

FILED
COURT OF APPEALS
DIVISION II

2013 AUG -5 AM 9:26

STATE OF WASHINGTON

BY [Signature]
DEPUTY

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

STATE OF WASHINGTON,
Respondent,

v.

Corey Duwayne Young
Appellant.

No. 43358-3-II
STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW.

I, Corey Young, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Additional Ground 1

- 1. Jury errors
- 2. Prosecutorial misconduct
- 3. Ineffective Assistance of Counsel
- 4. Speedy trial rights violation
- 5. Sentencing

Additional Ground 2

If there are any additional grounds, a brief summary is attached to this statement.

Date: _____ Signature: _____

Court of Appeals No. 43358-3-II

COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION TWO

STATE OF WASHINGTON

v.

COREY DWAYN YOUNG,
Defendant / Appellant.

STATEMENT OF ADDITIONAL GROUNDS
FOR REVIEW

FILED
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BY _____
DEPUTY

I. Assignment OF Error

1. Jury Errors

2. Prosecutorial Misconduct

3. Ineffective Assistance of Counsel

4. Speedy Trial Rights Violation

5. Sentencing.

II ISSUES Presented

1. Trial court erred when jurors were in hallway congregating and failed to acknowledge situation.

2. Prosecutorial Misconduct was committed when prosecutor, misled jury, falsified evidence, and committed perjury, Improper comments

3. The trial court erred in denying me effective Assistance of Counsel

4. The State erred when violating my speedy trial rights, and my constitutional rights.

5. The trial court erred when sentencing me to two firearm enhancements instead of one

①

Arguments

A. The trial court abused its discretion by allowing jurors to sit and congregate in the hallway during trial. The trial court erroneously failed to inform the jurors that being in the hallway was not allowed, nor telling them to disregard anything they might have seen or heard. Therefore tainting the process of trial, and violating my constitutional right to a fair trial [see page 87] lines 15-25.

(The situation being brought to court's attention, by prosecutor, and Judge never brought it to jurors, nor had a hearing for it.

2. Trial court erred when three jurors were in the hallway while others were in hallway congregating. (See page 87) lines 8-10 (co-defendants family angrily discussing case.

(See page 88) 1-8. family mad about case.

The jurors being in the hallway while people congregating is not allowed. The codefendants family were angrily making comments about case. (Page 88) lines 1-8. The jurors being out there with them while they were congregating, can bias one of the jurors, by seeing or of the family members reaction to case, or hearing any comments they might

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might have made, can bias the jurors, taint the process of trial, promote premature deliberations, and change the role of the jurors. Therefore violating my right to a fair trial.

(There were witnesses that were just done testifying could of been in hallway with jurors)

• The trial court erred in selecting a juror that at first sight thought I was a gang member because of my tattoos. (Juror prejudiced me at first sight.) (see Jury selection) (See page 26) [sentencing] lines 3-5
"Judge commenting about juror, thinking they were gang tattoos.
By selecting that juror the state violated my right to an impartial jury and right to fair trial.

③

III ARGUMENT

A. Prosecutorial Misconduct was committed by prosecutor when he misled jury/falsified evidence/committed perjury.

1. Prosecutor misled the jury/falsified evidence by saying, (line 21) "There was a .22-caliber bullet found in that jacket. Is that your gun."

Page 167, lines 21-25.

[See page 96] lines 16-23. Officer that searches me reads from his report everything he found on me. (lines 20-23) "There was cash, a mobile phone, a lighter, and an ID card belonging to somebody else, and a sim card along with a quest card, and a plastic baggie containing marijuana. (no bullet.) lines 9 and 10. Page 28; lines 2 and 3

2. Prosecutor committed perjury/was unethical when he persuaded himself by saying, "You were just told a few minutes ago that the .22 bullet that was found in your pocket was put in with the other .22 bullets." Page 168 lines 1-7 [he also falsified evidence by saying lines 1-7, [see page 30] line 24 and 25 and (page 31) lines 1-3, officer that found jacket testified to only finding six bullets, all in the gun." Yes I removed a magazine with five .22 long rifle rounds

④

in it, and the sixth round was in the chamber;
It was loaded."

[See EXHIBITS] Page 4, line 7, Exhibit No. 9
(in evidence there's six bullets.

Prosecutor says they found a .22 caliber bullet
in the jacket that (they put in with the
other ammunition). Page 168) lines 1-7. If that
was the case there would be 7 bullets not
six, because 6 was found in Gun.

[See page 42] lines 8-12 Officer Testifies to
all the rounds coming from Exhibit No. 3.
(Evidence No. 9 being admitted.

3. Prosecutorial Misconduct, Prejudice/Improper
Comments.

Prosecutor was Prejudicial when he stated
Page 169 lines 11, 13, 15, 19, and 24. and Page
170, lines 1, 3, and 5. "Why did you have a
red hat" "A red bandanna, you don't remember"
"Do you go by "Little Bones" "never gone by
little Bones" "what about Little Flame."

