

68606-2

68606-2

FILED
COURT OF APPEALS DIV I
STATE OF WASHINGTON
2013 JAN 17 PM 1:15

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

STATE OF WASHINGTON)
)
Respondent,)
)
v.)
)
YEVGENI OSTROVSKI)
(your name))
)
Appellant.)

No. 68606-2-1

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, YEVGENI OSTROVSKI, 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

The continuance violated Ostrovski's Constitutional Right to a speedy trial. Because of delay the defence lost the opportunity to face and cross-examine Ostrovski's accuser.
In short, had the Continuance (that the defence attorney 10/11/2011 had objected to) had not been granted, Belmaev - witness would have still been in the country and hear say evidence of a testimonial statement is inadmissible by State in trial.

Additional Ground 2

For offender to receive his "cause and good time credits while in King County Jail between 5/1/12 - 9/7/12 Judgment and sentence (credit RCW 9.94A.505(b)), 364 days or 182 days good time credit determined by King County Jail. Earned release credit for good behavior and good performance in accordance with RCW 9.91.127 9.94A 7.28 and Local Rules apply. Use the earned release time RCW 9.94A 7.29. I believe there is discrepancy in the amount of earned release cause credit and good time credits given to me by the ja. If there are additional grounds, a brief summary is attached to this statement.

Date: 1-14-13

Signature: 

Additional Ground 3

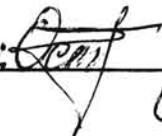
3} Issue : Witness statement is inconsistent. The question of the recognition of the knife as seen by Belyaev, a *non -testifying* witness to a *non-eyewitness* Corporal Herzog, on the kitchen counter, when in fact the knife had been tossed .Brodiski testified she asked Ostrovski for the knife, and then she threw the knife under t he table after Ostrovski handed it to her. 3RP 34-35 , 3RP 24-25.

Additional Ground 4.

4} Issue : Quality of verbal translation between english and Russian is in question. Investigating officers used an english speaking 14 year old girl{ Russian is not her native language} to translate, when the girl had just witnessed a traumatic event, and was under great personal duress. Furthermore, she is not and was not at the time of incident an interpreter nor a fluent Russian speaker. . 3RP 80,81, 82, 87, 89, 100-102 104, 109

If Corporal David Herzog could have understood what Belyaev was trying to say (1RP 96.) during the statement which was translated for Belyaev and transcribed by Jesika Brodiski, he would have realized that no location or identification of the knife was being given by witness Belyaev.

Date 1-14-13

signature:  YEVGENI
OSTROVSKI

SUPERIOR COURT OF STATE OF WASHINGTON
KING COUNTY

RECEIVED
DEC 26

STATE OF WASHINGTON

Plaintiff,

v.

YEVGENI OSTROVSKI

Defendant ~~Pro Se.~~

Case: # 11-1-07511-3 SEA

DECLARATION ADJUDGED AND DECREED
CORRECT JUDGMENT FOR JAIL GOOD
TIME CREDITS

I served in KING COUNTY JAIL from August 20th 2011 to April 10th 2012 at which time I was transferred to DOC custody. On May 1st 2012 I was brought back to King County Court for Court Hearing in which the State vacated Count II of my Charges. I was incarcerated in King County jail (and not in DOC) for 130 days, until being transported back to DOC on September 7th 2012. I understand that my DOC servicing time continued during these 130 days. However, I know jail time is one-half for good time credits. Please see EXHIBIT # 1 and EXHIBIT # 2. Analyze Prison Calculation please see EXHIBIT # 5, calculations Type Base ERT % 33 and EXHIBIT # 4 of DOC good time calculations, is big difference between those figures. I believe that I am entitled to one-half of good time credit for these days, since they were served in King County Jail, and not in a DOC facilities. King County Jail or DOC is not giving the full credit of good time I deserve during servicing this time between May 1st and September 7th of 2012. Please see EXHIBIT # 5 and EXHIBIT # 4 about DOC Prison calculation.

DOC Calculation is: 234 days + one-half of the time credit which King County Jail gives me as a jail good time is 117th days, please see my calculation below 351 days.

- 791 days of sentencing
- 351 days (234 cause time + 117 jail good time)
- 103 days is 1/3 time of DOC Good Time calculation
- 337 days is left me to serve.

I have done my calculation here is: 234 days I served in King County Jail and then 130 days I been served also in King County Jail, so the total time I served in King County Jail is: 364 days. We have to include a one-half of Jail Good Time of 182 days, than we will have a 546 days of whole time I have totally served in King County Jail.

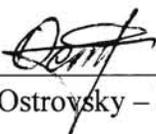
- 791 days are my sentencing days
- 546 days (includes Jail Good Time Credit)
- 82 days are 1/3 of DOC Good Time
- 163 days are left me to serve.

