assaults, threats, ect. as well as the dishonesty in his false statements made in reports and at trial.

Premise.

[RECORD ON REVIEW]

The accuracy of the verbatim report of proceedings' is now in dispute in two ways: (1) the accuracy of the transcription of the statement during different; And (2) Effective communication or attempt to communicate effectively with the court by the novice good cause appointed interpreter. Thus, the audio record of trial is a requirement to be reviewed by the appellant, Pro se, to establish proper brief and lead to the production of justice. This court is permitted the authority to issue orders, to insure effective and equitable review, set fort in RAP rule 8.3, to order audio record and de novo appeal. This state has provided the right to appeal thus the requirements of due process must up held, > Rheuark v. Shaw, 628 f. 2d 297, 302 (5th Cirt. 1980). Though the United States Constitution dose not institute the right to appellant review; > Ross v. Moffit, 417 U.S. 600,611,94 S.Ct. 2437, L.Ed.2d 341 (1974).

[Continue pro se and appeal de novo]

Under the Washington State Constitution Article 1. section 22, the right to appeal in any case, appear and defend in person (pro se) and to demand the nature and cause of the accusations (correction of the record on review).

[May this court order: correction of the record on review, de novo appeal, audio record to review and continue pro se.]

V/ CONCLUSION

may the court grant the order to: (1) De novo appeal: i.e., start the appeals procedure over from the Startg; (2) represent myself in this action and in the appeal De Novo; (3) Audio record of the proceed's: i.e. the Trial hearings, preliminary and jury selection or 'voir dire', to review Pro se?

May this court Discreetly review this case?

May this court grant myself the order to be pro se in the appeals process with co-counsel of private?

May this court acquit these charges?

May this court reverse and remand?

May this court provide the proper procedure to Review the Record, pro se?

CERTIFICATE OF SERVICE

I, Grant Thomas McAdams, Appellant and
falsely convicted father;

Do hereby certify:

That the foregoing papers and pages
constitute a true and correct communication
of myself, Grant Thomas McAdams, in this legal
matter.

I, certify under the penalty of perjury
under the the law of the state of Washington
that the foregoing is true, correct and just.

APPELLANT:

Grant Thomas McAdams # 303490

Signed at Coyote Ridge Corrections Center,
Connell, Washington on this 28th day of the
month of August, 2013.

Signature: Grant Thomas McAdams
Grant T. McAdams

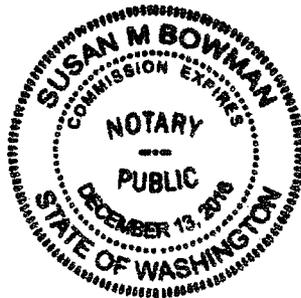
SUBSCRIBED AND SWORN TO before me on this
28th day of the month of AUGUST,
2013.

[Signature]

Notary Public in and for the State of Washington.

Residing in FRANKLIN CO., WA.

My Commission Expires: 12-13-16.



on it. I removed from the pockets of the jacket a cigarette pack and bank receipts. These items were all placed onto police property as evidence.

Forensic Specialists Boniecki and Johnson fingerprinted the inside and outside of the vehicle.

On 5/12/11 I was contacted by Forensic Specialist Boniecki who advised she had matched a palm print taken from the outside drivers side door to Grant P. McAdams, WM, 10/5/86.

On 5/12/11 I learned Emad had returned to the hospital on 5/10/11 because of medical problems which had surfaced, to include balance issues and memory problems. Emad was reported to need two people to help him stand and move across a room. Emad remained in the hospital for approximately one week and then was moved to St. Luke's Traumatic Brain Injury Center. At the time of this report, Emad has been in the Traumatic Brain Injury Center for three days and is expected to be there at least another week.

I returned to the scene of the incident where I contacted several witnesses who live in the area. I had completed a photo montage containing a photograph of McAdams. Whitney was unable to identify McAdams as the suspect. Nathar pointed to photo #5 and #2, saying the suspect had hair like these guys. (Photo #5 is a photograph of McAdams.) I contacted Randy who said the suspect looked like #1 or #3.

