

And State v. Jeane, 35 Wn.2d 433 (1950) states the following:

"The right is not merely a formal technical rule, which may be enforced or dispensed with at the discretion of the courts. It is a mandatory, constitutional provision, securing to every defendant a valuable and substantial right. It is nothing more than a statement of the common-law rule of evidence and guarantees no greater privilege than that all persons shall be free from compulsion by legal process to give self-incriminating testimony."

and when the court ruled that the defendant must testify before any other witness could, the defendant's constitutional right was prohibited and further prejudged the jury against Ms. Deer.

RCWA Const. Art. 1, § 9 states:

"that no person shall be compelled to give evidence against himself in any criminal case connotes that the accused is forced to testify against his will and that the testimony is exacted under compulsion and over objection. State v. Foster (1979) 91 Wash,2d 466, 589 P.2d 789."

Another showing of the trial courts error and thus prejudicial to the defendant's case. For when the only evidence available is from the witnesses provided to the court as evidence, the denial of those witnesses unless the defendant testifies is also denying the defendant her right to not be a witness against herself which is prejudicing the jury against the defendant's case and effectively blocking Ms. Deer's ability to provide adequate defense.

Date: 9 July 2010

Signature: Linda E. New

APPENDIX

VRP 2RP - 23, Line 20 & 21

1 have heard, that she is going to be able to
2 say, and then she said, in the fall of '07, I
3 was sexually assaulted. It sounds like there
4 was a discussion about the relationship, but
5 that's not hue and cry.

6 MR. CROWLEY: Right.

7 THE COURT: So if you want to get it
8 in under hue and cry, it will be very limited
9 and, if necessary, we'll just have to break the
10 trial and have an out of camera hearing when we
11 have these witnesses here because there appears
12 to be a little confusion and perhaps they were
13 not interviewed with the idea of looking at the
14 hue and cry doctrine, per se.

15 Okay. But I do find that the defense
16 is entitled to use that when their defense is
17 that this was not a consensual sexual encounter
18 but that this was an assault. So I think the
19 defense can use that also.

20 But she is going to have -- the
21 defendant will have to testify first to
22 establish that the complaint was about the
23 alleged victim here because, otherwise, the
24 fact she complained about a sexual assault,
25 without her testimony who the perpetrator was,

FILED
COUNTY OF PIERCE
STATE OF WASHINGTON
2010 JUL 13 AM 10:01

No. 63737-1-F

IN THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF King

THE STATE OF WASHINGTON)
COUNTY OF PIERCE) ss. DECLARATION OF MAILING

I, Lindy Deer, state that on this 9th day of July,
2010, I deposited in the mail of the United States of America a properly stamped
envelope containing a copy of the following described documents; were placed
in the Purdy legal system at 2:10 PM.

A "STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW"
and this declaration of mailing

I further state that I sent these copies to the following addresses:		King County Prosecuti Attorney
<u>The Court of Appeals of the State of Washington Division one One Union Square 600 University Street Seattle, Washington 98101-4170</u>	<u>Lila J. Silverstein Washington Appellate Project 1511 Third Ave, Suite 701 Seattle, Washington 98101</u>	<u>Appellate Unit King County Courthouse 516 Third Ave, W-5E Seattle, Washington 98104</u>

Dated: 7/9/2010

Lindy E. Deer
Lindy Deer # 329862
Signature
Print Name & DOC

Washington Correction Center for Women
9601 Bujacich Rd. N.W.
Gig Harbor, Washington 98332-8300