In King County Jail I was served 234 days and I was transferred to DOC Shelton. After 20 days I was transferred back to King County and I served 130 days for same cause in jail, the total days I was served in King County Jail is: 234 days plus 130 days causes credits = 364 days.

I need jail cause credit and jail good time credit, if need new certification of my Early Release Day (ERD) adjusted accordingly by Court order on criminal motion to modify or correct judgement and sentence.

DOC can do proper re-calculation of good time credits based on my County cause credits and jail good time credits.

Sincerely,



Yevheni Ostrovsky – Defendant ~~Pro Se.~~

SUPERIOR COURT OF STATE OF WASHINGTON
KING COUNTY

STATE OF WASHINGTON
Plaintiff,

v.

YEVGENI OSTROVSKI
Defendant ~~Pro Se.~~

NO: 68606-2-1

Case: # 11-1-07511-3 SEA

DECLARATION FOR
SUPPORT
CRIMINAL MOTION

I served in KING COUNTY JAIL from August 20th 2011 to April 10th 2012 at which time I was transferred to DOC custody. On May 1st 2012 I was brought back to King County Court for Court Hearing in which the State vacated Count II of my Charges. I was incarcerated in King County jail (and not in DOC) for 130 days, until being transported back to DOC on September 7th 2012. I understand that my DOC servicing time continued during these 130 days. However, I know jail time is one-half for good time credits. Please see EXHIBIT # 1 and EXHIBIT # 2. Analyze Prison Calculation please see EXHIBIT # 5, calculations Type Base ERT % 33 and EXHIBIT # 4 of DOC good time calculations, is big difference between those figures. I believe that I am entitled to one-half of good time credit for these days, since they were served in King County Jail, and not in a DOC facilities. King County Jail or DOC is not giving the full credit of good time I deserve during servicing this time between May 1st and September 7th of 2012. Please see EXHIBIT # 5 and EXHIBIT # 4 about DOC Prison calculation.

DOC Calculation is: 234 days + one-half of the time credit which King County Jail gives me as a jail good time is 117th days, please see my calculation below:

- 791 days of sentencing
- 351 days (234 cause time + 117 jail good time)
- 103 days is 1/3 time of DOC Good Time calculation
- 337 days is left me to serve.

I have done my calculation here is: 234 days I served in King County Jail and then 130 days I been served also in King County Jail, so the total time I served in King County Jail is: 364 days. We have to include a one-half of Jail Good Time of 182 days, than we will have a 546 days of whole time I have totally served in King County Jail.

- 791 days are my sentencing days
- 546 days (includes Jail Good Time Credit)
- 82 days are 1/3 of DOC Good Time
- 163 days are left me to serve.

In King County Jail I was served 234 days and I was transferred to DOC Shelton. After 20 days I was transferred back to King County and I served 130 days for same cause in jail, the total days I was served in King County Jail is: 234 days plus 130 days causes credits.

I need jail cause credit and jail good time credit, if need new certification of my Early Release Day (ERD) adjusted accordingly by Court order on criminal motion to modify or correct judgement and sentence.

DOC can do proper re-calculation of good time credits based on my County cause credits and jail good time credits.

Sincerely,



Yevheni Ostrovsky – Defendant ~~Pro Se.~~

Exhibit No. 2.

Wonders, Lori S. (DOC)

From: Leigh, Lori A. (DOC)
Sent: Wednesday, November 14, 2012 10:15 AM
To: DOC CRCC PDU
Cc: Bowman, Susan M. (DOC); Bacon, Tami L. (DOC)
Subject: PDR #22674

Attached is 3 pages of the requested documents for the above PDR.

#357185 Ostrovski, Yevgeni was serving time in the King County Jail on King County Cause #111075113 for the following dates and times:

8/21/11 – 4/10/12 = 234 Days Served in the King County Jail with 117 Days Earned Early Release Credits

5/1/12 – 9/7/12 = Out to Court King County Jail on King County Cause #111075113. He will not receive jail time credit for this time period

since he's currently incarcerated in prison for King County Cause #111075113.

Thank you.



doc1pdr1111@doc1
wa gov_20121...

Lori Leigh
Correctional Records Technician 1
Coyote Ridge Corrections Center
(509) 544-3621

FILED
WASHINGTON

MAY 03 2012

COURT CLERK
Susan Bone
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

No. 11-1-07511-3 SEA

vs.

YEVGENI OSTROVSKI,

Defendant.

ORDER VACATING COUNT II

THIS MATTER having come on regularly before the undersigned judge of the above-entitled court upon the joint motion of the defendant and the State of Washington, plaintiff, for an order vacating Count II in the above-entitled cause, and the court being fully advised in the premises; now, therefore,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the defendant's conviction on Count II is vacated for the sole reason that conviction for both Count II and Count I would violate double jeopardy principles.

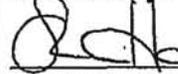
DONE IN OPEN COURT this 3RD day of May, 2012.

