

COURT OF APPEALS  
DIVISION TWO  
OF THE STATE OF WASHINGTON

CLERK OF COURT

STATE OF WASHINGTON

STATE OF WASHINGTON )  
 )  
 Respondent, )  
 )  
 v. )  
 )  
 Zachary H. McCordeth )  
 (your name) )  
 )  
 Appellant. )

No. 35373-8-11 Comm

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

I, Zachary McCordeth 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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional Ground 2

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Date: 5/28/11

Signature: [Handwritten Signature]

May 1<sup>st</sup>. 2007

State of Washington v. Zachary Meridieth Case No. 35345-8-11

DOC #896450

1. Detective Bergt said that she was there to arrest me and the cop said that he thought that he was only there to talk.
2. Why was I charged as an adult, when the alleged crime(s) happened before I turned 16 and there is no proof beyond a shadow of a doubt that anything ever happened after my 16<sup>th</sup> birthday or at all.
3. A & B said that I stuck my fingers and penis in their butts, vagina and mouth, but their medical exams were clear and showed that nothing had ever happened and they had some [REDACTED] doctor lie and say that an examine can come back negative even if there were penetration. (Liar)
4. Bob said that he would like to drop out of my case and the judge told him that he could not because he was too far into the case. Bob told the judge that he did not think that he represented me to the best of his knowledge.
5. How can Detective Bergt say that Dad could not come with me when I was a juvenile and how come did she go up on the stand and lie and say that B was scarred of me, but when Bob talked to B she said that she was scarred of Detective Bergt?
6. How can A say that I came over to her house everyday after football practice and do things when she was not only at day care, but I only went over there around 1130am and at that time she was at either school or day care and I never went over there after my second football practice, my mom and dad always picked me up.
7. How can Bob not put anything into evidence when we gave him so many things and he just did not do anything to help my case?
8. How can my confession be good when I was under age and my father asked several times if he could come with me and Detective Bergt said no, no and no? How was I supposed to know that I could have asked to have somebody with while I was there?
9. How can my phone call be able to be used against me when the only reason why I said what I did was because Detective Bergt was still in the room and that if I remember that is only hearsay? Just like when A said that nothing had happened to Tammy.

May 1, 2007

State of Washington v. Zachary Meridieth Case No. 35345-8-11

DOC # 896450

- A & B kept changing their stories, all 3+ times
- B scared of Detective Bergt, not Zach
- A & B could never pin down how many times
- Where it happened
- Detective Bergt came to arrest Zach not detain him
- A & B not afraid of Zach
- Jury did not believe A or B's testimony
- Confession should have been thrown out, as was co horsed
- Promises made by Detective Bergt to Zach
- No chance to be charged as a juvenile
- Why tried as an adult?
- No evidence, DNA, witnesses, proof or fingerprints
- What do "they" mean by "frequent guests"
- A was in daycare during alleged crime(s)
- Zach's parents not allowed to be with him during questioning, as he was a juvenile
- A & B asked about Zach, if they could see him, said they missed him
- No defensive evidence was submitted
- No expert witness for the defense
- No medical evidence that either A or B had been violated
- No phone analysts on unauthorized taped confession, that was co horsed
- Detective Bergt stood in the same room as Zach called home
- Sheriff Soloman was told he was on scene for protection only, not arrest
- John the jailer told me in the pm of 8/31/05 that Zach's paperwork was not signed by his supervisor. Why was he there?
- A & B have always been driven to the bus stop since both started school, not because of any kind of fear of Zach or Doug
- What about hearsay?
- Why was the alleged time frame allowed to be pushed back by one year?
- The phone tap was signed by the same judge for Doug & Zach. Conflict?
- How did PA know about what was said during Zach's call home if not recorded?
- Why did Sheriff Soloman draw his tazer gun at our front door?
- A & B had to talk to each other before they wanted to answer any questions
- Zach was 17 a the time of arrest-why no adults or counsel allowed during questioning
- Zach did not understand his Miranda rights
- Chuck, (B's father) is a paranoid psycho

Page 1

- Chuck, (B's father) was sexually abused as a child & his mother didn't believe him
- Jenny told A & B about her experience and A & B went on to make up one of their own
- Why wait to tell story?
- A & B character(s) not looked at, i.e.: bullying, name calling
- Why was B's brother not questioned?

