

Case # 30256-3

Supp

**Statement of Additional Grounds
For Review**

State of Washington

v.

Vance Lynn Baker

COPY

FILED

DEC 04 2013

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

Appendix & Reference's

From the Trial Record

For Support in Vance Baker

Supplemental Statement of Additional Grounds

To The Court of Appeals
(Office of the Clerk) of the
State of Washington
Division III

500 N. Cedar ST
Spokane, Wa, 99201

State of Washington
Respondent,

V.

Vance L. Baker
Appellant,

No. 30256-3-III

Case # 08-1-01152-0

Supplemental Statement
of Additional Grounds

Vance L. Baker
#349587
PO Box 2049
Airway Heights, Wa.

Date: December 1, 2013

① Respectfully, I ask the Court of Appeals to read the following notarized letter of Sharon Skinner whom attended my trial, and has brought forward important information of my trial for the Court of Appeals.

Notarized date: 8-23-2013

I place her letter next on (page 3 of 15)

My name is Sharon E. Skinner. I am retired from the Washington State Department of Corrections as a lead secretary. I attended the trial of Vance Baker, (Case # 08-1-01152-0), and feel that the following information needs to be addressed by the Court of Appeals.

During the trial I heard the Judge tell Attorney Holt that if Lisa Baker admitted she had lied about being raped by someone in her home, which resulted in a Swat Team being sent to her house, that he (the Judge) would allow this information to be presented to the Jury. I, along with the Judge, the Attorney and others in the Courtroom, heard Lisa admit that she had lied about the rape.

However, the Judge then said that he would not allow this information to be presented to the Jury. I feel that because the Judge failed to allow this very important information to be given to the Jury, (even though he had ruled he would allow it if she admitted the lie), the Jury did not have the opportunity to have all the facts of the case presented to them.

Sharon E. Skinner
Sharon E. Skinner

STATE OF WASHINGTON
County of FRANKLIN
I certify that I know or have satisfactory evidence that
Sharon E. Skinner signed this
instrument and acknowledged it to be (his/her) free and
voluntary act for the use and purposes mentioned in
the instrument.
Signature of [Signature] Date 8/23/2013
Notary Public ALEX FLORES
Title NOTARY
My appointment expires 07-08-2016



State of Washington
Court of Appeal
Division III

Supplemental Statement of Additional Grounds
Vance L. Baker Defendant/Appellant

② My judgment of conviction was obtained in a prejudiced violation of my due process right to receive a fair trial. The Benton County Prosecuting Attorney Jennifer L. Johnson whom I started the prosecution in my case Nov. 12, 2008. She was also appointed as juror No. 2 at my trial May 16, 2011, and according to the Benton County Clerk Paper (CP-283), she Ms. Johnson provided a rebuttal for the prosecution at that time. This demonstrates prejudice and abuse of discretion by the Court and my defense attorney Kevin Holt to allow Ms. Johnson as a prospective juror in my case.

Please be aware the librarian of AHCC stated that they are not allowed to make copies off the computer. Of my recent receipt of Benton County Clerk Papers on Computer Disc.

(Please see attached (EXHIBIT-A) showing proof through my hand written copies of the Benton County Clerk Papers (CP-001, 002, 003, 162, 272, 283). (Also (2) two pages of trial transcript page 90 and 91). You shall see EXHIBIT-A-1, A-2, A-3

State of Washington (EXHIBIT-A)
Court of Appeals
Division III

Supplemental Statement of Additional Grounds
Vance L. Baker Defendant/Appellant
case #302563 (Exhibit A)

The Benton County Clerk Papers currently shown
in my Supplemental (S.A.G.) and my hand printed copies
off of my recently received Computer Disc. on date
Sept. 4, 2013, of - [PDF-302563 CP 001-309]
[Adobe-Acrobat- Documents 6260 KB]

I received these (CP 001-309) Benton County Clerk
Papers in Computer Disc. September, 2013, (2 1/3) two
and a third years after my trial on May 16, 2011.

