

,done probation and no longer had any debt to the stae is a direct violation of THE DOUBLE JEOPARY CLAUSE OF THE FIFTH AMMENDMENT OF THE CONSTITUTION OF THE UNITED STAES,AS WELL AS THE CONSTITUTION OF THE STATE OF WASHINGTON,article 1 section 22,s states that ~~no~~ no person shall be ~~sub~~subject for the same of fense to be twice pu~~ys~~ in jeopardy of life or limb,the clause has been said to provide three seperate protections;(1)protect ion against second prosecution for the same offense after an a quitul;(2)protection against second prosecution for the same o ffence after a conviction;(3)and~~x~~protection against multiple punishments for the same offense;note; this left the~~s~~ def. wit t a totla of 20 points for past crimes ,over five years old.

ADDITIONAL GROUNDS3

before the defendant was ever arraigned on case #09-1-05756-3k nt,the department of corrections violafed the defendat for hav ing been arrested for the crime of taking a motor vehicle,whic h ,in turn was to be later identified as the above mentioned c ase #which the defendant believe is also a voilation of the fi fth ammendment,and washington constiution acticke 1 sextion 22 the defendant belives the state ered on two parts of the doubl e jeopardy clause;second prosecution for the same offense afte r a conviction;;; and protection against multiple punisments for the same offense;when the dept. of corrections violated th e defendant he had not yet been charged for the actual crime and the defendant was given 75 days for the violation before e ver being arraigned on the charge

Additional Ground 4

the defendant belives the state acted outx of prejudice by cha rging the defendant with the crime of taking a motor vehicle,w hen the defendants charged crime actually fell under the RCW for 2nd degree takung a motor vehicle,the vehicle in question had a price of \$900.00 on both rear side windows,as well as th e rear wind shield,and the defendant was,and still is in poset ion of the keys to said vehicle,an issue which the defendants attorney refused to bring up at trial

the defendant also believes that the sstate prejudiced his defen se by refusing to allow the defendant to fire his attorney and proceed pro se on 3 seperate occasions,the defendant repeatedl y told judges on three seperate occasions that he did not beli eve that the 'assigned counsel' would form a defense in his be half,and that given a choice he would rather pceed pro se th en leave his defense to 'assigned counsel'.which is a violatio n of the defendants sixth ammendment right to conduct his or h er own defense in a criminal case;as held in ~~XXXXXXX~~ FARETTA V. CALIFORNIA (supreme court)

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

Date: 6/15/10

Signature: Robert Scott Ingram

IN RE:ROBERT SCOTT INGRAM

IN WASHINGTON, THE EVALUATION OF A PETITION ALLEGING INEFFECTIVE ASSISTANCE OF COUNSEL INVOLVES A TWO STEP PROCESS. THE PETITIONER MUST SHOW THAT HIS OR HER LAWYER FAILED TO EXERCISE THE CUSTOMARY SKILLS AND DILIGENCE THAT REASONABLY COMPETENT ATTORNEY WOULD EXERCISE UNDER SIMILAR CIRCUMSTANCES: STATE V. SARDINIA 42 Wash App. 533, 539, 713 P2d 122, review denied, 105 Wash 2d 1013 (1986) (citing STRICKLAND V. WASHINGTON, 466 US 688, 687-88, 694, 80 L. ED 2d 674, 104 S. Ct 2052 (1984))

second, the petitioner must demonstrate that there is a reasonable probability that, but for the counsel's errors, the result would have been different, SARDINIA, 42 Wash App. 539 (citing Strickland, 466 US at 694)... when evaluating the petitioner's claim of ineffective assistance of counsel, courts must indulge a strong presumption that counsel rendered adequate assistance, and that counsel made all significant decisions in the exercise of reasonable and professional judgment. (Strickland, Sardinia);

if defense counsel's trial conduct can be characterized as legitimate trial strategy or tactics, it cannot serve as a basis for a claim of ineffective assistance of counsel. STATE V. MAK, 105 Wash 2d 692, 731, 718, P2d 407, cert. denied 479 U.S. 995, 93 L. Ed 2d 599, 107 S. Ct 599 (1986) state v. jury 19 Wash App 256, 262, ^{63,576} P2d, 1302, review denied 90 Wash 2d 1006 (1978)

NOTE:

IN VISITATION: to establish deficient performance, visitation submitted an expert affidavit from a very experienced Washington criminal defense attorney. This attorney stated that under the circumstances of this case, he could not conceive of any reason, tactical or otherwise, for not contacting witnesses and that reliance on the police reports was not substitute for contacting witnesses.

Visitation's expert opinion are supported by Hawkman v. Parratt, 661 F2d 1161 (8th Cir. 2981)

In Hawkman; trial counsel limited his pre plea investigation to discussing the case with the petitioner, and securing and reviewing state investigation materials. trial counsel made no attempt to independently contact or interview the three eye witnesses before advising the petitioner to plea guilty, the court held that by failing to investigate the facts, petitioners attorney failed to perform an essential duty which a reasonably competent attorney would have performed under similar circumstances. Hawkman, 661 F2d at 1168-69; accord, state v. thomas, 109 WASH 2d 222, 230-31, 743 P2d 816 (1987) counsel's failure to acquaint himself with the facts of the case by interviewing witnesses was an omission that/which no reasonably competent counsel would have committed.

NOTE:

Visitacion; we are persuaded by hawkman and Visitacion's expert that trial counsel's rejection of witnesses, based upon their police statements, without making any effort to contact or interview them, fell below the prevailing norms.

In Washington V. Jury 19 Wa App 256, 276 P2d 1302 (Wa App. 02/14/1978) DEFENSE COUNSEL HAD DISCUSSION WITH ONE OCCASION WITH A MR. MIKE PERRY, AND HE INDICATES HE WAS A PASSENGER IN THE DEFENDANT'S CAR. HIS TESTIMONY WOULD HAVE BEEN CONCERNING, PERHAPS, THE STATE OF SHOCK BUT HIS TIME SEQUENCE SHOULD HAVE BEEN TAKEN INTO ACCOUNT IN THAT REGARD.

[28] [THE RIGHT TO ASSISTANCE OF COUNSEL IS CONTAINED TO AND IN THE SIXTH AMMENDMENT TO THE UNITED STATES CONSTITUTION AND ARTICLE 1, section 2 of the washington constitution. THE UNITED STATES SUPREME COURT HAS STATED THAT THE SUBSTANCE OF THIS GUARANTY IS THAT COURTS MUST MAKE "EFFECTIVE" APPOINTMENTS OF COUNSEL, POWELL V. ALABAMA 287 U.S. 45, 77 L. ED 158, 33 S. Ct 55, 84 A. L. R. 527 (1932) HOWEVER THE COURTS HAVE NEVER SET EXPLICIT GUIDELINES FOR DETERMINING WHAT CONSTITUTES EFFECTIVENESS. INSTEAD, IT HAS BEEN LEFT TO EACH STATE TO FASHION ITS OWN STANDARDS.

THE SIXTH AMMENDMENT TO THE UNITED STATES CONSTITUTION, AND ARTICL
E 1 SECTION 22 OF THE WASHINGTON CONSTITUTION GUARANTY CRIMINAL
DEFENDANTS THE RIGHT TO CONFRONT AND CROSS EXAMINE WITNESSES
(STATE V. MCDANIEL, NO. 37323-8-II (Wash. App. Div. 2 04/28/2010))