

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON,)	
)	
<i>Respondent,</i>)	
)	COURT OF APPEALS NO. C0915 73241-2-1
vs.)	
)	DECLARATION AND REQUEST FOR CONSIDERATION OF
MARVIN DUQUE,)	STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW
)	
<i>Appellant.</i>)	

3-30-16

GRANTED

[Signature]
Court Administrator/Clerk

FILED
COURT OF APPEALS DIV. 1
STATE OF WASHINGTON
2016 MAR 23 PM 4:05

I, **CASSANDRA LOPEZ DE ARRIAGA**, Attorney for Mr. Duque, do hereby affirm, under penalty of perjury, that the following declaration is true and correct:

1. That I am the Attorney of record in this matter.
2. On March 5, 2016 I visited Mr. Duque at Coyote Ridge Corrections Center to discuss the State's response to our opening brief.
3. During that meeting it became clear Mr. Duque had not received "Notice to Appellant RE: Statement of Additional Grounds For Review" dated December 1, 2015. During our previous phone conversations there was a misunderstanding of which document he received. The document he thought we were discussing was the original opening brief.
4. I had a copy of the Court of Appeals December 1, 2015 notice and read it to Mr. Duque, translating it into Spanish, as he does not read English.
5. We filled out the Statement of Additional Grounds for Review together, I wrote it in English as he spoke in Spanish. He Signed the form on the same day (March 5, 2016) with the "*yo Marvin Duque le explique a mi abogada en espanol y ella lo escribio en ingles*" and placed his initials next the statement (M.D.).
6. I respectfully request Mr. Duque's Statement for Additional Grounds for Review be considered by the Court of Appeals.
7. Below is a direct typed version of the Statement of Additional Grounds for Review:

ORIGINAL

Additional Ground 1

My Daughter C.D. (alleged victim) spent 1 year living with a friend and her family. That family told me they had relevant information about my case. I gave my attorney their contact information (phone number and address) to investigate. My attorney's response was that they did not have enough funds from state to investigate. The family lived in Ballard.

* I was never offered a plea agreement my attorney never communicated one.

Additional Ground 2

I plead with my attorney to call as a witness to testify at trial Martino Gonzales who lived with my daughter (C.D.) and me for over 10 years. I went so far as to take him to her office. Instead she called Joaquine Centeno at trial who only lived in my home for 6 months. I talked to my attorney's supervisor sharing my concern for lack of investigation.

Date: 3-5-16

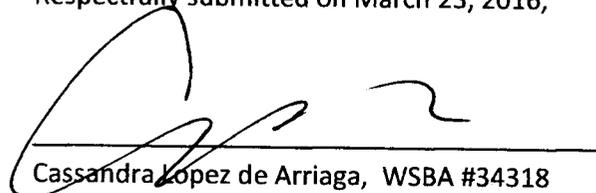
Signature: Marvin Duque

"yo Marvin Duque le explique a mi abogada en espanol y ella lo escribio en ingles" M.D.

I, Cassandra Lopez de Arriaga, wrote the about statement in English for client Marvin Duque, who conveyed information in Spanish. I am a native Spanish speaker, lived in Mexico for 1st 8 years of my life.

3/5/16 Cassandra Lopez de Arriaga (signature) #34318

Respectfully submitted on March 23, 2016,


Cassandra Lopez de Arriaga, WSBA #34318

RICHARD D. JOHNSON,
Court Administrator/Clerk

The Court of Appeals
of the
State of Washington

DIVISION I
One Union Square
600 University Street
Seattle, WA
98101-4170
(206) 464-7750
TDD: (206) 587-5505

NOTICE TO APPELLANT RE:
STATEMENT OF ADDITIONAL
GROUND FOR REVIEW

COURT OF APPEALS DIVISION I OF THE STATE OF WASHINGTON

Re: Case No. 73241-2-I, State v. Marvin Duque

Dear Appellant:

Your attorney has filed a proof of service indicating that you were mailed a copy of the opening brief in your appeal. If, after reviewing that brief, you believe there are additional grounds for review that were not included in your lawyer's brief, you may list those grounds in a Statement of Additional Grounds for Review. RAP 10.10.

Because the Statement of Additional Grounds for Review is not a brief, there is no required format and you may prepare it by hand. No citations to the record or legal authority are required, but you should sufficiently identify any alleged error so that the appellate court may consider your argument. A copy of the rule is enclosed for your reference.

Your Statement of Additional Grounds for Review must be sent to the Court within 30 days. It will be reviewed by the Court when your appeal is considered on the merits.

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

DATE: 12/1/15 – Cassandra Lopez De Arriaga

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

STATE OF WASHINGTON)

Respondent,)

v.)

Marvin Dugue
(your name))

Appellant.)

No. 73241-2-1

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

FILED
COURT OF APPEALS DIV. I
STATE OF WASHINGTON
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I, Marvin Dugue, 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

My daughter, C.D. (alleged victim), spent 1 year living with a friend and her family. That family told me they had relevant information about my case. I gave my attorney their contact information (phone number and address) to investigate. My attorney's response was that they did not have enough funds from state to investigate. The family lived in Ballard.

*I was never offered a plea agreement, my attorney never communicated one.

Additional Ground 2

I plead with my attorney to call as a witness to testify at trial: Martina Gonzales who lived with my daughter (C.D.) and me for over 10 years. I went so far as to take him to her office. Instead she called Joaquin Centeno at trial who only lived in my home for 1 month. I talked to my attorney's supervisor showing my concern for
If there are additional grounds, a brief summary is attached to this statement. lack of investigation

Date: 3-5-16

Signature: [Signature]

yo Marvin Dugue le explique a mi Abogada en esta y ella lo escribio en ingles M.D.

I, Cassandra Lopez de Arriaga, wrote above statement in English for client, Marvin Dugue, who conveyed information in Spanish. I am a native Spanish speaker, lived in Mexico for 1st

CERTIFICATE OF SERVICE

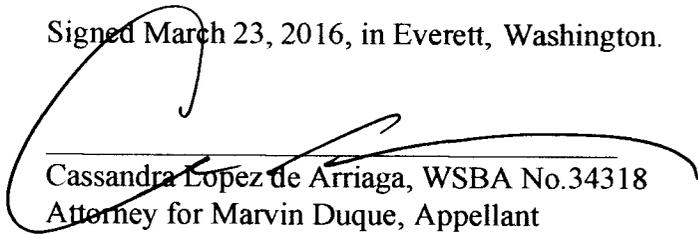
Cassandra Lopez de Arriaga declare as follows:

On today's date, March 23, 2016, I caused service via legal messenger of Declaration and Request for Consideration of Statement for Additional Grounds for Review to: (1) King Prosecutor, King County Prosecutor's Office, King County Courthouse, Room 554, 516 Third Avenue, Seattle, WA 98104, (2) the Court of Appeals, Division I; and (3) I mailed a true and correct copy to Marvin Duque/DOC#381416, Coyote Ridge Corrections Center, 1301 N Ephrata Ave, Connell, WA 99326.

FILED
COURT OF APPEALS DIV. I
STATE OF WASHINGTON
MAR 23 PM 4:05

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Signed March 23, 2016, in Everett, Washington.


Cassandra Lopez de Arriaga, WSBA No.34318
Attorney for Marvin Duque, Appellant