

[Under Rule 10.10(a)]

NO. 71125-3-I

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION I

STATE OF WASHINGTON,

Respondent,

v.

Christy Diamond,

Appellant

COURT OF APPEALS
DIVISION ONE
DEC 19 2014

APPEAL FROM THE SUPERIOR COURT FOR KING COUNTY

THE HONORABLE JIM ROGERS, JUDGE

APPELLANT'S STATEMENT OF ADDITIONAL GROUNDS

2014
DEC 19 10:30:25
COURT OF APPEALS
DIVISION ONE

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ATTACHMENTS.....See addendum that will include more.

A. Attachments on CD:

1. PDF of "Corrected to Audio" transcript demonstration of perjury and 1-hour transcript sample showing 122% "edit" rate on "Verbatim" transcripts Showing King County Sheriff SGT. Bonnie Soule's perjury and transcript "edits."
2. Audio of October 2, 2012 perjury of King County Sheriff SGT. Bonnie Soule.
3. PDF of marked transcript alterations.

B. Corrected to audio sample 42-page transcript 3RP October 2, 2012.

C. CD Contents:

1. Audio of 42-page sample of transcript 3RP October 2, 2012.
2. Audio clip containing KCS Bonnie Soule perjury.
3. Outlined "edited" PDF "CORRECTED to audio" transcripts.
4. PDF of "CORRECTED to audio" perjury with online link to audio
5. PDF graphic comparison of court exhibit with digital source file with link to audio of Soule's perjury.
6. List of transcript alterations of mention out of 100's.
7. List of total "edits" by page.
8. List of "noteworthy" "edits" - Soule.
9. Invoices triple billing Bud and Brandy by witnesses used during trial.
10. Westberg's arrest records and employment suspension history.
11. George Wearn's letter regarding Hope for Horses's director, Jenny Edward's embezzlement from Pierce County.
12. Press on Hannah Mueller-Evergreen PETA-ALF Animal Rights Activism at WSU in 2002.

D. Graphic print of exhibit comparison of tree bark.

Graphic prints of other falsified exhibit entered into evidence at trial that was perjured upon during trial. *(This is part of the trial record and is to be considered).*

E. Non-promotional copy of movie "ZOO" that advocates "bestiality" featuring two witnesses/parties - Hannah Mueller Evergreen and Jenny Edwards of Hope for Horses. (See interior of DVD case for screenshot evidence).

Declaration

I, Christy Diemond, state the following to be true to the best of my knowledge.

Former extension

An extension for my Statement of Addition Grounds was granted October 9, 2014 by the Hon. Mary Neel for 42 additional days in order to *“secure the audio and transcripts used and review the audio against the hard copies provided to verify violations.”*

In that former motion, I expressed deep concerns about the credibility of the transcripts of my trial record due to the fundamental alternate reality King County Deputy Prosecutor Nami Kim’s’ response brief seemed to emulate, E.G., Ms. Kim’s *“brief is so functionally and fictionally misrepresented that it would be beyond comprehension to assume that the State’s new counsel could have misrepresented the facts at trial so egregiously without having been misdirected by being given altered court transcript records.”*

As agreed through the granting of that short extension of my SAG, I began a preliminary review of the audio against the suspected altered transcripts referenced.

A. “Verbatim” reports of record are altered 122% compared to audio IE, “edited.” [\(back\)](#)

Upon examination, it immediately became evident that transcripts from several of the four transcriptionists have been re-written – IE, “edited.”

The resulting transcripts are like a re-write of a Hollywood screenplay from an alternate reality.

In short, *they were clearly intentionally cleansed and edited with the intent to affirm the trial verdict.* There is little about the current transcripts that factually represent what actually occurred during trial. Random checks and balances confirm that most of the transcripts are tampered with.

An hour sample of the transcript given to all parties was extracted from 3RP October 2, 2012. It is a portion of the testimony of King County Sheriff SGT Bonnie Soule committing perjury.

Ms. Soule is one of the “cumulative witnesses” that was considered when the court erroneously decided that Deputy Prosecutor Margaret Nave’s Brady violation - addressed by Mr. Kummerow in his appellate brief - would not have mattered if Animal Control Officer Westberg were impeached because of her 15- year criminal career and two felony arrests that resulted in her convictions, because all the other witnesses were “cumulative” in their testimonies.

Not only does this one-hour section remarkably demonstrate the appalling level of “editing” done to the transcripts (122%), it also exposes the blatant perjury of Ms. Soule under oath.

When Ms. Soule misrepresented the condition of the bark as being “chewed” from that tree when the digital shots clearly shows the bark intact (and still is), she exposed all the rest of the “*cumulative perjuries*” by every one of State witnesses who said the same thing.

