

Case # 30640-2
Consolidated with
Case #30641-1

**Statement of Additional Grounds
For Review**

**State of Washington
v.**

Gary Dale Engelstad, Jr.

COPY

COURT OF APPEALS
DIVISION THREE
OF THE STATE OF WASHINGTON

FILED

DEC 10 2012

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

STATE OF WASHINGTON)

Respondent,)

v.)

Gary Dale Engelstad Jr.)
(your name))

Appellant.)

30640-2

clw No. 30641-1

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, Gary Engelstad, 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

Ineffectual Counsel: Mr. Young and myself discussed different things for my case. After the prosecutor rested and it was our turn to present a case Mr. Young rested. So the only defense was his opening and closing statement.

Additional Ground 2

Prosecutorial Misconduct: During direct examination of Stephanie Van Kamen Mr. Zempel discussed charges pending against her for Burglary which she had not been convicted of. Impeaching her credibility with the Jury. Also making my co-defendant look guilty because he was her co-defendant in that case. By discussing Mr. Shouse's pending charges.

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

Date: 12-5-12
Form 23

Signature: [Handwritten Signature]

Additional Ground 3

Right to a fair trial: Counsel for myself and Mr. Shawse both requested for the trial to be split from each other. Judge Sparks denied this motion. In effect denying us our rights.

Additional Ground 4

Jury Tampering: During the trials recess allowing bathroom breaks. A lady present in the hallway was slandering mine and Mr. Shawse's name. Telling the jury we had stolen from her. Mr. Shawse's counsel Mr. Meser brought this up to the Judge. At which point Judge Sparks stated that it needed to stop. It did not she kept on doing it.

12-5-12

James Emy

Additional Ground 5

Violation 5th Amendment: The trial court had the duty to instruct the jury that not testifying was my right and they were forbidden from drawing an adverse inference from this fact. Or using it to prejudice me in any way.

Additional Ground 6

Violation of Federal Statute under Title 18 U.S.C § 201(4)(2): By the Prosecutors actions of dropping a possession charge and allowing Mr. Moccardino a Furlough in exchange for his testimony it violates this Statute by directly or indirectly, giving, offering, or promising anything of value to a person, for or because of testimony under oath or affirmation given by such person as a witness in trial, hearing, or other proceeding, before a court.

12-5-12

John Egan