

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

COURT OF APPEALS

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STATE OF WASHINGTON)
)
Respondent,)
)
v.)
Franklin Dela Cruz)
(your name))
)
Appellant.)

No. 33907-2-II

STATEMENT OF ADDITIONAL
GROUND FOR REVIEW

I, Franklin Dela Cruz, 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

Jurors were bias. ON 8-2-05 Pgs. 96-105 Jurors felt threatened by court viewer. The Jurors talks about being intimidated by a viewer. to the clerk. The clerk said it like all the Jurors has been discussing this situation to one another. Intimidated Jurors cannot give a clear and unbiased opinion or decision of verdict.

Additional Ground 2

Jurors had the impression I was guilty because they had seen me shackled on more than one occasion. ON 8/2/05 Pgs 104-107 Even the Jailer mentioned seeing a Juror. Shackled law - gives the Jurors the impression Im guilty

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

Date: 7-5-06

Signature: Frank Dela Cruz

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Additional Ground 3

7-5-06

I didn't have a fair trial because my name was in the News tribune alot before my trial and during trial. ON 5-21-05 my attorney states some of the dates in which my name appeared in the News tribune before my trial. Also during my trial the News tribune was doing articles after articles following my case at trial.

Additional Ground 4

ON 8-2-05 Judge Falneagle Rushed my trial. So there would be no mistrial. Basically he hurried up the finishing of the trial. Instead of letting my attorneys end the trial the way they wanted it to. He did not give us the amount of time that was needed in order for me and my attorneys to have a proper defense. So I claim it was Judge misconduct. Transcript dates it on 8-2-05.

Additional Ground 5

Juror #2 wore hearing aids. She might have not been able to hear during my trial. I mean she might have missed some very important statements or testimonies. She admits to wearing hearing aids during Jury Selection on 7-12-05 or 7-13-05.

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Additional Ground 6

7-5-06

I was seen shackled or handcuffed on July 16, 2005. So on July 19, 2005 I told my attorneys that I was seen by 3 Jurors. Under Finch and the recent case of Cecil Davis, is that it really strikes at the heart of the presumption of innocence. This creates a sense of speculation and prejudice. We asked for a mistrial but was denied by Judge Falneagle. Officer Wells, Officer DeFilippis and Officer Heligss Helps put out the Jurors to the Court on Pages 4-7. Juror #9 MS Sukola on page #9 admits to seeing the corrections officers putting me in an elevator. If she saw me being put in the elevator she saw me from behind and that would give her a perfect view of my handcuffs because my handcuffs were behind my back. She was told by the Court not to discuss any of this matter to the other Jurors. Then Juror #7 MR. Gehman lied about not seeing me or anyone in the elevator when even the officer Wells on page #11 even seconded the fact that he did see us in the elevator. Then the alternate Juror #2 admitted a whole bunch of the Jurors walked down the stairs together on page #12. Juror #2 her name is MS Milam. Then on page #14 Juror #5 MR Robinson said he did not see me. Juror #4 was brought in also. My Grounds for Review on this #6. Is that this

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incident happened on the first day of trial so during the whole trial they already had it in their minds that I was guilty. Because it strikes at the heart of the presumption of innocence this creates a ~~sense~~ sense of speculation and is highly prejudicial. I should have had a mistrial right there and then on account of a Bias Jury or Bias Jurors and or right to a fair trial.

CLOSING...

From 7-19-05 under Funch and Cecil Davis I was prejudiced of the presumption of innocence by an Bias Jury. Jurors had been discussing matters like on 8-2-05 when Jurors discussed about being or feeling intimidated by viewers on 8-2-05. Which is additional grand 1. so additional grand #6 explains slightly on how the Jurors as much as they discuss matters to each other were not Jurors who could give a clear and un-bias opinion or decision of verdict and the trial should have not continued because having these set of Jurors were highly prejudicial and my rights for a fair trial was not considered in the Court.

Thank- you

Franklin S. V. De la Cruz #885714

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Signature

F. V. De la Cruz

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