I contacted Lori WF who lives at Lori provided a phone number of Lori had not previously been contacted by police reference this incident. Lori said she was home on the day the incident happened, right in front of her house. Lori said she was sitting on the couch when she heard loud tires screeching. Lori said she looked out and saw two males arguing inside a car. Lori said the yelling got louder and then she heard a thumping sound. Lori said she looked back out and saw the passenger in the car swinging something in his hand at the driver. Lori described this item as a large piece of metal in his hand and he was using it to strike the driver in the head repeatedly. Lori said the passenger was yelling at the driver to get out. Lori said the driver got out of the car and the passenger exited the vehicle and chased the driver. Lori said the passenger still had the piece of metal in his hand and he was repeatedly hitting the driver in the head as he chased the driver. Lori said she heard a neighbor yelling at the passenger that she was calling 9-1-1. Lori said the passenger ran back to the car and drove away. Lori looked at my photo montage and said, "it kinda looks like this guy", pointing to #6.

On 5/17/11 I contacted Emad at St. Luke's Traumatic Brain Injury Center. I spoke with Emad for several minutes, questioning him about his ability to recall the incident and how accurate his memory was. Emad seemed emotional about what had happened, but expressed his confidence to me that he could identify the person who robbed and assaulted him. I read to Emad the warnings printed at the bottom of the montage and I explained to him the person who did this may or may not be in these photographs. Emad said he understood this.

Emad looked at the montage for approximately one minute. I could see his eyes moving slowly from photograph to photograph. I was facing Emad and when his eyes came to photo

Hair
Only like
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SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

INCIDENT CLASSIFICATION ASSAULT-WEAPON	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 11-136592
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the car.

5

I arrived to find the vehicle parked behind the residence, keys in the ignition. It was parked forwarded in from the alley. The vehicle was dusty except for the upper plane of the two doors on the driver's side of the vehicle, which appeared to have been wiped down. There was blood in the passenger area of the vehicle. On the passenger seat was a lug wrench. On top of the vehicle was a cell phone with blood on it. I did not see any footprints in the dirt alley-way.

again through

I spoke to a few people around the neighborhood, but no-one saw anything unusual the afternoon prior.

Cpl. Johnson took photographs of the vehicle. I removed the cell phone, eventually placing it on property for print processing.

The vehicle was towed to the DEM building for processing. The windows were rolled down, but to preserve the interior, I rolled up the electric windows.

*

DATE	TIME	RELEASE NO.	RELEASING AUTHORITY	DATE	TIME	OPERATOR'S NAME
[REDACTED]						

I responded to the alley behind the address o. on a call from reporting that the vehicle had been left behind his residence. He stated that he did not call police immediately, in that his neighbor to the south and the secondary residence of ati has many guests and they sometimes park behind his house, and he assumed this vehicle was one of them. He stated that he found a cell phone in the vehicle on the passenger seat. He took the phone out of the passenger side, wrote a note for his neighbor, and left it under the phone on the roof of the car. He stated that the neighbor did find the note and told him she did not know anything about

4

*

ID NO./NAME OF REPORTING OFFICER #143 - Cole, Daniel	DISTRIBUTION
APPROVAL #643 - Meyer, Anthony	DATE/TIME 05/10/2011 19:19

Supplemental Report #1

05/10/2011 19:28:27.007

...and Standard regarding an assault. There, I contacted a witness, Kramer. Kramer said she heard some screeching tires and when she looked out she saw the victim and a passenger sitting in his vehicle. They were parked in the street on Standard near Kramer's house. She could hear the victim and passenger arguing.

what was told to Kramer by Email on the phone - waiting at Hospital for cat scan.

Kramer said the victim was in the drivers seat and appeared to be Middle Eastern. The suspect was described as a WM. She said the argument became very heated and the passenger pulled out what Kramer thought was a pipe and started hitting the victim about the head.

As the passenger got out of the vehicle the victim was able to exit the vehicle and was running and staggering S/B on Standard. The passenger then chased after the victim striking the victim about the head with the 'pipe'. Eventually the suspect ran back to the car when he heard 911 had been called. He took off in the victim's vehicle N/B.

I then responded to SHMC to check on the victim's condition. An emergency doctor there said she wasn't sure of his condition until he got a cat scan. I then talked with the victim who still seemed somewhat confused at times.

He said he is a custodian who was working at a realty building near Gonzaga University. He said he thought he saw the suspect walk by this building a couple of times while the victim was working inside. He said when he left the building he went to the 7-11 at Washington and Indiana where he saw the suspect on the phone.