These witnesses would include Ms. Hannah Mueller-Evergreen the acting as the veterinarian expert for the State. Ms. Mueller has many credibility issues of her own

I will address in her own section but suffice it to say, it is indisputable that Ms. Mueller is enriching herself at every level of this fraud with her testimony and fabricated vet reports while she repeatedly bilks the county for \$100's of \$1,000's of taxpayer's dollars for the same services since around 2006. There is also some question as to whether she is legally licensed as a veterinarian.

It is my understanding that lying under oath is against the law. Ms. Soule committed a criminal act lying under oath. So did Westberg and so did Ms. Mueller. Together, they represent "*cumulative perjuries*"

The "edited" transcript sample of 42-lines were compared word-for-word to audio taken of the trial confirms this.

There are literally 100's of "edits" (1,256) in just a one-hour sample taken from 3RP October 2, 2012. (Attached is a list of 62 "edits" worthy of mention out of 1033 Lines pages – 122% alteration rate). This is an average alteration rate of 1.21588 "edits" and "alterations" per line.

The edits are so freely flagrant; who-ever-it-was that is responsible appeared to be very confident there would be no audio in existence that might expose them.

At this point, it is abundantly clear that Ms. Kim, as well as the Court of Appeals, my appellate counsel and I all possess egregiously "edited" - altered transcripts.

The changes discovered are not simply corrections in grammar, omission of stutters and hiccups that might otherwise indicate an individual's nervousness or hide one's lack of the command of the King's English (although this is present also). Nor are they changes that would save the nature of the utterances.

The “edits” documented are changes of facts of the trial, legal findings and obfuscations of objections et al and are of such a substantial nature that my constitutional right to appeal under the Washington State Constitution Article I, Section 22 is less than questionable – if not impossible – to attain.

It is apparent that the edits were done with the intent to obscure exculpatory comment, outright change responses, substitute topics to change meanings, protect perjury, hide witness’s identities, obscure facts and rulings of the case and to obfuscate legal discussion that might be questioned later. In short, this is criminal in nature. It is a definable class B felony under RCW 40.16.020:

“Every officer who shall mutilate, destroy, conceal, erase, obliterate, or falsify any record or paper appertaining to the officer’s office, or who shall fraudulently appropriate to the officer’s own use or to the use of another person, or secrete with intent to appropriate to such use, any money, evidence of debt or other property intrusted to the officer by virtue of the officer’s office is, is guilty of a class B felony and shall be punished by imprisonment in a state correctional facility for not more than ten years, or by a fine of not more than five thousand dollars, or by both.”

B. “Cumulative” perjuries of witnesses and credibility issues [\(Back\)](#)

Judge Roger’s ruling:

“On the other hand, the jury heard contrary medical opinions by a defense expert veterinarian; a contrary lay view of the horses by a neighbor; and some statements by Ms. Diamond, introduced through State’s witnesses... For these reasons, this Court finds and concludes that had Officer Westberg been impeached and found incredible, there is no a reasonable

likelihood that the result would have been any different, based on other evidence in the case."

- a) Ms. Soule is one of the State's witnesses who were considered "cumulative" by the court. Soule committed perjury as evidence by the comparison of the audio to the source (digital) image used in hardcopy at trial. Soule is part of "cumulative perjuries." *(This is part of the trial record and is to be considered)*
- b) Hannah Mueller aka Evergreen was the other State witness Judge Roger's considered "cumulative" in his ruling. She committed many perjuries during trial. *The bark eaten off the trees* is just one of them.
- c) Ms. Mueller aka Evergreen committed the identical perjury as Soule stating "*There were trees with bark eaten off.*" 4RP 28, L24. Mueller aka Evergreen is part of "cumulative perjuries." *(This is part of the trial record and is to be considered).*

C. "Voir Dire" was not ordered concealing a tainted juror in the jury. (Back)

- d) "*a contrary lay view of the horses by a neighbor*" was also part of Judge Roger's ruling.
 - 1) There were no neighbors who testified about my horses introduced at trial. Roger's comment can only reference the hearsay from an unknown third party juror who claimed to know one of my neighbors and claimed to be repeating the feelings of that neighbor. Judge Rogers interviewed that juror and then somehow that juror failed to be excused ending up on the jury. NO ONE knows if this man was even a friend of my neighbor or not. He was certainly not anyone I was familiar with. In listening to the

audio, the detainment of this juror is obvious and concealed by not ordering voir dire.

