

Case # 334155

**Statement of Additional Grounds
for Review**

**State of Washington
v.
Craig Steven Coleman**

FILED

MAR 11 2016

COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION III

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By [Signature]

STATE OF WASHINGTON,)
)
Respondent,)
)
v.)
)
CRAIG S. COLEMAN,)
)
Appellant.)

No. 33415-5-III

STATEMENT OF ADDITIONAL
GROUND FOR REVIEW
RAP 10 10

I, Craig Coleman, 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 BRIEF / Prose supplemental brief of Appellant.

Additional Ground 2

"Motions BRADY v. The state of Maryland, 373 U.S. 83, 10 Fed 2d 215, 83 S. CT 1194 (1963).

Additional Ground 3

Attached:

Motion TO DISMISS under Crawford v.
Washington 124 S. CT 1354 (2004)

Confrontation Rights:

Cross-examination Rights:

Additional Ground 4

Attached:

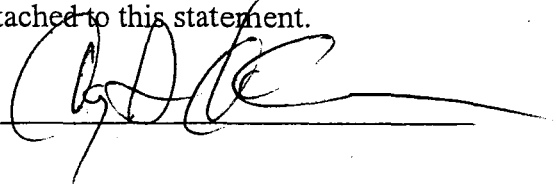
Copy of: Constitutional Rights violated by
Courts against me.

ARTICLE (1) SECTION 9 Rights of the
accused persons. 22 specifically.

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

Date: 3-8-16

Signature: _____

A handwritten signature in black ink, appearing to be 'A. D. C.', written over a horizontal line.

Ground I

ADDITIONAL Grounds

NO. 334155

IN THE COURT OF APPEALS, DIVISION III
OF THE STATE OF WASHINGTON

FILED

JAN 19 2016

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

STATE OF WASHINGTON, Respondent

v.

CRAIG S. COLEMAN, Appellant

APPEAL FROM THE SUPERIOR COURT
OF BENTON COUNTY

THE HONORABLE JUDGE CARRIE RUNGE

SUPPLEMENTAL BRIEF OF APPELLANT, Pro Se

Craig S. Coleman #986569
c/o Washington Correction Center, POB 900
Shelton, Wa. 98584

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I. ASSIGNMENT OF ERROR

A. There is no evidence to support the conviction for First degree identity theft.

B. There is no evidence to support the conviction for Theft in the second degree.

ISSUES RELATED TO ASSIGNMENT OF ERROR

A. Was the trial court in error to convict for the crime of First degree identity theft, Beyond a reasonable doubt?

B. Was the trial court in error to convict for the crime of Theft in the second degree, Beyond a reasonable doubt?

II. STATEMENT OF FACTS

Mr. Coleman was found guilty of First degree identity and Theft in the second degree after a jury trial and sentenced to a 70 month sentence on Count I and 22 months on Count II to run concurrent. 5/22/15, RP 16. His appellate brief has been submitted for review by his appellate counsel Marie J. Trombley. He also submits this Supplemental brief to be included in the record before this Court for review on the merits presented herein. Mr. Coleman makes this timely appeal accordingly.

III. ARGUMENT

There is no evidence to support the conviction for count I and count II beyond a reasonable doubt. This argument is

based upon certain claims mentioned in the appellate brief. Statements of fact submitted by appellate counsel Mr. Coleman would like the Court to analyze his meritorious points on review. Appellate counsel's authorities are the same as the issues in this supplemental brief and to eliminate monotonous verbiage, the cite references will be used in reference. The citations of Marisette v. United States, SUPRA and In re Winship supra determined law about elements and the Due Process Clause are in agreement here. Also, the review standard's being in favor of the State's interpretation STATE v Hosier, supra is well understood. It is the "inferences drawn..." "must be reasonable and cannot be based on speculation" factors we want to be considered here today. State v Vasquez 2, 178 Wn.2d 1, 16, 309 P.3d 310 (2003). As mentioned in the summary of facts,

the Bank Teller, who's name is unmentioned in the summary, raises point one towards reasonable doubt. This seasoned teller allowed Mr. Coleman to cash a check for the amount of \$3,470.00 all the while acknowledging a "Mr. Tanner" the known sub-contractor used by Columbia Plumbing under the company name of Hooper Plumbing, and asking Mr. Coleman, "Are you working for Tanner? What are you guys doing?" After consulting with the bank manager if the check should be cashed? This verbal conversation was between herself and Mr. Coleman while she processed the check for cashing. RP 35; 50. During trial the teller stated this passing conversation and was also asked by defense counsel if she had any suspicions about the check she possessed before cashing the check? Her response was "no, not at the time it was cashed." Where the prosecution fails to meet the burden of proof beyond a reasonable

doubt, the remedy is reversal and dismissal with prejudice.