- A & B both had access to pornography in their own bedrooms via TV or personal computer
- A & B always very competitive between each other
- Why was Zach shown on KING 5 TV more than once; no permission was ever given?
- Why wasn't Derrick, Zach's brother, questioned or interviewed?
- Why Zach not detained for questioning, instead was arrested
- Why is money being paid towards any LFO's or restitution now as court papers specifically state that nothing is to be paid until Zach's release?
- With no proof, how can Zach have 16 counts against him
- All allegations stopped in April 2004 & Zach turned 16 in May 2004
- Zach did not obtain his Washington Driver's License until 6/25/07. He was 17 years old
- How did Zach get transportation to and from A & B's residence
- After Zach had obtained his driver's license, he went to Prine Villa to pick his brother Nich up and B wanted to ride in Zach's truck, one time
- What about the "Midway" address roommate?
- A told Tammy in car going to buy A's mother, Debra, a birthday present, that Zach did not do anything to her
- PA says she spoke to all that were called to the stand. She did not question Doug or Aaron
- Tammy and Barb were afraid to testify as Larry & Debra had made life threats to both of them
- Verbal threats to both Tammy and Barb made at the Tumwater Post Office
- Larry has possession of guns
- Larry pulled a gun on Tammy's son William, to his head
- Debra abused state leave
- Cindie abused state leave
- Debra & Cindie threatened to go to the media
- "They" got the privilege of an escort out of the court room. We did not.
- A & B allowed to dress provocatively
- Close family? We never got a softball, baseball or cheerleading schedule for A or B during the entire time both played or participated.
- School pictures stopped during alleged time of crimes(s)
- A had fancy pictures taken during the alleged time of crime
- A & B continued with cheerleading during the alleged time of crime
- A & B school grades continued to stay on the honor roll
- A & B continued to have tent campouts with boys & girls after reported story

Page 2

- Nich & Ryan robbed of their relationship/friendship
- Nich was a frequent visitor/overnighter, not Zach
- A & B would fight over who would sit next to Zach during family holidays
- Why did Debra & Cindie always ask for Zach to help move wood, furniture or move to another residence?
- Cheerleading and camping continued for both A & B
- Chuck attempted suicide 3 or more times
- Chuck was admitted into the psych ward 3 or more times

Page 3

**Corrections and added information on Brief of Appellant**

**Pg. 2: The state alleges that these crimes happened between 08/01/02 and 08/31/04. Originally, it was one year (2003 – 2004), Judge Mcphee added an extra year giving us 3 minutes to prepare, even though the girls said that they were 9 and 10 years of age. In addition, there was no reason to believe that anything happened during that time frame. The only time frame that was mentioned, was when Alyssa said it stopped when she moved to Prine Villa Apartments, in April of 2004, this is a month before Zach's 16<sup>th</sup> birthday. Also, the dates were 2003 – 2004, In 2002 – 2003, Alyssa's family lived in Centralia, WA, not at Midway. (Ref: Discovery, pg. 30)**

**Pg. 5: Zach did not call me. I was already at Doug and Michelle's house when he called home.**

**Pg. 7: Prosecuting Attorney based her closing, when nobody could object, that BAC was curled up in the fetal position & a hard time talking. Ms. Ericson-Mildrew made a point to make a show of this to the jury. During BAC's 2<sup>nd</sup> interview with Det. Bergt, BAC stated that it was Det. Bergt that scared her, not Zach. She knowingly lied in her closing. (Ref: trial transcript, and Discovery, pg. 50.**

**Near the bottom of page 7, it states that these events started going into 4<sup>th</sup> grade at Prine Villa, when ALS moved there in April 2004. In the transcript of her and Det. Bergt on August 30, 2005, Alyssa says that she thinks the last time was at their Midway house before they moved to Prine Villa in April 2004, and nothing happened again after that. (Ref: Discovery Pg. 30, line 31 through top of Pg. 31)**

