COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON)
)
Respondent,)
) No. 46593-1-II
v.)
) STATEMENT OF ADDITIONAL
Greycloud Lawler) GROUNDS FOR REVIEW
(your name))
)
Appellant.)

I, Greycloud Lawler, 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

See attached

Additional Ground 2

See attached

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

Date: 7-21-15

Signature: Greycloud Lawler

Form 23

Assignments of Error

1) Prosecutions improper argument in his closing based on a hypothesis posed to jurors during voir dire regarding how they would feel about discussing their sex lives with strangers, their agreement that it would be uncomfortable and Ms. Jones' testimony the fact that she did get on the stand and talk about an "unwanted sexual encounter" was witness bolstering and an appeal to sympathy or prejudice. STATE V. Hecht No. 71059-1-I states that "A prosecutor should not use arguments calculated to enflame the passions or prejudices of the jury.

2) Mr. Vitasovic also in his closing in rebuttal on pg. 587 lines 17-18 of the verbatim report Vol. 6 fabricated testimony from Ms. Jones quoting her as saying "No, why are you doing this." as she's crying." Prosecutions repeated, flagrant and ill-intentioned misconduct was not only highly prejudicial and unprofessional, but morally unethical. In State V. Hecht No. 71059-1-I the courts held that, "References by prosector to evidence outside of the record and bald appeals to passion and prejudice constitute misconduct. In State V. Glasmann No. 84475-5-I Division I holds that it is error to submit evidence to the jury that has not been admitted as evidence at trial. The "Long-standing rule is that consideration of any material by a jury that was not properly admitted

as evidence vitiates a verdict when there is reasonable ground to believe the defendant may have been prejudiced. Customarily a prosecutor has "wide latitude" to draw presuppositions of the evidence admitted at trial, but does this include non-existant testimony; blatant lies? As a quasi-judicial official a prosecutors responsibility to the accused is to ensure a fair trial. Mr. Vitasovics unethical trial strategy is intended to get a conviction period, even to dishonesty.

3) On pgs 580 Lines 5-25 and pg 581 Lines 1-6 The prosecutor begins to tell a story about the term "A red herring" he explains how he'd heard it came into usage and it's implication. He then claims that "the points defense counsel brought up is doing that in this case, laying out red herrings throughout the field." This implies dishonesty and intentional deception by defense and impugnes counsels integrity. In State V. Lindsay Sr. No. 39103-1-II The courts hold that "Prosecutorial expressions or comments that malign defense counsel, severly damage the accused's opportunity to present his case before the jury, it also constitutes an impermissable strike at the very fundamental due process protections that the 14th amendment has made applicable to ensure an inherent fairness in our adversarial system of criminal justice.

4) Defense counsel's failure to request a lesser included offense instruction of Unlawful imprisonment constitutes ineffective assistance of counsel where an "all or nothing" strategy can not be claimed due to the agreement with prosecution for instructions on two other lesser included offenses exist. According to precedural rule a defendant is entitled an instruction of a lesser included offense if: (1) each element of the lesser offense is necessarily included in the charged offense, and (2) the evidence in the case supports an inference that the defendant commited only the lesser crime.

(5) Insufficient evidence as to deadly weapon enhancements. Under the deadly weapon enhancement statute, mere proximity or mere constructive possesion is insufficient to establish that a defendant was armed at the time the crime(s) were commited; the mere presencen of a weapon at a crime scene in and of itself is insufficient to establish the nexus between the crime and the weapon, and thus insufficient to show that the defendant was armed. There were never any claims that I menaced, weilded, or threatened to use the knife against the alleged victim nor that the knife ever left it's sheath.

(6) Under the cumulative error doctrine, the conviction may be reversed by the court of appeals when the combined effects of errors during trial effectively deny the accused of their right to a fair trial, even if each error standing alone would be harmless.