- 2) Conversely the supposed neighbor (and his wife) that this man referenced wrote a positive letter along with 15 other people, most of them neighbors who have lived here with me for decades and watched me care for my horses every day for over a decade. Those letters, in the trial record (as opposed to the "hearsay") absolutely dispute the allegations in this malicious prosecution regarding my care of Bud and Brandy. *(This is part of the trial record and is to be considered)*
- 3) Roger's comment was also an admission by the court that the juror who claimed he was friends with that neighbor during voir dire was never excused and included in the jury when I was misled to believe otherwise at the time by my defense counsel Dave Roberson.
- 4) This juror was supposed to be excused, and instead, was kept on the jury where he could taint the entire jury.
- 5) This event ensured that I would be denied her constitutional right to an impartial jury.
- 6) Defense Counsels consistently did not order transcripts of the voir dire and also resisted ordering voir dire when it was discovered, serving to conceal this information from me that would further ensure me inability to defend myself.

D. **Unequivocal evidence of FRAUD UNDER CrR 7.8(b)** *(Back)*

Evidence - so far - reveals the following:

- I. **“Edits” to the transcripts – line and verse – there are 1256 “edits” in a 42-page sample consisting of 1033 lines.- See addendum for full list line and verse.**

A PDF 42-page sample from the 3RP October 2, 2012 transcript record of my trial was provided to all parties – Court of Appeals, King County Prosecutor, Washington Appellate Project and to me complete with corrections to audio. It represents one hour of testimony. *(This is part of the trial record and is to be considered).*

- II. There are 62 notable “edits” in 42 pages that are glaring, appalling misrepresentations of fact that intentionally taint the testimony in favor of a conviction. (See addendum for line and verse references).
 - a) The transcripts indicate several times that I have a son, that I don’t recall birthing. These may have been an attempt to tie the phony neighbor into being the son I never had.
 - b) Sometime between the trial and the writing of the transcription, my mare Brandy changed color into a completely different DNA pool. This is done in every case of the some 22 other phony allegations of animal abuse in King County discovered so far. Given other behaviors, this appears to be about confusing the repeated billing (bilking) process.

- c) The amounts of feed are egregiously changed to obscure the true amounts fed.
- d) A reference to the horses in the past tense by Bonnie Soule (because they were dead at the time of trial at the hands of the vet and rescues) was completely erased.
- e) **During trial, Defense counsel Dave Roberson consistently insured that both the horse's ages - at an elderly 35 and 39 - the fact that they had access to 1-1/2 acres of pasture 24/7 and the fact the horses had been killed at the hands of the "expert" vet and rescues due to incompetence were concealed from the jury much to the adamant debate out in the hallway of the hall of court house during trial.**
- f) **State's Exhibits #2, #3, #4, #5, #6, #7 et al are still missing in the exhibit room and have been since being registered there.**
- g) Adjectives are added, changed, substituted and omitted.
- h) Objections are altered, edited and omitted. Court rulings were also altered, edited and omitted.
- i) There are omissions of entire discussions.
- j) Voir dire and opening statements were not ordered which would become of issue if there were an issue with jury selection.

In the transcript review process so far, it is not a matter of how much is altered but rather how much is not altered. It appears there is less than 20% left untouched by edits on these transcriptions reviewed so far just in a 42-page example.

With an expected accuracy standard of 95% for certified court reporters, these **alterations are unquestionably unacceptable** to any reasonable person much less the judicial system.

Given the circumstances, a vacation of this action would be the right thing to do and is also within the reach of the prosecutor's office to vacate. I would welcome a new trial as well as it would be interesting to see how the now exposed tampered evidence and perjury would stand under public scrutiny.

Respectively submitted this ^{CRD} 19th day of December, 2014.

Signature: 
Christy Diamond, pro se for SAG only
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[Under Rule 10.10(a)]

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION I**

STATE OF WASHINGTON,)
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 Respondent,)
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 v.)
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 Christy Diamond,)
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 Appellant.)

Court of Appeals Cause No. (71125-3-1)

Notice of PROOF of Service

COURT OF APPEALS
DIVISION ONE
DEC 19 2014

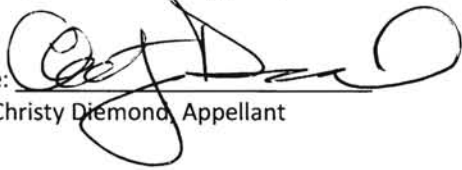
I, Christy Diamond, do hereby declare that I have served all parties my Statement of Additional Grounds by
US Mail and/or in person as follows:

Prosecuting Attorney King County
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The Court of Appeals Div I
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Seattle, WA 98101-4179

Respectively submitted this ~~14~~^{14^{ced}} day of December, 2014.

Signature: 
Christy Diamond, Appellant

2014 DEC 19 11 09:25
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DIVISION ONE