State v. Hickman, 135 Wn.2d 97, 103, 954 P.2d 900 (1998).

A. There is no evidence to support the conviction for First degree identity theft.

Mr. Coleman agrees with the language of RCW 9A.35.020(1) and RCW 9A.08.010(1)(a) as quoted in appellate brief, and he focus on the citation that follows... "A specific criminal intent can be inferred from the defendant's conduct, but ONLY where it is plainly indicated as a matter of logical probability." State v. Delmaster, 94 Wn.2d 637, 638, 618 P.2d 99 (1980). (Emphasis added). The State did not provide any evidence that showed Mr. Coleman knew or even thought there was anything amiss with the check. Shortly after the transaction was complete the teller asked a co-worker to contact Columbia Plumbing to validate

The release of said check numbered and to whom it was drawn. RP 41.

The teller's reply in court was she had doubts about the transaction she processed based upon Mr. Coleman's address and the amount of the check. RP 39. Remind you that this was done after getting approval from a superior at the bank noting the account was cleared to cash it.

The owner of Columbia Plumbing on that day acknowledged the check being issued to Hooper Plumbing, a known and frequently used sub-contractor of Columbia Plumbing. RP 27. The owner, Ms. Lindstrom, testified that she had no direct knowledge as to what that company did or did not do with the check. RP 29-30. The question to consider here today is, how come during the 5 months between the time the check was cashed and the authorities in Benton County's arresting Mr. Coleman from King County Jail, had anyone from Hooper Plumbing contact Ms. Lindstrom

asking for payment for their services? RP 28. Even after the authorities were called by the Bank and Ms Lindstrom did anyone from Hooper Plumbing state the non-payment nor report the check stolen? The fore mentioned testimony of facts, during jury trial commenced, not was ANYONE from "Hooper Plumbing" contacted nor presented as a victim to the alleged fraudulent act. This raises point two of theft having been committed by Mr. Coleman.

B. There is no evidence to support the conviction for Theft in the second degree.

Had the check been unaccounted for by Hooper Plumbing, for an amount of this magnitude, would have been in question for a non payment for services rendered to Columbia Plumbing. As to date of this appeal, No ONE representing Hooper Plumbing has come forth claiming fraud.

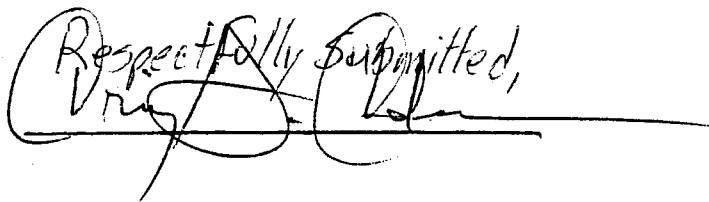
Which presents reasonable doubt that Hooper Plumbing even exist. Hypothetically speaking... The owner of the check issued, Columbia Plumbing, could possibly be involved in a scheme to cover other illegal activities of fraud especially after the teller asked about a "Mr. Tanner," yet members of nor Mr. Tanner has been contacted before or since the trial..... Mr. Coleman has always denied any wrong doing and he still claims he is not guilty of any of these crimes he is convicted of and that the right to fair trial has been violated and prejudiced him based upon the trial courts error of not presenting the alleged victim HOOPER PLUMBING.

IV. CONCLUSION

Mr. Coleman claims and states that he is innocent of any

fraudulent act committed by cashing the check written out to himself and that he is not guilty of the crimes charged and convicted.

Based upon the record presented in this supplemental Brief Mr. Coleman respectfully asks this Court to reverse and dismiss with prejudice the convictions.

