

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
FOR DIVISION One

Danny H. Brandt,  
Petitioner,

vs.

State of Washington,  
Respondent

Case No.: 70204-1-I

STATEMENT OF ADDITIONAL  
GROUNDS, PURSUANT TO  
RAP 10.10

~~FILED~~  
2011 09 20 11:21

I, Danny H. Brandt, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in the 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

I was denied due process when the court failed to have me present while the jury was allowed access to a CD containing evidence not shown at trial. During trial the jury was shown two (2) video files, RP 329-332. The CD containing those files also contained four (4) other files not shown at trial. The entire CD containing all six (6) files was entered into evidence. During deliberations the jury asked to again see the video evidence. I was not allowed to be present during the jury review of the images. My attorney stated that he had no authority to

waive my presence, but he did not raise any formal objection. ~~The~~ RP 403. The record shows the jury reviewed the contents of the CD, but does not show if more than the two (2) files entered into evidence were shown. RP 404. In order to receive due process, I needed to be present to insure that only the files entered into evidence were reviewed by the jury, and I needed to be there in order to force my attorney to object to any improper action on the part of the prosecutor, court, or jury.

#### Additional Ground 2

My attorney ineffectively assisted in my defense when he failed to object to my absence while the jury was allowed access to a CD containing evidence not shown at trial. RP 403

#### Additional Ground 3

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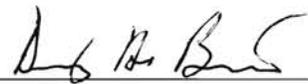
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If there are additional grounds, a brief summary is attached to this statement.

DATED this 14<sup>th</sup> day of October, 2014.

  
\_\_\_\_\_  
(Appellant's Signature)

Danny H. Brandt  
\_\_\_\_\_  
(Appellant's Printed Name)

Stafford Creek Correction Center  
191 Constantine Way, Unit# \_\_\_\_\_  
Aberdeen, Washington 98520

DECLARATION OF SERVICE BY MAIL

GR 3.1

I, Danny H. Brandt, declare and say:

That on the \_\_\_\_\_ day of October, 2014, I deposited the following documents in the Stafford Creek Correction Center Legal Mail system, by First Class Mail pre-paid postage, under cause No. 70204-1-I :

Statement Of Additional Grounds ;  
\_\_\_\_\_  
\_\_\_\_\_

addressed to the following:

King Co. Prosecuting Atty.  
Criminal Appeals Division  
516 Third Ave. Rm. W554  
Seattle, WA 98104

Nielsen, Broman & Koch PLLC  
1908 E. Madison St.  
Seattle, WA 98122

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED THIS 14<sup>th</sup> day of October, 2014, in the City of Aberdeen, County of Grays Harbor, State of Washington.

D. H. Brandt  
Signature

Danny H. Brandt  
Print Name

DOC 957978 UNIT H2A71L  
STAFFORD CREEK CORRECTIONS CENTER  
191 CONSTANTINE WAY  
ABERDEEN WA 98520