

64849-7

64849-7

COURT OF APPEALS DIVISION THREE  
STATE OF WASHINGTON

STATE of Washington, Respondent,

v.

Jose Escobar, Apellant

RECEIVED

OCT 22 2010

Washington Appellate Project

Case No. 64849-7

STATEMENT OF ADDITIONAL GROUNDS FOR

REVIEW: Criminal Procedural Law and  
Equal Protection of The Law Rights  
Violations and Errors of Law

2010 NOV - 1  
DEPT OF CORRECTIONS  
RECEIVED

I, \_\_\_\_\_, have received and reviewed the opening brief prepared by my Apellate Attorney. Summarized below are the Additional Grounds for review that are not addressed by my Attorney in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my Appeal is considered on the merits.

The protection of Legal Privilege existing between Counsel and Client has been deemed more important than Need to Know in any one case, as has been the establishment of the fundamental and structural nature of representation for the Legal application of the Law.

A Violation of Criminal Procedural Law by Court Officers by disrespect from error which is the state of being wrong in behavior or judgement makes it impossible to legally convict the Accused of an alleged infraction of Criminal Law. It is also a violation or contravention of an affirmative Duty Obligation to the Law to protect Accused's Constitutional Rights by using authority granted by the Law in a Good Faith Effort to uphold the Law. Violating fundamental and structural elements of the Law that have been established by countless precedents already is in itself a Criminal Act.

The Law draws a line that shouldn't be crossed, by Accused as well as the Court, if our system of law is to remain just and fair. The Authority granted by the Law is to act Legally on another's behalf: the Prosecution on behalf of the Public of the State of WA, and the Defense represents the Accused to ensure that the Public's commitment to Fair Trial is carried out. Negative Acts/Omissions by Court Officers absent a Good Faith Effort to Legally carry out a Duty Obligation(something Required because of Legal Necessity) are then absent Legal authority. This is the manifestation of Mr. Escobar's first Assignment of Error of Law, the Violation of his Due Process of the Law rights.

A balance of power must be maintained between the Prosecution and the Defense to prevent hostility and the taking of Unfair Advantage of the Accused by denying him Due Process, Miranda Protections, or other Constitutional Rights protecting the American citizen. Mr. Escobar is an American citizen in good standing of several years despite his barriers of illiteracy affecting his understanding of Spanish in written and spoken form, and his minimal grasp of English, as well as Diminished Capacity concerns due to Serious Illness by definition as a Mental Health Diagnosis and Treatment from Washington State DSHS Agency.

State and Federal Courts are obliged to ensure the Constitutional Rights Protections of the Accused by the Process of incorporation. Gideon v. Wainwright (1962) affirmed America's commitment to the fair treatment of all Criminal suspects. The Fourteenth Amendment to the U.S. Constitution guarantees Equal Protection of the Law to the Accused, especially if " of feeble intellect, ignorant, illiterate, or indigent". Also included are the issues of Race, Creed, Religion, Sex, and, most recently Lifestyle Choice. This is Mr. Escobar's assertion of an Error of Law which is the Second, and is a failure by Court Officers to ensure his Equal Protection Rights under the Law.

Because Counsel is necessary at every step of the proceedings against an Accused, and is a fundamental and a structural element as well needed to balance power between the Prosecution and the Accused in our Adversarial

(contd.) System of Justice, it is of Critical Importance in the case before the Court that his Barriers to Comprehension in these Proceedings be addressed by the officers of the Court and that once the issues of Lack of Capacity to understand the Proceedings and the nature of the accusation against him were so addressed, that his incomprehension of the Law and its meanings be appropriately provided for by representation of Counsel for him. The failure of Court Officers in this case to do so is the Intentional Causing of Harm and Loss by Deception. Coercion is the persuasion of an unwilling person to do something by forcing or threatening them; making a representation of benefits to the Accused by promise implied or explicit to gain desired cooperation by pressure and deceit is an Abuse of the Law and its Authority.

The Accused MUST have access to Counsel, resources, and any other Means necessary and required to meet the Capacity for Adequate Comprehension of the nature of the true and real consequences as part of the investigation Proceedings against him. Mr. Escobar's third Assignment of Error is the Violation of his Miranda Rights of the nature of Access to Counsel by the coercive interrogation.

Mr. Escobar is an American who has Mental Illness and Illiteracy and Language barriers as well as Indigency stemming from and related to these concerns. He comes from a country and culture where "Federale Policia" are believed to be corrupt, murderous, and willing to commit crimes against the average citizen. This is a culturally ingrained belief based on fact and fiction, and fiction has invaded even the Science of Law, and the basements of our courtrooms. Mr. Escobar's barriers prevent him from "knowingly, voluntarily, and intelligently waiving" his Rights to Miranda, Due Process, Counsel, Equal Protection, or all the means to meet the necessary and required minimum capacity to do such as defined by the Law.

These denials of the protections of the Law to a Disadvantaged Accused are violations of the very Structural and Fundamental Elements of Law that has been established by our Courts in this Nation so often and incontrovertibly as to preclude the necessity of citing case law to the informed and knowledgeable persons of this Court. These protections ensure the fairness and justice of our System, and protect against Malfeasance Acts or Omissions by all Officers involved with the Law. Because Mr. Escobar is a disadvantaged Accused in this matter and the Judicial Effect of the nature of the Allegations and a Guilty Verdict against him can cause, he will seek to exercise his Seventh Amendment Right to Civil Trial because the complexity of the Issues did foreclose the needed Capacity for needed comprehension of an adequate nature in his condition and upset the Balance of Power needed for Fair Trial to happen that should exist between the Prosecutor and the Counsel for the Defense. The coercion that occurred as a result of these prejudicial negative acts/omissions is a Direct Threat of ongoing nature to his Health, Welfare, Safety, and Security which cannot be eliminated by Policy, Procedure or Practice absent the Court's Reversal of the illegal Verdict. The Verdict has Manifested severe infliction by persecution of one of feeble intellect, ignorance, illiteracy, indigence, and manifests unequal treatment under the Law because a lack of respect or failure by omission to a Statutory Duty Obligation by the Court Officers involved to remove said Barriers, which must and should have been addressed to Legally obtain the Sole Evidence in the case against him.

Mr. Escobar hereby pleads the Appellate Court to relieve his unnecessary suffering and the unjust violations of the Law that it represents by reversing the unjust verdict and releasing him from the controversial and prejudicial treatment that such offense brings to the Accused by the very nature of it, and re-affirm the necessity of the U.S. Constitution as a fundamental and structural prevention of the abuse of the Power of the Law.

ESCOBAR JOSE L

Date: 10/13/10

Signed