

71628-0

71628-0

No. 71628-0-I

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON,

Respondent,

v.

DARYL BERRY,

Appellant.

STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

2014 DEC -5 11:11:55
STATE OF WASHINGTON
COURT OF APPEALS
DIVISION ONE

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DEC - 01

Washington Appellate Project

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APPEALS NO # 71628-0-1

Super NO. ~~71628-0-1~~ 13-1-108662KW

(Additional-issues) Daryl Berry # 819625

ask an appellate Court to reverse the Judgment on the law on the basis of (1) legal errors that deprived you of a fair trial or (2) legally insufficient evidence to support ~~the~~ Conviction you may seek reversal on the law on grounds of legal errors that deprived you of a fair trial I have properly preserved these errors for review (3) erroneous evidentiary rulings (4) Prosecutor's Misconduct (4) improper Jury instructions (4) improper influence on the jury note that there are many other potential legal errors and spotting them requires thorough familiarity with relevant bodies of law including evidence law Criminal Procedure and state and federal Constitutional law you cannot be retried however on (5) Counts dismissed on appeal or in a post-judgment order (6) you may also seek reversal on the law on grounds of legal insufficiency Legal insufficiency means that the evidence presented by the prosecution not sufficient to prove all necessary elements the Crime which were convicted.

⊗ Berry have (3) Sentencing History prior Point Convictions

(Additional issues)

1 sometimes because of Counsel. And, uh, now we're going to
2 have a bit of a delay while, uh, Ms., uh, Stump gets here.
3 Uh, we will resume, uh, her testimony as soon as she is
4 here.

5 Uh, before the Court recesses, until that point, I
6 will, uh -- although I have not completed my review of the
7 instructions, I've, uh, done enough on it that I have a few
8 questions that may assist the Court in, uh, at least
9 putting together its, uh, final version. Uh, first of all,
10 uh, to address the, um, uh, Defense, uh, uh in --
11 instruction -- I appreciate, uh, getting those. Um, uh,
12 but one thing, just to confirm, uh, the Court infers -- and
13 just wanted to confirm on the record that, uh, Defense
14 Counsel, uh, does agree, at this point, that the Petrich
15 instruction would not apply in this case and that's why
16 it's not proposed by anyone.

Petrich
instructio

17 MS. KEMP: Yes, Your Honor.

18 THE COURT: All right. The record will so reflect.
19 The, um -- the, um --

20 MS. WASHINGTON: And, Your Honor, can I briefly --
21 sorry -- um, just so the record is clear, I'm sure any
22 Appellate Court listening to this would understand what a
23 Petrich instruction is. I just wanted to clear that. It
24 is WPIC 4.25.

Legal code
for Petrich Instruction

25 THE COURT: Thank you. The record --


(3) page WASHINGTON APPELLATE PROJECT
(Additional issues)

Daryl Lamar Berry #879625
Superior NO. 13-1-108662 KNT
Appeals No. 71628-0-1

Brady VIOLATIONS

Brady vs. the State of Maryland 373. US 83,
10 Led 215, 835. Ct. 1194 (1963) the #1 Tool to
winning I have a Constitutional Right
of interview the victim in My case your
victim is a NO SHOW For the interview
Then you ~~I~~ FILE a Motion Crawford vs. the
State of Washington, 1245. 1354, WHICH
means NO victim NO Case See:

CRAWFORD VIOLATIONS

 A Man Name Manville Call 911 NO SHOW
Crawford vs the State of Washington 1245.
Ct, 1354 (2004) the U.S Supreme Court Made
it Clear that POLICE Statements 911 Tapes
Victims statements, CAN NO LONGER BE USED
in trial if the victim is NOT Present to
testify to SUCH EVIDENCE.

DO TO COLOR

Violation of rights proximately caused by a person
acting under Color of State and Federal law

ASK Court to dismissed Case.

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Page

Moving for a Mistrialsuper NO. ~~13-1-108662~~ KWT

Appeals NO. 71628-0-1 (Additional-issues)

MS. KEMP your Honor I'm moving for a mistrial Berry your Honor had difficulty from the beginning of this procedure with regard to I'm seeking a mistrial your Honor clear that when the state amended the charges that Berry has been confused not been able to understand new charges Berry has not been able to assist counsel from the day amendment was made counsel for the defense concedes that the arraignment occurred that the rules are such that counsel could not make a good faith argument to object to the amendment of the charges the residential burglary charges is certainly within the burglary in the first degree counsel had anticipated based on discussions with the state Berry did not understand and that he would need more time or counsel would need some direction in communicating to Berry

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Page 1 of 3
Complaint # 3

(Additional-issues)