I did not receive the computer disc. (CP) until a
month after my Appeal Briefs and my previous
Statement Of Additional Grounds were completed.

These late received Benton County Clerk Papers (CP)
of my case No. 302563 and certain trial transcript
I intent to show proof of extreme errors.

The Benton County Prosecuting Attorney -
Jennifer L. Johnson and under her leading Benton
County Prosecuting Attorney Andy Miller started by
making charge(s) against me Vance Baker with
there received allegation(s) on November 12, 2008.

The Benton County Clerk Papers, my hand print copies
of (CP-001-002-003) with the name Jennifer L. -
Johnson and her signature, notice (CP-002) sworn
and oath of the Deputy Prosecuting Attorney in my
case #302563 November 12, 2008.

Supplemental Statement Of Additional Grounds
(EXHIBIT A - 1) (SAG) page 5 of 15

My final trial started on Monday, May 16, 2011, (2½) two and a half years later of alleged charge(s) on November 12, 2008.

Ms. Jennifer L. Johnson was replaced on my case as Benton County Prosecutor approximately (8) eight months after beginning of my case November 12, 2008, replaced primarily by Benton County Deputy Prosecuting Attorney Anita Petra of my case #302563 Vance Baker in July/August of 2009.

Please read my handprinted copies of Benton County Clerk Papers (CP-162-272-283) of my trial and also please read these trial transcripts — (pages 90-RP25 and page 91-RP1-9).

The Benton County Clerk Paper (CP-162) of Juror Questionnaire 2 Jennifer Johnson.

No. 2 juror Jennifer Johnson of the (75) seventy five original jurors.

The trial transcript (page 90, RP25) and — (page 91, RP1-9) this is at my defense attorney Kevin Holt pick forward — juror No. 2 Ms. Johnson.

Next please read Benton County Clerk Paper (CP-272) — (THE FOLLOWING 13 JURORS SWORN AND EMPANELLED TO TRY CASE)

No. 2 JENNIFER L. JOHNSON

Ms. Johnson as sworn juror in my trial

Ms. Johnson kept her original Juror No. 2 of original (75) seventy five jurors.

Supplemental Statement of Additional Grounds
(EXHIBIT A-2)

(SAG) page 6 of 15

Please read Benton County Clerk Paper (CP-283)
becoming very close to the end of my trial,
I high light from clock time 1:49:33 PM -

1:49:33 PM Side bar w/ reporter
continued close by Mr. Holt
Rebutal by Ms. Johnson

Juror #1, selected as alternate
Bailiff Oath administered to Greg Gill
Jury excused from open court at 2:32:07 PM
to deliberate upon a verdict.

2:32:40 PM Recess

Jury returned to open Court at 4:55:30 PM with A verdict

The shown errors and allowance of Ms. Johnson,
Jennifer Johnson, Jennifer L. Johnson whom are
proven to be the same person of Benton County
Sworn Prosecuting Attorney Jennifer L. Johnson and
the Benton County Sworn Trial Juror Jennifer L. Johnson,
and further to the close end of the trial-above-
(Rebutal by Ms. Johnson) and
(Juror #1, selected as alternate)

Conclusion:

I am asking for Dismissal with prejudice,
or at least a new trial because of the violations
and prejudice of my trial.

Vance Baker

Vance Baker Date: 12-1-2013

Supplemental Statement of Additional Grounds
(EXHIBIT A-3)

(SAG) page 7 of 15

JOSIE DAVLIN
Benton County Clerk
Nov. 13, 2008
FILED

In The Superior Court Of The State Of Washington
In And For The County Of Benton

State of Washington
vs. Plaintiff
Vance Lynn Baker
DOB: 12/28/57
SS: 538-70-6435
SID: WA16886296
FBI: 607184VA8
DL: BAKER VL433R8
Defendant

