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**Case # 338291**

**Statement of Additional Grounds  
for Review**

**State of Washington**

**v.**

**Derrick D. Jones**

**COPY**

COURT OF APPEALS  
DIVISION THREE  
OF THE STATE OF WASHINGTON

FILED  
JUN 03, 2016  
Court of Appeals  
Division III  
State of Washington

STATE OF WASHINGTON )

Respondent, )

v. )

Derrick Delhyme Jones  
(your name) )

Appellant. )

COA NO. 33829-1-III

No. 151501461

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

I, Derrick Delhyme Jones, 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

Ineffective Assistance of Counsel. Craig Stillwell deliberately left out evidence and Invest. reports that would have helped prove that a trespass was committed. He did not take proper photos to show the complete area which would have proven that nobody could see anything from angles and distances especially that it was night. It's clearly in statements made by Torres Attorney never utilized my available witnesses nor the fact that Officer Cobb took my alleged statement before reading me my rights and claims I was incoherent and withdrawn at 3.5 hearing

Additional Ground 2

Inflammation/Contamination of the jury. Judge Swisher specifically told the jurors prior to being considered to be picked not to use personal opinions that would influence the jurors opinions or emotions that would prematurely cause a form of prejudice. Juror number 34 stated a personal opinion that he believed that anyone sitting before a jury in a situation like mine was guilty. This contention works for Stanford Robinson and is African American. Mostly objected to that which was grounds for a mistrial ultimately.

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

Date: 5 (May) 26<sup>th</sup>, 2016  
Form 23

Signature: Derrick Delhyme Jones

In regards to the substantive facts to Review raising issues more dependent on the trial evidence. While it is true that I'm considered homeless in Pasco and do stay at the Meris Union Gospel Mission (112 N. 2nd Ave. Pasco, WA) I had a place I was spending the night at with a female friend Patricia Maturay 1-27-74. I had no need to go to the UGM on 3-31-15 because I was staying with Patty and because I had purchased a 40oz bottle of Miller High Life beer. In respect to that I would never go to the Mission with alcohol. (I hadn't drank it though) I was removed from the property of 412 W. Shoshone on 3-22-16 and arrested after I had Antonio Nelson-Gomez call the police so that I could explain to him that I was there because my friends were suppose to meet me there to return my backpack and David Peoples was going to pay back \$33.00 he owed Patty. When the Mexican guy who was there when I arrived was in the room with all of our belongings spread around I asked where my friends were who I had just spoken with hours before and who owned the things he had spread around, he pretended as if he didn't or couldn't speak english and him and the female with him left the room and A. Gomez showed up several minutes later.

When Gomez showed up he was screaming in Spanish and had a aluminum baseball bat and a cellphone and tried to trap me in the house after his companion retreated up the stairway outside, I tried to explain to him all that was going on and realized there was no communicating with him so I had him call the police since my phone was with my belongings in my coat. When the police arrived I was inside the house just inside the doorway waiting to explain myself in hopes to get things straighten out. A. Gomez had to call the owner to press charges of Trespass, I was released on 3-27-15.

I had been trying to retrieve my things by contacting various Mexican individuals who had been at the house staying the night and whom I had hung around at the UGM or the park, I offered to pay them a few dollars on 4-01-15 when I got money on my EBT card. I was staying with Patty by then and eating and showering at the UGM during the day time hours. On 3-31-15 a Mexican fellow named Mario who comes to the UGM often and who was at the house all the times we were present told me he knew where my things were and would take me to get it. I was behind the Library Tavern chatting with a couple of people. I followed him and thought he would go retrieve my things but he

wanted me to follow him back to the house where he had my things. I followed him and went down to wait in the stairwell "outside" the door to the basement, he went in and spoke Spanish to a couple of others there but returned with my walking staff which I've had since October of 2014. I thanked him and asked where was my coat, backpack, wallet, cellphone and things were, I would pay him for their return. He went to look and invited me in and I refused because I didn't know the guys there plus I just wanted my things returned and to get back to Patty's. As he went to look I saw a SUV with only its yellow lights pull up in the alley and into the yard at an angle where Gomez got out and pulled out a bat from the back seat and he headed towards the house I told Mario and whoever was there that the guy was there and to hurry up, by then Gomez was on the top stair and I clicked my flashlight on him then he started yelling in Spanish as I tried to explain to him about Mario getting my property for me, he continued yelling and I told him to back up as he started down towards me, I noticed the knife and I wanted to be up in the open so he wouldn't hit me with the bat or knife he paused and I collected my walking staff and walked upward with

