

FILED
COURT OF APPEALS
DIVISION II
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STATE OF WASHINGTON
BY CA
DEPUTY

STATE OF WASHINGTON
COURT OF APPEALS, DIVISION 44725-9-II

STATE OF WASHINGTON,)
)
Respondent,)
)
v.)
)
Michael Nelson)
Appellant.)

No:

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, Michael Nelson, have received and reviewed the opening brief 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

Ineffective Counsel - My lawyer Robert Guillen performance while defending was below standards. If you look at my court proceedings you will see that I had a continuance from Sept 23 2012 until Jan 7th 2013 well over 3 months. In those times my defense attorney did not keep me informed about my case by letter, phone or visit no contact with me at all. Jan 7th 2013 my lawyer and I were in court and found out that my co-defendant turned state witness and made

Additional Ground 2

Sentencing and Guideline - In 2006 I received 4 felony points which were all possession with intent to deliver. These 4 felony points were all under the same criminal conduct. There were two check numbers and four points received to me which these crimes happened the same day same time. My felony points were charged individually which gave me four points instead of 2 or 1 point under the same criminal conduct. Held that convictions based on different controlled substances involved in same transactions

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

Dated this 15 day of December, 20 13.

Respectfully Submitted,

Michael Nelson
Appellant

Ground
(Second, etc)

1. I should be given a new trial or released from confinement because (State legal reasons why you think there was some error made in your case which gives you the right to a new trial or release from confinement): There should be a new trial due to

ineffective counsel. Also witnesses took the stands

against me and gave inconsistent testimonies. If my lawyer
would have prepared for my case he would have attacked

2. The following facts are important when considering my case. (After each fact statement put the name of the person or persons who know the fact and will support your statement of the fact. ^{witnesses} ~~testimonies~~)

If the fact is already in the record of your case, indicate that also) Theo Burke took

the stand against me and said he did not touch the victims

wallet but in his recorded video confession he admits to taking
the victim's wallet. My lawyer let that go because he wasn't prepared

3. The following reported court decisions (indicate citations if possible) in cases similar to mine show the error I believed happened in my case. (If none are known, state "None Known".)

Ineffective assistance of assigned counsel.

4. The following statutes and constitutional provisions should be considered by the court. (If none are now, state, "None Known") 139 Wash 2d 37, 983 p. 2d 617

5. This petition is the best way I know to get the relief I want, and not other way will work as well because: New trial or better deal.

SAG
Part 1

a 52 minute video confession against me, which this confession was made back in November. This clearly shows the court that my lawyer was not following my case or keeping me informed about my case. To make matters worse with this new information my lawyer never showed me the 52 minute video confession by my co-defendant which I wanted to prepare to defend myself on this new evidence. Mr. Quillian just set the court date over and threatened me to take a deal because we will lose in trial and I would receive the high end. He never showed confidence never listened to my side. You will see in the trial/court proceeding that Mr. Quillian asks for more time to watch the video, you will also see Feb. 21 he still did not show me this critical evidence and ask for more time. You will see that Feb 28 he still did not show me this video on the day of my trial and I spoke up about this. The Judge denied another continuance and trial proceeded that day. On the day of trial I asked Mr. Quillian what was our strategy he replied "good question". Robert Quillian did not come visit, call or write me no letters while on my case, he only interviewed one witness before my trial and that was 3 days before my trial started. You will see that March 4th I tried to go pro-se because I honestly believed I had a better chance defending myself but the Judge denied me of those rights. Which I feel was unfair because my lawyer did not show any interest in my case. Nobody deserves

to be done like that, Robert Quillen did not do anything at all for me until ~~my~~ after my trial started which was too late because he did not know enough information about my case to cross examine witnesses properly, I could have done better pro-se.

- (1) Showing Counsel's performance was deficient.
- (2) Counsel's performance was so deficient it prejudiced the defendant's results of his entire proceedings.

(a week before my trial)

You will see Feb 21 2013 my lawyer ask for more time to show me a video that was made in November 2012. This video was very important because my co defendant say in this video confession to the detectives he took the victim's wallet but when he took the stands against me March 4th 2013 he said he never ever touched the wallet there are more things that were inconsistent but my lawyer did not catch these things because he showed no interest in my case and spend no time investigating my case with me. Robert Quillen performed below standards and did not defend me properly at all which was unfair to my rights. For these reasons I should be brought back for a new trial.

Continuance of Part 2 of SAG

SAG

Part
2

constitutes some criminal conduct for purposes for sentencing. Some criminal conduct is two or more crimes that require the same criminal intent at the same time and place and involve the same victim. With this being said I would like to be resentenced. My four points should be either 2 points or 1 depending how you calculate my points using this information provided. Please recalculate my offender points and correct this ~~error~~. Thank-you