3 on phone

ID NO./NAME OF REPORTING OFFICER
#109 - Stanton, Thomas

DISTRIBUTION

SUPPLEMENTAL REPORT CONTINUED
Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION
ASSAULT-SUB BDLY HARM

ATTEMPTED

INCIDENT NUMBER
11-136592

He said the suspect came up to him and wanted a ride to the GU area so the victim gave him a ride. At the location of the assault the victim said the suspect told him to stop the car in the middle of Standard. It was at this time the victim said the suspect said something like, "I have a message from Ali. Leave us alone!" And then the suspect started hitting the victim with a possible pipe wrench. *may have met Ollie F. a man who is fearful of Email*

This had a line through it already

The victim wasn't able to get out of his seat belt right away so he was struck several times while belted in. He said he was able to get out of his car and was running down the street as the suspect ran behind him striking him again and again. He said the suspect then left in the victim's car.

The victim also said he thought the suspect may have been attacking him due to some kind of conflict between the victim and his ex-wife. But, it was hard for him to explain in detail what he was talking about. There may be a child custody issue involving he and his ex-wife.

After talking with the victim he was taken to get his cat scan. A short time later, Det. Burbridge arrived and I gave him a rundown as to what the victim had told me. I also gave him the victim's clothes which I had collected. He said he would put them on property.

T. Stanton 109 A111

PATIENT NAME: WAD
35Y / M
ADMISSION DATE: 05/10/2011
1168574 / 22722648

CHIEF COMPLAINT: Headache, dizziness, memory loss, and confusion after a head injury.

HISTORY OF PRESENT ILLNESS: Mr. Mohammed is a 35-year-old male who was the victim of a crime recently. The patient was returning home from work yesterday afternoon at approximately 2:00 p.m. when he picked up a hitchhiker, who then attempted to hijack his car. He told him to pull over on the side of the road and proceeded to use a tire iron, which was in the car, to hit the patient on the side of the head. Then, after the patient had exited the vehicle, hit him on the (posterior aspect) of his head several times afterwards, as well. This was witnessed by a bystander, who then called 911. The patient was then found down on the ground and brought to the emergency room by ambulance, where a head CT was performed and did not reveal any acute intracranial lesions, but he did have significant scalp lacerations, which were cleaned and sutured in the emergency department on 05/09/2011. After being in the emergency department yesterday for several hours, the patient was then discharged back home. The patient actually went home with a friend who is a nurse at Deaconess Medical Center, and stayed with the family overnight. Initially after the head trauma, the patient had amnesia of the hour after the event, but did have full recollection of the events preceding the trauma and the events of his past history. However, late last night and early this morning the patient was noted by family to have some confusion, as well as memory loss of recent memories, as well as some distant memories, as well. The patient was also noted to feel very weak and dizzy, and had a syncopal episode at home, which did not last very long and was preceded by a prodrome of dizziness, lightheadedness, and paleness. For all of these reasons, the patient was brought back to the emergency department this afternoon by his friend for further evaluation and treatment.

PAST MEDICAL HISTORY: None.

PAST SURGICAL HISTORY: None except getting sutures yesterday in the emergency department.

SOCIAL HISTORY: The patient is a recent immigrant from Iraq as a refugee. He is working here in Spokane as a construction worker. He was an attorney back in Iraq. He moved here with his wife and son, and he is now divorced. He smokes approximately 1 pack per day and does not drink any alcohol.

FAMILY HISTORY: Unknown.

Sacred Heart Medical Center

PHYSICAL EXAMINATION:

GENERAL: A 35-year-old male, alert, somewhat glazed appearance. He does have sutures on his scalp wound.

VITAL SIGNS: Blood pressure is 130/87, heart rate 83 and regular, respirations 18, saturations 98% on room air, good. Temperature 98.8. Pain he rates as about a 4:10

HEENT: Normocephalic. Pupils appear equal, round, and reactive. There are wounds on his scalp and near the occiput which are sutured. TMs are clear. No hemotympanum. No Battle's sign. No raccoon eyes. Nose without any obvious deformity and no drainage. Oropharynx is moist. No uvular deviation. Tongue without swelling.

NECK: Supple. I do not appreciate C-spine tenderness or any lymphadenopathy.

LUNGS: Clear. No crackles in the bases. No rhonchi. No chest wall crepitus.

BACK: Seems straight and nontender.