My flashlight pointed at him and his weapons (he backed up and tripped a bit later) he swung his bat and it hit the top of my staff which bothered me so I continued to walk upward letting my staff fall (I don't know how it was leaning against the wall) as we reached the top in the yard he fell over my bags (that I arrived with) and to show him that I meant no harm I let him get up and asked him was he ready (to try to solve this not violently). He also had poked me with the bat in my right shoulder as I was walking up the stairs after he knocked down my staff, I just didn't want to be trapped between the people inside the house or Gomez. We were trying to tell each other things in our language which neither understood. In trial these points were never pointed out by my lawyer. The points: Gomez said he replaced the door but was in Cuba during the time and said he let the Mexican workers stay there. Also he had a cellphone with his knife. At trial Jose claims he called Gomez and said it was the Guy from last time, I never saw Jose. His stepson even says (Torres) that he did not see because it's impossible with all the growth around the place and especially when it's dark like that. Jose also states that he saw me in the stairwell knocking at the door not entering the place at

all he clearly corrects the P.A. Torres who speaks english called the cops  
I never heard the call they didn't want to use it yet when the jury was leaving  
for deliberation the P.A. played a part where it sounded loud and awful. My  
lawyer used the "excuse" about the investigator "Marto Torres" trying to find evidence  
and people in the case a few times to stall but never submitted anything he  
told me about Marto Torres going inside the house himself and finding that there  
were "Mexicans who scattered like roaches, because they thought he was the man".  
He also never used the 3.5 hearing of Officer Cobb who admitted to taking my  
statement at the scene before reading me my rights until I got to F.C.J. He  
never called forth witnesses in my behalf that were incarcerated with me  
who could've told him the location and names of the people we sought to  
interview "Lil Marto" and about the Motel Trespass room ordeal. Tony "Tone"  
was in jail with me. He (my lawyer) never objected or pointed out the  
very contrasting statements that the witnesses and Mr. Gomez gave  
which favored exactly what I had been telling him. He never took  
photos of the area to show the jury the needed details to show that  
the claims of visibility and vantage points were impossible to anyone  
: at night and Mr. Torres the witness points that out at one point. The

photos of the door and damage was very old and again in effect I was outside when the cops showed up and the first trespass I was inside the doorway of the house where they left my things after I begged them to get my things for almost a hour. 3/22/15) They didn't care. It is obvious that I never went to the place looking to assault anyone, I never expected to see Mr. Gomez and hoped at the best that someone would translate to Mr. Gomez about my dilemma. I never touched anyone nor did I try to assault the 6'4, 240lbs. angry man ~~armed~~ with a knife (clutching knife) and baseball bat that's ridiculous. The 'Inflammation/Contamination of the jury comes into effect after the jurors were told ~~specifically~~ specifically not to use personal opinions that would be seen as prejudice before the burden of proof or facts were presented. Number 34, a African American stated with a sense of humor that he believed that anyone sitting in my chair and facing a trial was guilty, there was no reason for me to be there unless I was guilty. He works for Hartford Petroleum and is probably Military (Reserves, or Active), at any rate I really feel this helped add on to the outcome of my case which my lawyer never seemed to defend to the fullest and he was the judge in



The sentencing of me on the misdemeanor case. There are a lot of inconsistencies on my lawyer's part which I do not understand except to say that the justice system is really corrupt and there were reasonable explanations to my trespass offenses which never had me acting hostile or the sorts as was the issue with Mr. Gomez, whom testified that the officers instructed him to put my things outside in a bag (obviously for retrieval) yet I asked them to get my stuff because of my important things, they lied to me and totally ignored me. My lawyer never sent anyone to find Mario (Lil Mario) at the locations I gave him and in the end he had the nerves to tell me it was the investigator's fault that I got sentenced to 7 years of my life because of a few faulty events and miscommunications and I've tried to do nothing but help the community. I hope that things will be revealed closer and that I can find true help and trust in our country's justice system for once.

I have had everything taken from me once again all because I wouldn't take a deal for a crime I didn't commit. A trespass

yes, Res. Burg, No.

- page 7 -

Sincerely,  
Derek  
Dwayne Jones

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State v. Derrick Jones

No. 33829-1-III

Certificate of Service

I Patrick Mayovsky, declare under penalty of perjury under the laws of the state of Washington that the following is true and correct:

That on the 3<sup>rd</sup> day of June, 2016, I caused a true and correct copy of the **Statement of Additional Grounds for Review** to be served on the party / parties designated below by email per agreement of the parties pursuant to GR30(b)(4) and/or by depositing said document in the United States mail.

Franklin County Prosecutor's Office  
[appeals@co.franklin.wa.us](mailto:appeals@co.franklin.wa.us)

Signed in Seattle, Washington this 3<sup>rd</sup> day of June, 2016.

X Patrick Mayovsky

**NIELSEN, BROMAN & KOCH, PLLC**

**June 03, 2016 - 3:00 PM**

**Transmittal Letter**

Document Uploaded: 338291-Derrick Jones - SAG.pdf

Case Name: Derrick Jones

Court of Appeals Case Number: 33829-1

Party Represented:

Is This a Personal Restraint Petition?  Yes  No

Trial Court County: \_\_\_\_ - Superior Court # \_\_\_\_

**Type of Document being Filed:**

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- Cost Bill /  Objection to Cost Bill
- Affidavit
- Letter
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Hearing Date(s): \_\_\_\_\_
- Personal Restraint Petition (PRP)
- Response to Personal Restraint Petition /  Reply to Response to Personal Restraint Petition
- Petition for Review (PRV)
- Other: Statement of Additional Grounds for Review

**Comments:**

No Comments were entered.

Proof of service is attached and an email service by agreement has been made to [appeals@co.franklin.wa.us](mailto:appeals@co.franklin.wa.us).

Sender Name: Patrick P Mayavsky - Email: [mayovskyp@nwattorney.net](mailto:mayovskyp@nwattorney.net)