Comments have nothing to do with case. Trying
to insinuate gang ties. (Prosecutor trying to prejudice
me in front of Jury.)

Page 88 lines 14-19

Page 190 lines 21-25

Page 184 lines 22-25

Page 185 lines 1-4

Page 192 line 14 and 15

Page 193 line 11 and line 15-23 Improper Comment, Misdemeanor

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Page 205, lines 5-9, prosecutor Province Jury,
Page 207 lines 8-14, Prosecutor says officers
plant evidence, line 24 and 25.

Page 208 lines 24 and 25, (Prosecutor admitting
to perjury.) (Page 173) lines 13 and 14, (Prosecutor
saying I used other witness to tailor my testimony.

B. Ineffective Assistance of Counsel.

1. I was denied effective assistance and
my right to a fair trial by being forced
to testify.

[See Page 181] lines 5-11. "That's correct. My
motion is for a mistrial. I had discussions
with my client about whether he wanted to
testify. Apparently I misunderstood what he said.
He apparently told me he did not want to.
I thought he said he did want to, so
since I forced him into something that he didn't
want to do..."

Page 182, lines 10-15. Attorney saying he
thought I said that I wanted to testify.
When I told him more than 3 times that
I didn't want to testify.

[lines 22 and 23] Denied motion for mistrial
2. Failure to object.

(Page 167) lines 22 and 21. didn't object to
false evidence.

Page 168 lines 1-7. Counsel failed to
object to prosecutor's perjury

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(Page) 170 lines 1-5

(page 169) lines 11-25, Counsel fails to object to comments that prejudice me.

(page 188) lines 14-19 doesn't object to improper comments.

(page 207) lines 8-14 Counsel didn't object to improper comments.

(page 96) lines 16-19, Counsel didn't object to letting officer read from his report.

(Page 87) [Testimony of Brian Johnson]

Counsel fails to bring up issue and move for mistrial on unsequestered jury. Therefore is ineffective assistance of counsel. (Page)

87) lines 15-25.

C.

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• Speedy Trial Rights Violation

The state erred in not bringing me to trial by the time for trial date, therefore violating my Constitutional right to a speedy trial and the sixth and fourteenth amendment.

1. (Page 3) January 9, 2012, case was 49 days old, trial set for the 11th day of January, 2012.

2. (Page 5) Thursday 23rd day of February, case 94 days old, continuance for no courtrooms available. (Trial set for today) (I refused to sign)

See [State v. Kenyon] 167 W.2d

State v. Kenyon states unavailability

of Judge or courtroom is not a valid reason for continuing a trial, if no record is made regarding the number or availability of unoccupied courtrooms.

It is not an "unavoidable or unforeseen" circumstance. Under CrR 3.3(e)(8)

I also falls under "court congestion" and is not valid reason.

3. (Page 11) Thursday 15th day of March, 2012. Trial was set for today. It was continued Monday the 20th. (Prosecutor unavailable)

See State v. Saunders. Unavailability of prosecutor is not a legitimate reason to continue a trial. Under

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(Page 13) Tuesday, The 20th day of March, 2012. Case is 115 days old.

Continued for reason of (no courtroom available). No courtroom available is not legitimate reason to continue trial.

Under CrR 3.3 (See state v. Kenyon)

(State v. Saunders) (Time for trial got reset)

(I refused to sign).

The 26th day of March, 2012.

(Case continued, didn't sign)

- (Page 3) Time for trial got reset on 8th of March.

- Sentencing

The state erred with sentencing when they gave me two firearm enhancements instead of one.

(See State v. Mandanas)

(See Enhancement Statute RCW 9A.94A.5)

while crimes are run concurrently,

should be given one gun enhancement. (No prior gun charges)

(Page 21) lines 7 and 10-13.

given two.

(Page 24) lines 4-8, Attorney disagreeing with my offender score.

(Page 21) 3-8, gave me two firearm

enhancements, when only supposed to get one.

(Under Enhancement Statute RCW 9A.94A.

(I have NO prior gun charges)

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Conclusion

1. Based on fact that trial court abused its discretion by erroneously failing to inform Jurors that being in the hallway was not allowed, nor telling them to disregard anything they might have heard or seen. Violating my right to a fair trial this court should reverse and remand for New trial.
2. Due to selecting and keeping a biased Juror Court should reverse case.
3. Due to the prosecutor committing perjury, falsified evidence, and misled the Jury about A bullet in my Jacket, makes Jurors think gun is mine. Therefore Court should fully reverse case.
4. Prosecutor's improper / prejudice comments prejudice me in front of Jury, therefore should result in full reversal of case.
5. Due to the fact that I was denied ineffective Assistance of Counsel by being forced to testify and Counsel's failure to object. Court should Reverse and Remand for retrial.
6. Due to, speedy trial rights violation and violation of 6th and 14th amendment Court should full reversal of case.

(10)

7. Due to sentencing error, when I got two gun Enhancements instead of one, The court should vacate my sentence and remand for resentencing under one firearm Enhancement.