No. 08-1-01152-0

INFORMATION

COMES NOW, ANDY MILLER, Prosecuting Attorney For
Benton County State of Washington, and by this Information accuses
VANCE LYNN BAKER
of the crime of: Child Molestation In The Second Degree, RCW 9A.44.086
Court I

That the said Vance Lynn Baker in the County of Benton, State of Washington,
during the time intervening between the 25th day of May, 2007, and the
25th day of May, 2008, in violation of RCW 9A.44.086, did engage in sexual
contact with and was at least twelve years of age but less than (14) fourteen
years of age and not married to the accused, contrary to the form of
the statute in such cases made and provided, and against the peace
and dignity of the State of Washington.

Dated at Kennewick, Washington on November 12, 2008

ANDY MILLER
Prosecuting Attorney

S/S

Jennifer L. Johnson #34053
Deputy Prosecuting Attorney

Hand printed copy of
Clerk papers

(CP-001)
(SAB) page 8 of 15

STATE OF WASHINGTON } ss
COUNTY OF BENTON

JENNIFER L. JOHNSON, being first duly sworn on oath, says (s) he is the duly appointed, acting and qualified Deputy Prosecuting Attorney in and for Benton County, that she has read the foregoing Information, knows the content thereof, and believes the same to be true

s/s
Subscribed and sworn to before me this 12th day of November 2008

JOSIE DELVIN
County Clerk / Clerk of Benton County Superior Court

Notarized

s/s

Hand printed copy of
Clerk Papers

(CP-002)
(SAG) page 9 of 15

JOSIE DELVIN
Benton County Clerk
November 13, 2008
FILED

In The Superior Court Of The State Of Washington

In And For The County Of Benton

STATE OF WASHINGTON

vs. Plaintiff
VANCE LYNN BAKER
Defendant

No. 08-1-01152-0
MOTION FOR ARREST/DETENTION
(Probable Cause)

The Prosecuting Attorney moves for authority to arrest and detain the above defendant based on the following affidavit.

s/s

Jennifer L. Johnson, #34053
Deputy Prosecuting Attorney
OFC ID 91004

STATE OF WASHINGTON)
COUNTY OF BENTON) ss

1. Affiant is a Deputy Prosecuting Attorney for this county and makes this affidavit in that capacity.

2. The above defendant is accused of a crime(s) by an Information

3. Affiant believes probable cause exists for the arrest and detention of the defendant because of the following facts and circumstances:

Police reports indicate that in Benton County, during the time intervening between the 25th day of May, 2007, and the 25th day of May, 2008, the victim states that her uncle, the defendant, has molested her approximately 13 times from the age of 11 to age 13.

The victim states that the defendant would touch her breast and vaginal areas, under her clothing, at his house in Finley. The defendant was more than 36 months older than the victim.

s/s

Affiant

Subscribed and sworn to before me on this 12th day of November, 2008
by JENNIFER L. JOHNSON.

s/s

Hand printed copy of
Clerk Papers

Notary Public Appt. Expires 8, 9, 09
(CP-003) (SAB) page 10 of 15

1 A Vaguely.

2 Q Let me ask you this, do you remember if those
3 people were found innocent or guilty?

4 A I think they were proven innocent eventually.

5 Q Almost everyone of those was proven innocent
6 after the fact. So it is possible for this stuff to
7 happen. So it is also possible to charge innocent people
8 with this crime. What do you think, number two?

9 A I agree with that.

10 Q The truth is for you to determine here. And how
11 you do that is going to be based on the evidence that you
12 receive and your assessment of that evidence for
13 credibility. Okay. So we getting close to my end and I
14 need to do this for myself because it allows me to make
15 sure I know where everybody else is. I will ask you a
16 couple questions and then I will be done. We will start
17 out now. Number 14, you are now in seat number 1. This
18 is why I do this. Do you want to be a juror?