HEART: Regular. Normal S1, S2 without ectopy or murmur.

ABDOMEN: Soft and nondistended.

EXTREMITIES: No edema. No deformity. No clubbing, or cyanosis. Distal pulses are 2+ throughout.

SKIN: Otherwise clear.

NEUROLOGICAL: He is grossly intact. Again, he cannot name others and seems poorly oriented but otherwise has a grossly nonfocal exam with equal grips. Equal lower extremity strength, as well. Deep tendon reflexes are 2+ and symmetric throughout. The patient has symmetric smile and intact cranial nerve exam.

ASSESSMENT: A 35-year-old male with acute confusion beginning this morning at about 10 o'clock. Apparently, the victim of an attack yesterday. We will go ahead with a noncontrast head CT to rule out the possibility of delayed intracranial bleeding, whether or epidural or subdural hematoma, possible cerebral contusion. (I do not see evidence for skull fracture). Certainly this could all be consistent with a concussion. I have asked for I-STAT-6 and creatinine as well and he does not seem to want pain medications at this time.

LABORATORY DATA: Blood work shows a glucose of 91, normal. BUN 5 and creatinine 0.9, is normal. Hemoglobin is 15.3. Sodium 140 and normal.

DIAGNOSTIC DATA: *Noncontrast head CT does not show anything acute. He has soft tissue swelling over the forehead and frontal scalp, as well as the parietal convexity. Subcutaneous emphysema is seen along the forehead, consistent with the laceration and there is an old fracture deformity of

the anterior wall of the right frontal sinus and old right nasal bone fractures; this was seen yesterday.

The patient does not seem a good-faith discharge and will recommend that be admitted to the hospitalist service. He will actually go to the internal medicine residents. Admitting physician is Dr. Palant, who will provide close monitoring and some rehabilitation therapy.

ADMITTING DIAGNOSIS: Acute confusion, suspected concussion following events of yesterday.

DISPOSITION: The patient is admitted in fair condition

STATEMENT OF PETITIONER

1. Emad (the Respondent), his wife Lamyaa, and I are all refugees from Iraq. I became friends with them both, but particularly Emad, when I came to Spokane in August 2007. Since that time, I have become increasingly fearful of Emad, and believe he is unlawfully harassing me for no good reason. During that same period of time, the domestic violence between Emad and Lamyaa became so bad that she had to leave him and file for divorce. I have attached two declarations from the divorce file to show that Emad is a violent, dangerous man. (Exhibit A, B)
2. I believe there will soon be criminal charges filed against Emad, if they have not been filed already, for his violence against Lamyaa, and she has a No-Contact Order protecting her from him. (Exhibit C) The crimes were DV Harassment (including a death threat) and Assault 2.
3. Even back when Emad and I were friends, I was still afraid of him. He told me that he was in the National Guard in Iraq. The National Guard in Iraq does horrible things to people, picking people up off the street in trucks and making them disappear. The Emad told me that when he was in the National Guard he was ordered to beat up a prisoner, and that he followed the order. I do not know for a fact that he was in the Iraqi National Guard, only that he told me he was.
4. I believe that Emad would talk about the National Guard because he knew it frightened me. When I still lived in Iraq, I was kidnapped once by the National Guard, and they destroyed one of my eyes. After I was released, I was so afraid that I didn't leave my home for three months. I told Emad about how the National Guard did this to me, and he brings it up to scare me.
5. Most of my fear of Emad relates to his relationship with his soon-to-be ex-wife Lamyaa, who is still my friend. Consistent with Iraqi culture, he is extremely possessive of her to the point that I believe my friendship with her puts me in danger.
6. In late 2007 or early 2008, I got into an argument with another refugee I know in town, named Sattar, because I did not want Sattar to come to my house. When Sattar got upset, he decided to get back at me by lying to Emad, telling him that I had said dirty things about his wife Lamyaa (and that I wanted to have sex with her). This was completely untrue; in fact, at that time I had an American girlfriend. The words Sattar told Emad I said are very serious words in Iraq.
7. After Sattar told Emad the lies about me, Emad called me and told me to come to his house. I didn't want to go, because I was afraid of what he would do, but I didn't know if I should get the police involved. I drove over, and my girlfriend waited in the car. I got out and stood on Emad's front porch. He told me to come in, but he looked very scary and angry, so I told him I didn't want to, and that he could talk to me on the porch. He started threatening me. He said that if I didn't come in he would punch me and drag me into his house. He looked so

angry that I was afraid to say no. I went in, and Sattar was there too. We all sat down in the living room, and Emad interrogated me. I denied saying anything about Lamyaa. Emad screamed in my face. He got up and picked up a letter opener that looked like a knife, which was sitting on the TV, and said that if I'd said anything like that about her he would kill me. I offered to swear on the Koran that I had not said such things, and Emad finally seemed to believe me. He ordered me to leave, and told me that if he saw me again near his house or at the Yoke's Supermarket near his house he would stab me and punch me.