Respectfully Submitted,


Craig S. Coleman 980569

% Washington Correction Center
PO Box 900
Shelton, Wa. 98584

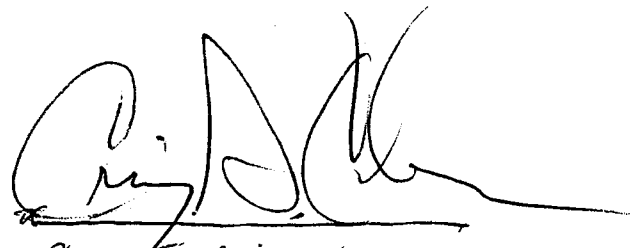
CERTIFICATE OF SERVICE

I, Craig S. Coleman, pro se defendant/appellant, do hereby certify under penalty of perjury under the laws of the United States and the State of Washington, that a true and correct copy of this Appellant's Supplemental Brief was sent by first class mail, postage prepaid on January, 2016 to:

Benton County Prosecutors Office
Andrew K. Miller, 7122 W. Okanogan Pl.
Bldg(A)
Kennebec, WA. 99336

And to:

Marie J. Trombley, WSBA 41410
ATTORNEY AT LAW
PO Box 889
Graham, Wa. 98338



Craig S. Coleman #986569
Washington Corr. Ctr. P.O. Box 900
Shelton, Wa. 98584

[REDACTED]

GROUNDS (TWO)

IN THE COURT OF APPEALS, DIVISION III
OF THE STATE OF WASHINGTON

<u>STATE OF WASHINGTON</u> Plaintiff	}	CASE NO. 334155
		Case NO. 141012130
U.S		MOTION TO HAVE VICTIMS AND ALL STATES WITNESSES INTERVIEWED BEFORE TRIAL STARTS UNDER U.S SUPREME COURT RULING IN BRADY V. THE STATE OF MARYLAND, 373 U.S. 83, 10 LEd 2d 215, 83 S. Ct 1194 (1963)
<u>CRAIG S. COLEMAN</u> Defendant		

Comes Now: CRAIG Coleman the defendant herein prose, respectfully moves this Court for an order Under the US Supreme Court in BRADY V. THE STATE OF MARYLAND, 373, U.S. 83, 10 LEd 2d 215, 83 S. Ct 1194 (1963) to have the victim and all state witnesses interviewed before trial start.

That I am the defendant and that I have a Fifth Amendment right of due process to interview the victim/victims and all states witnesses in this case.

DATED this 8 day of MARCH 2016

Defendant prose
x Craig S. Coleman

x Craig S. Coleman 986569

IN THE COURT OF APPEALS, DIVISION III
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON
Plaintiff

VS

CRAIG S. COLEMAN
Defendant

Case No. 334155

Case No. 141012130

MOTION TO DISMISS

Under Crawford v.

WASHINGTON 124 S. CT

1354 (2004)

Confrontation Rights:

CROSS-examination Rights:

TO: The Clerk of the Court of Div III
Court of Appeals and all other parties:

ISSUE OF FACTS:

A) HAS The Supreme Court made it clear
that all state witnesses including victim
MUST come to court and take the stand?
see 124 S. CT 1354 (2004)

B) HAS the Supreme Court made it clear
that police statements used in court
without victim would violate a defendant's
right to confrontation? see 124 S. CT 1354
(2004)

MOTION TO DISMISS
under Crawford v.
Washington 124 S. CT 1354 (2004)

ARGUMENT: MR. Coleman's response to brief of respondent as additional ground information to be judged on the merits and facts. NO 14101213-0 has been submitted to Court of Appeals, Division III of the State of Washington. MR. Coleman makes his timely response to support his motion of dismissal under Crawford v. Washington 124 S. CT 1354 2004, Confrontation Rights; Cross-examination rights. Rp at 21 MS. Lindstrom told the jury she had written a check to "Hooper" plumbing in the amount of \$3,470.18 Rp at 23 of brief of respondent NO 33415-5 III. MS Lindstrom said "HOOPER PLUMBING" never received the check. Did the STATE err by not calling the alleged victim "Hooper Plumbing" to testify in the states behalf and for ms. Lindstrom? they had not received payment for there services rendered to Columbia River plumbing and mechanical, LLC. ? the question to consider here today is, how come during the 5 months between the time the check was cashed and authorities in BENTON Countys arresting mr. Coleman from King County jail had anyone from "HOOPER" PLUMBING contact ms. Lindstrom seeking

'Payment for there Services? EVEN after
The Authorities were called by the Bank and
ms. Lindstrom did anyone from "HOOPER
plumbing" state non-payment nor report
The check stolen? Had the check unaccounted
for by "HOOPER plumbing" for an amount of
this magnitude, would have been in question?