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JAN 02 2014

JUDGE JAY V. WHITE

State of Washington

Case #

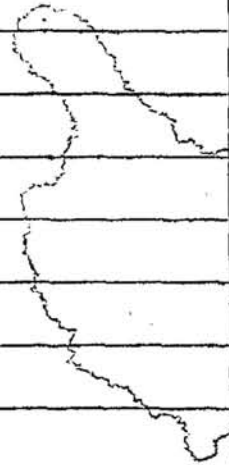
v

13-14866-2 hml

1

Berry Daryl

I'm writing this motion for a number of reasons first is to terminate my Attorney they were more than ineffective I was all my Mental Health medications and furthermore I left the court room on two separate occasions and the proceeding continued without me this in itself is cause for a mistrial All these grounds are more than adequate for the motion that I'm filing



Daryl Berry

(Signature)

#(6) Page

Constitutional Violated Marriage and

Violated - Cruel and unusual Punishment Amendment.

false arrest and Criminal - retired - Judge Jay White

(Additional issues)

ASK Court to dismissed Case.

Super NO. 131-10866-KM
APPEALS NO. 71628-0-1

I have a Constitutional Right to now what I has been charged

With I have a Constitutional and Amendment and Marriage right to effective assistance of Counsel Berry

is not able to understand what it is that he been charged.

Berry Amendment right I did not get out Jail I was warrant Arrest in Ja

Took Advantage of My Education Advantage of Disability Judge - Cheryl B. Carey was my Judge

on a investigation of no contact order was dismiss

no CASE Court order issued Released 213011744

(NO #13-96881) no case info located DISTRICT Court

Judge - Carey was my Judge NO Jay White

investigation ~~CONTACT~~ Judge Carey the Judge NO Case

Jay White Double Jeopardy I was not Released from

Jail in Gat New Change ~~Me~~ Change Case's All the

TIMES West's Revised Code of Washington UNANNOTATED

Title 9A. Washington Criminal Code Chapter 9A.40. Kidnapping

unlawful imprisonment and custodial interference.

Rule 3.5 use of Nonpublic Information Judge Shall Not

intentionally disclose or use nonpublic information acquired

in a Judicial Capacity for any purpose unrelated

to the Judge's Judicial duties.

Jay false arrest All the Berry
time 6:00

(T) Page

Page 1 of 2
enclosed
Complaint # 2

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

| | | |
|----------------------|---|------------------------------|
| STATE OF WASHINGTON, |) | |
| |) | No. 13-1-10866-2 KNT |
| Plaintiff, |) | Court of Appeals No.: |
| |) | 71628-0-I |
| v. |) | Proof Three criminal history |
| DARYL LAMAR BERRY, |) | Three All on the Page |
| Defendant. |) | |

EXCERPT OF VERBATIM REPORT OF PROCEEDINGS
(FROM TAPED PROCEEDINGS)
VOLUME VII

BE IT REMEMBERED that the foregoing and numbered proceeding was heard on December 12, 2013; before THE HONORABLE JAY WHITE, Judge.

LAKEYSHA WASHINGTON, Deputy Prosecuting Attorney, 401 4th Avenue North, #2A, Kent, WA 98032, appearing on behalf of the Plaintiff;

TERI R. KEMP, Attorney at Law, PO Box 3454, Seattle, WA 98114, appearing on behalf of the Defendant, who also appeared.

I Was Denied My Rights
(Proceedings transcribed by: Tammy Jarriel)

WHEREUPON, the following proceedings were had and done, to wit;

Proof Judge JAY WHITE at SSI

PROOF

(8)

page

Daryl Lamer Berry
Doc # 874625

Appeals No# 71628-0-1

Super No. ~~XXXXXXXXXX~~

13-1-108662-KNT

Signature on the letter I declare under penalty of perjury that the foregoing is true and correct Execated on,

12-1-14
date

Daryl B
Signature

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

| | | |
|----------------------|---|---------------|
| STATE OF WASHINGTON, |) | |
| |) | |
| Respondent, |) | |
| |) | NO. 71628-0-I |
| v. |) | |
| |) | |
| DARYL BERRY, |) | |
| |) | |
| Appellant. |) | |

DECLARATION OF DOCUMENT FILING AND SERVICE

I, MARIA ANA ARRANZA RILEY, STATE THAT ON THE 4TH DAY OF DECEMBER, 2014, I CAUSED THE ORIGINAL **STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW** TO BE FILED IN THE **COURT OF APPEALS – DIVISION ONE** AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

| | |
|--|---|
| [X] STEPHANIE GUTHRIE, DPA [paoappellateunitmail@kingcounty.gov] KING COUNTY PROSECUTOR'S OFFICE APPELLATE UNIT 516 THIRD AVENUE, W-554 SEATTLE, WA 98104 | (X) U.S. MAIL () HAND DELIVERY () E-MAIL BY AGREEMENT VIA COA PORTAL |
|--|---|

SIGNED IN SEATTLE, WASHINGTON THIS 4TH DAY OF DECEMBER, 2014.

X _____ 

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