

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

FILED
COURT OF APPEALS

STATE OF WASHINGTON)
)
Respondent,)
)
v.)
)
Edgar Perez)
(your name))
)
Appellant.)

06 09 25 PM 2:40
STATE COURT
BY [Signature]

No. 34544-7-II BY _____

STATEMENT OF ADDITIONAL
GROUND FOR REVIEW

I, Edgar Perez, 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 rights under the VI Amendment of the US Constitution, the right to counsel were violated, by ineffective assistance of counsel, see C.P. verbatim transcript of proceedings volume (1) page 5, line 18-20, page 6, line 20-25, and also line 6-8 of page 6. See wash vs nathan brightman 48 P.3d 363, (2002) wash. App. LEXIS 1440 see HN 26 ip demonstrate that counsel was ineffective, a defendant must show that counsels representation fell below an objective standard of reasonableness and that the defendant was prejudiced as a result.

Additional Ground 2

my rights under the XIV Amendment section (1) were violated, which states, no State shall deprive any person of life, liberty or property without due process of law nor deny to any person within it's jurisdiction the equal protection of laws. as this right was violated by my ambiguous sentence, when the seriousness level was elevated from a I 0-6 months to a seriousness level III 51-68 months. I was charged with a seriousness level II, convicted of a seriousness level I, BUT sentenced to a seriousness level III it is unlawful for "me" a non persistent offender. see Blakley vs wash. 542 US 296, 124 S. Ct. 2531, 159 L. Ed. 2d 403 (2004)

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

CERTIFICATE OF SERVICE

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copies of

to K. Proctor Signature: [Signature]

& J. Winkler

Date 11/2/06 Signed [Signature]

Date: 10-24-06

Additional Grounds 3

my rights under the IV amendment of the U.S. constitution, were violated. The right of the people to be secure in their persons, house, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath, or affirmation, particularly describing the place to be searched, and the persons or things to be searched.

Defendant contends that the detective searched the car, absent the authority of law, nor did he have justifiable reason to search through personal luggage, although I was charged with a driving violation, I was a licensed driver, therefore the police did not have the authority to search.

Evidence unlawfully obtained pursuant to the criminal activity of law enforcement may not be used. See *Wong Sun v United States*, 371 U.S. 471, 87-88, 83 S. Ct. 407, 9 L. Ed 441 (1963)

Article 157 clearly provides that "no person shall be disturbed in his private affairs, or his home invaded, without authority of law. Furthermore Article 1 § 3 also states "no person shall be deprived of life, liberty, or property, without due process of law,

police dog is law enforcement officer, subject to RCW 10.79.040 and 10.79.045 which provides that it shall be unlawful for any policeman or other "peace officer" to enter and search any private dwelling or place of residence without the authority of a search warrant issued upon a complaint as by law provided. Any policeman or other peace officer "violation of RCW 10.79.040 shall be guilty of a gross misdemeanor RCW 10.79.045 See also CrR 2.3.

Additional Ground (3) continued.

See State v Glossbrener, 146 Wn.2d 670, 49 P.3d 128 (2002)
(defendant stopped for traffic infraction and officer concluded
defendant not legally intoxicated; second officer searched
passenger area while defendant stood outside, and found
drugs; search incident to arrest disclosed more drugs; while
search for weapons for officer safety is not limited to
cases where driver or passenger remain in vehicle, concern
dissipated by conduct of defendant, and police and police officer
no longer had objectively reasonable belief he was in danger;
evidence should be suppressed).

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