**Detective Casebolt**

**Got case on 08/12/05. BAC told him Zach would make them, (A&B), undress in a "locked" bedroom. No locks were on the bedroom doors during the time of accusation, according to Nich Meridieth, who frequented their house often.**

**BAC also told him that Zach would put his penis in all 3 holes, (Ref: Pg. 17 Discovery), which later she denies 2 of the 3 accusations in the transcripts of her interviews, even when being lead by Det. Bergt. (Ref: Brittany's transcripts on 8/30/05 and on 9/15/05 in discovery.**

**Alyssa tells him Zach put his penis inside of her each time he babysat, (He didn't baby-sit her), 20 or more times. (Re: Pg. 18 Discovery)**

State of Washington v.  
Zachary Meridieth  
Case No. 35345-8-11  
DOC # 896450 05/02/07

**Alyssa**  
**1<sup>st</sup> Interview**

**Says she was 10 years old the 1<sup>st</sup> time something happened (Disc. Pg. 24)**

**Says she took her clothes off because he threatened to kill them. (Disc. Pg. 25)**

**Says he put his penis inside (Disc. Pg. 27)**

**Alyssa says he did pretty much everything.**

**There was a house full of people during the incidents (Pg. 28)**

**Only happened with Alyssa when they were at Alyssa's house, Brittany wasn't there (Pg. 29)**

**She says she was alone with Zach 30 times when her mom was home.**

**She thinks it happened 7 times at Alyssa's house (Pg. 30)**

**The last time happened at her Midway house (Pg. 30) (Moved in April 2004, before Zach turned 16).**

**There was always someone at Alyssa's house when Zach did something to her (Pg. 31)**

**It happened more than 7 times (Pg. 32)**

**She denied anything happened anally. ((Pg. 32)**

**First time was with Brittany (Pg. 25). She undressed because he threatened to kill them (Pg. 25)(this indicates the threat was before any incident happened). They were forced to do all sorts of things, and then told them he would kill them if they told what he did to them. (Pg. 32) (this indicates the threat was made after the incident). He threatened her and Brittany at the same time, the first time, and only one time. Note what Brittany says about the threat on both of her interviews.**

**2<sup>nd</sup> Interview**

**Zach put his hands inside her 2 times (Pg. 67)**

**1 Time it happened at Midway while they were alone (Pg. 67)**

**First time happened at Brittany's (Pg. 67)**

**Says that her and Brittany were in bed together (Pg. 68)**

**Every time something happened at Brittany's, except one time that happened at Alyssa's house. (Pg. 70)**

**When they were at Brittany's, they were all together, (A, B, &Z), at the same time. She was only alone with Zach when she was at Midway.**

**Brittany**

**1<sup>st</sup> Interview**

**According to Brittany and Alyssa, the first time happened at Brittany's.**

**Said Zach touched all 3 of her privates inside, then says repeatedly her mouth never touched his penis. (Discovery Pg. 37)**

**Said the 1<sup>st</sup> time, Zach said "if you tell anybody, I'll hurt your family (Discovery Pg. 39). Please see Alyssa's 1<sup>st</sup> statement.**

**Said it happened more than 10 times (Discovery Pg. 39)**

**Sometimes it happened without Alyssa (Discovery Pg. 39)**

**Sometimes it happened at Alyssa's house at Midway (Discovery Pg. 39)**

**Said nothing is unusual about Zach's privates (Discovery Pg. 40). I don't understand why Bob didn't have Zach checked out by a doctor.**