~~see~~ Yick Wo v. Hopkins, 118 US 356, 30 LEd 220, 96 Sct
1064. Case in which the Supreme Court coined
the term "evil eye and an uneven hand." ~~see~~
Eckert v. Town of Silverthorne, 258 F3d 1147 (10th
Cir, (1) to comport with the equal protection
Clause, the law cannot be administered with
an evil eye and an uneven hand. (2) an equal
protection claim, without more. Cannot rest
on a spurious premise such as the belief
that women are always the victim of domestic
violence ~~see~~ Boyle v. Million, 201 F3d 711 (6th
Cir) Berger v. US, 295 US 78, 88, 29 LEd
1314, 55 S.Ct 629. While a prosecutor is
clearly authorized to strike hard blows in
an earnest and vigorous prosecution, he or
she is not at liberty to strike foul ones.
AS TO date of this Motion to Dismiss,
no one representing "HOOPER plumbing"

' has come fourth claiming fraud which presents reasonable doubt that "Hooper Plumbing" even exist. Ms. Lindstrom's "hearsay testimony is not confirmed by "Hooper plumbing" Testifying in the states behalf or Ms. Lindstrom behalf, and that the right to fair Trial has been violated and prejudiced Mr. Coleman based on The Trial Courts error of not presenting the alleged victim Hooper plumbing. Mr. Coleman claims and states that he is innocent of any fraudulent act committed by cashing the check written out to himself and that he is not guilty of the crimes charged and convicted. Based upon the record presented in this motion to Dismiss Under Under Crawford v. Washington 124 S. Ct 1354 (2004), Confrontation Rights violations, cross-examination violations, Mr. Coleman respectfully asks this Court to Dismiss with prejudice the conviction. The defendant in this case states the fact that the "victim" has been missing.

There for, the defendant has a Constitutional right under BRADY V. MARYLAND, 373 US 83, 10 led 2d 215, 83 S. CT 1194 (1963) to conduct a pretrial interview with the victim and any other state witness. At this time the victim and or victims in this case have not been made available or unavailable for such pre-trial interviews and any other delays would substantially violate the defendants right to a fair trial, see US V. Gill, 297 F3d 2nd Cir (2002)

Conclusion: Crangs Coleman asks this court under Crawford v. the state of Washington, and BRADY V. MARYLAND, 373 US 83, 10 led 2d 215 that the victim or victims in this case are not available for cross-examination "Hooper Plumbing" alleged victim of fraudulent act and that this Hon. Court will dismiss this case in the furtherance of justice.

Respectfully submitted this 8 day
of MARCH, 2016

Motion to Dismiss
Under Crawford v.
Washington 124 S. Ct 1354 (2004)

Crangs Coleman
CRANGS COLEMAN
Washington Corr Center
PO Box 900 Shelton WA,
98584

Grounds "Four": Constitutional Rights violations,

ARTICLE (1) Declaration of Rights.

SECTION (9) Rights of accused persons.
(22) specifically.

No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

SECTION 22..... Rights of the accused.

In Criminal prosecutions the accused shall have the right to appear and defend in person, or by counsel, to demand the nature and cause of accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance

Continued: Grounds For

' of witnesses in his own behalf, to have a speedy public trial by a impartial jury of the County in which the offense is charged to have been committed and a right to appeal in all cases. IN NO instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed. Amendment #10, 1921 P. 79 section 7, approved Nov 1922.

"HOOPER plumbing" failed to show in Court or otherwise make themselves unavailable to be confronted concerning accusations of the alleged incident and my involvement. This was therefore, violating ART I § 9, 22 specifically. to meet the witnesses against him face to face, to have compulsory process to Compell the Attendance of witnesses in MY own behalf. I ask for this case to be Dismissed in the furtherance of Justice. (2) D.M.D. Charles Henry Jones