JUDGE

LAURA GENE MIDDGAUGH

Presented by:

Approved for entry:


40719
Deputy Prosecuting Attorney


#24502
Attorney for Defendant

Exhibit No: 4



RECEIVED OFFENDER'S KITE

SEP 10 2012

PAPELETA DE PETICIÓN DEL INTERNO

OFFENDER NAME (PRINT) NOMBRE DE OFENDIDA (Escriba en molde)		
Yevgeni Ostrovski		
DOC NUMBER/NÚMERO DOC	UNIT, CELL/UNIDAD, CELDA	DATE/FECHA
357185	R4-A9	9/7/12
DESIRE INTERVIEW WITH OR ANSWER FROM/DESEA ENTREVISTA CON O RESPUESTA DE		
Records Dept		

Interpreter needed for _____ (language).
 Necesito intérprete para _____ (idioma).

REASON/QUESTION
RAZÓN/PREGUNTA

SIR - I WAS GIVEN a 791 days sentence is (2.6 mo) FROM AUGUST 20 2011

- 1) I need to know my EARLIER Release day.
- 2) How much GOOD time FROM King County # KING CO. GIVES MY ?
- 3) How much is OFF TOTAL IN MY SENTENCE FOR GOOD time if I have 2.6 mo (791 days) FROM August 20 2011

And please let me know my EARLIER Release day.

SIGNATURE/FIRMA *[Signature]* DAYS OFF/DÍAS LIBRES 9/7/12

RESPONSE
RESPUESTA

791 days
 - 351 jail time / good time
 - 163 1/3 off
 337 days to serve

RESPONDER/PERSONA QUE RESPONDE

JM

DATE/FECHA

9.12.12

Distribution: WHITE/YELLOW-Responder, YELLOW-Return to Offender with Response, PINK-Offender keeps
 Distribución: BLANCA/AMARILLA-Persona que responde, AMARILLA-Devuelva al interno con respuesta,
 ROSA-Interno

DOC 21-473 E/S (Rev. 09/21/11)

DOC 390.585, DOC 450.500

Exhibit No 5

Analyze Prison Calculations : OSTROVSKI, Yevgeni Shynivich (357185)

Cause: AA-111075113-King-CCP
Consecutive To Cause:
Count: 1

Calculation Type: Enhancement	Length: Y, 12 M, D	Consecutive to:	
ERT% 0	ERD	Max Ex Date	Original ERD
Time Start	04/10/2012	04/10/2012	04/10/2012
(+) Length	365	365	365
(-) Cause Credits	234	234	234
(+) Out Time	0	0	0
Expiration Date	08/19/2012	08/19/2012	08/19/2012
Remaining Days To Be Served	0	0	0

Calculation Type: Base	Length: Y, 14 M, D	Consecutive to: Enhancement (04/10/2012)	
ERT% 33	ERD	Max Ex Date	Original ERD
Time Start	08/19/2012	08/19/2012	08/19/2012
(+) Length	426	426	426
(-) Cause Credits	0	0	0
(-) Good Time Credits	117		117
(+) Potential Earned Time Release Credits	34.33		34.33
(+) Earned Time not Earned	0.00		
(-) Potential Good Conduct Time	69		69
(-) Good Conduct Time Lost	0		
(+) Out Time	0	0	0
Expiration Date	03/13/2013	10/19/2013	03/13/2013
Remaining Days To Be Served	168	388	168

FILED
COURT OF APPEALS DIV I
STATE OF WASHINGTON
2013 JAN 22 PM 1:32

IN THE Appeals COURT OF THE STATE OF WASHINGTON
IN AND FOR _____ COUNTY

State of Washington,
Plaintiff

No. 68606-2-1

V.

DECLARATION OF SERVICE BY
MAILING

Yevgeni OSTROVSKI
Defendant.

I YEVGENI OSTROVSKI, the Defendant, in the above entitled cause, do hereby declare that I have served the following documents;
Statement of Additional Grounds, Declaration FOR Criminal Motion, 5 public Disclosure Exhibit

PARTIES SERVED: The Court of Appeals of the State of Washington
Division One
One Union Square
600 University Street
Seattle, WA 98101 PLAINTIFF / PROSECUTOR
CLERK OF THE COURT NIELSEN, BROMAN & KOCH, P.L.L.C.
1908 E. Madison St
Seattle, WA 98122
King County Prosecuting Attorney
Criminal Division
516 3rd AVE ROOM W 554
Seattle, WA 98104

That I deposited in with the Unit Officer's Station, by processing as Legal Mail,
with First Class Postage at: Coyote Ridge Corrections Center
1301 N. Ephrata P.O. BOX 769, Connell, WA 99326

Dated this 14 day of January 2013

I certify under the penalty of perjury under the laws of Washington that the
aforementioned is true and correct.

[Signature]
(Signature)