19 A Yes.

20 Q And do you understand who has the burden of
21 proof in this case?

22 A Yes.

23 Q And will you hold them to that burden?

24 A Yes.

25 Q Number two, Ms. Johnson?

1 A Yes.

2 Q Do you want to be a juror?

3 A Yes.

4 Q Can you hold the State to the burden of proof
5 beyond a reasonable doubt?

6 A Yes.

7 Q Can you separate the emotion from the facts in
8 this case?

9 A I believe I can.

10 Q Ms. Tucker?

11 A Yes.

12 Q Do you want to be a juror?

13 A Yes.

14 Q Will you hold the State to its burden of proof
15 beyond a reasonable doubt?

16 A Yes.

17 Q And can you assure myself and my client that you
18 will keep the emotions and keep this to a factual
19 determination?

20 A Yes.

21 Q Ms. Kenning, do you want to be a juror?

22 A Yes.

23 Q Will you hold the State to proof beyond a
24 reasonable doubt?

25 A Yes.

Mr. Holt asks Prospective Juror #7 be excused for cause. Voir Dire by Ms. Petra. Court grants request, Prospective Juror #7 excused for cause.

Continued voir dire by counsel.

Peremptory challenges by respective counsel.

Balance of prospective jurors excused with thanks of the court.

THE FOLLOWING 13 JURORS SWORN AND EMPANELLED TO TRY CASE:

- | | |
|-----------------------------|-----------------------|
| ① AARON L. HELTON | ⑦ HANS CARMAN |
| ② JENNIFER L. JOHNSON | ⑧ GABE S. KNUTZEN |
| ③ LINDA K. TUCKER | ⑨ TOM NORMAN |
| ④ VANESSA KENNING | ⑩ GREGORY J. BORGEN |
| ⑤ SHARON A. CRIST | ⑪ JAKE BURNS |
| ⑥ JASON S. KNOPP | ⑫ ANGELITA C. HOLGADO |
| ⑬ SHARON R. ADKINS MC ELROY | |

Court gives don't talk speech.

4:18:42 PM Jurors removed from open court

4:19:30 PM Recess

Tuesday, May 17, 2011 AT 8:44:18 AM 2nd DAY OF TRIAL

Judge: Vic L. Vanderschoor Reporter: John McLaughlin

Plaintiff counsel: Anita Petra Clerk: Kay Slatasky

Defense counsel: Kevin Holt Bailiff: Greg Gill

All parties present outside presence of Juror's

Motions in limine were addressed and reviewed by Court

8:53:43 AM Recess

9:05:18 AM Reconvene, all parties present/all jurors present

Court reintroduces case and gives instructions

Opening Statement by Ms. Petra

Opening Statement by Mr. Holt

Court Clerk Papers CP (CP-272)

Hand printed copy of clerk papers

(SAG) page 14 of 15

Court gives don't talk speech
10:28:44 AM Jurors excused for lunch
10:29:56 AM Recess
10:52:53 AM Reconvene, All parties present outside presence of jurors - Jury instructions are reviewed by counsel.
No changes as offered by either counsel.
Ms. Petra states for the record a caution of statements to be made by Defense on closing, also case law on corroborated statements
10:58:24 AM Recess for lunch
1:02:25 PM Reconvene all parties present outside presence of the jurors
1:08:55 PM Jurors brought into open court

Court Reads Jury Instructions To The Jury
Closing argument by Ms. Petra
Closing argument by Mr. Holt
1:49:33 PM Sidebar w/reporter continued close by Mr. Holt
Rebutal by Ms. Johnson.

Juror #1, selected as alternate.
Bailiff Oath administered to Greg Gill
Jury excused from open court at 2:32:07 PM to deliberate upon a Verdict
2:32:40 PM Recess

Jury returned to open Court at 4:55:30 PM with A Verdict

Clerk reads the verdict as follows:
Verdict form A: We, the jury find the defendant, Vance Lynn Baker not guilty of the crime of Rape of a child in the First Degree as charged in Count 1

Hand printed
copy of clerk papers

Court Clerk Papers (CP - 283)
(SAG) page 15 of 15