8. We later made up, and continued to see each other sometimes, but I was scared of him from then on. Emad is not afraid of the law or the government here. If he wants to do something he will just do it. Most of the refugees here are careful to behave well because we could get sent away if we get in trouble. Despite this, the Emad assaulted a Jordanian man who used to live in Spokane and worked with Emad at the Davenport Hotel, and he violated Lamyaa's No-Contact Order. (Exhibit A, B, C)

9. Lamyaa called me to ask for a ride to the airport on December 24, 2008. She said that she was afraid that Emad was going to show up, despite the No-Contact Order. She also contacted Sergeant Monk (who had helped her in the past when Emad was arrested) so that he would meet us there, in case Emad was there too. As Lamyaa and I walked into the terminal I saw Emad. He was standing there, glaring at Lamyaa and me. I pointed him out to Lamyaa, and Sergeant Monk. The police began pursuing the Emad, and he ran outside, across the street toward the parking lot. They caught him and arrested him. I was afraid after this, because I knew Emad would be very upset that I was with his wife without him being there, which is not allowed in Iraq.

10. The main reason I am afraid that Emad will try to hurt me is that he believes it is wrong for me to be friends with Lamyaa, based on Iraqi culture. If I had spent time alone with Lamyaa in Iraq (if I'd known them when we were all living there), I have no doubt that Emad would have murdered me and maybe my family. I am afraid for my life, and ask this court to make Emad stay away from me.

11. In addition to the incidents that involved Lamyaa in some way, Emad has also been harassed me in other contexts. For example, Emad has told me that he watches me frequently when I am out on the streets. I do not know the truth about this surveillance, but I would not be surprised if it was true.

12. In the fall of 2008 when I was driving down the street, I saw Emad playing soccer. As I drove by he threw the ball at my windshield. I stopped the car and told him not to do that again. He came up to my car and started screaming at me, calling me things that would be the equivalent of "dog," "pig," "bastard," etc. Everyone stared at him because he was so vicious.

13. Most recently, Emad harassed me through the computer. I use Yahoo Instant Messenger (IM) to communicate with my family and friends in Iraq. More than a year ago,

SECOND DEGREE ASSAULT, PRECEDENT CASE'S

1> State v. Randoll (2002) III Wash.App.578,45P.3d1137

Victim's head injuries, which required two brain surgeries costing between \$300,000 and \$400,000, and which would require additional surgery to install a protective plate in the victims head, justified 24-month exceptional sentence for sceond-degree assault.

2> State v. Atkinson (2002) III Wash.App.661,54 .3d 702

"disfigurement" meant "that which impairs or injures the beauty, symmetry, or appearance of a person or thing; that which renders unsightly, misshapen, or imperfect, or deforms in some manner," argued that he was only guilty of fourth degree assault because disfigurement was not substantial.

3> State v. McKague (2011) 172 Wash.2d 802,262 P.3d 1225

When he punched victim in the head several times and pushed him to the ground, causing his head to strike the pavement; victim suffered facial bruising and swelling lasting several days, severe lacerations to his face, the back of head, and arm, as well he was unable to stand for a time.

4> State v. Duncalf (2011) 267 P.3d 414, 164 Wn.App.900 at 2011 wl 5830453*2 (end of page) (Wash.App.Div I)

Victim Ketchum suffered at least eight fractures; the exact number of fractures is uncertain because some of his orbital bones were shattered. This facial trauma required surgery whereby Ketchem's jaw was realigned, titanium plates were inserted, and his jaw was wired shut for over five weeks. In addition to severe facial injuries, Ketchum the victim sustained a fractured rib that punctured his lung, creating a pneunothorox -- a potentially life-threatening condition in which air escapes from and then compress the lung. He further sustained a fracture to the base of his skull.