**2<sup>nd</sup> Interview**

**Brittany said she hid under her shirt because she was afraid of Det. Bergt (Disc. Pg. 50.)**

**Brittany said the first time was at Brittany's house without Alyssa. (Disc. Pg. 51)**

**However she says that Zach told "us" what to do (Pg. 56), indicating plural.**

**Zach made her take her clothes off. (Pg. 51)**

**Now Zach says "You tell anyone, I'll kill you" (Pg. 52) (Please see 1<sup>st</sup> interview)**

**Zach put his penis inside of her vagina (Pg. 55)**

**She was never in bed with Alyssa (Pg. 61) See 1<sup>st</sup> interview.**

**Happened about 6 times. (Pg. 61)**

**Always at Prine Villa, except 1 time at Alyssa's (Pg. 61)**

**Says she didn't put her mouth on Zach's privates (Pg. 62), Zach said she did in his confession, because he thought that was something she would have said.**

**Zach put his penis in her private part 3 times (Pg. 63)**

**Then says 1 time in private part (Pg. 63)**

**It happened 1 time at Alyssa's house (Page 62)**

**Only happened one time together with Alyssa (Page 64)**

## Detective Bergt

Says BAC hid under her shirt during 1<sup>st</sup> interview because she was scared of Zach, when in fact it was Det. Bergt she was afraid of.

They claim that Zach was a frequent overnight guest with them and Alyssa's place also. He didn't have the opportunity to be a "frequent overnight guest" at their places, as he was with us during all of his free time, otherwise he was at school. He did not baby-sit for them either. If you look at their statements, there were always people there. How did Charles or Ryan hear anything when they were in the next room.

Says both girls told her that he took his pants and boxers off, with no mention of shorts. Zach always wore shorts under his pants, and over his underwear, which are not boxers. He even wears shorts over his shorts if it's warm out.

Det. Bergt says in her report that Zach couldn't remember where these incidents occurred. (Ref. Discovery, Pg. 22)

Zach says he doesn't know where it happened – that statement confirmed by Det. Bergt. (Ref. Discovery, Pg. 44)

A & B say this happened when they were 9 and 10 years old, and stopped approximately 1 year ago. (Pg. 21, Discovery)

Zach said it happened when he was 13 or 14, (Pg. 44 Discovery). His reason for saying that age, is that he thought if he told her what she wanted to hear, he would be able to go home. He said it couldn't have happened after that, because he was always at our house.

A & B say Zach held their mouths (both of their mouths) during several incidents above, and held their hands when they tried to get away. (Pretty impressive).

## Zach

Zach was not a frequent overnight guest with either family. As a matter of fact, they didn't even acknowledge him on his birthdays, Christmas, etc.

He did not baby-sit them.

Zach's confession was choppy and uncertain at best.

Zach did not tell them what ejaculation was. (Re: Pg. 47 Discovery)

Brittany said he did. (Re: Pg. 38 Discovery)

When Zach was being interrogated, he told Det. Bergt that when they were all (Brittany, Alyssa, Ryan, Nich, and Zach) would all play house, literally. Det. Bergt told him that he was lying, and then went down the line of the things the girls said he did. You'll notice the difference in the amount of times things happened and the difference in what happened in all 3 of their statements. The Det. Bergt told him that if he admitted to the crimes they discussed, she would personally make sure he would get the help he needed. He thought that meant that she would sign up for some counseling classes and he could go home. Also, the girls corroborated his story in discovery (Pg. 59, line 20 through 61, line 9)

Zach is 340 pounds, and had just got home, hadn't eaten dinner yet, and was putting stickers on his helmet for their first game the next day. He was exhausted, excited, and hungry. He had 2 practices that day in full football gear, in 80-degree weather. He was starting both ways in 2005, and had great potential for a scholarship for college.

**Robert Quillian  
Zach's Attorney**

**We feel as Bob feels, that he did not defend Zach to the best of his abilities.**

**Unfortunately, Zach's case fell by the way side.**

**First of all, we still don't know what the probable cause was to arrest Zach. The girls told two different stories. The core of the story, being raped by Zach was the same, but all the details were different. Even their second interview didn't match their own 1<sup>st</sup> interviews. Then they had the phone tap, that told them nothing, and the next thing you know, he's being arrested. (see phone tap for that information.)**

**Michelle, BJ, and I gave Bob so much evidence, you would have almost have to try to lose this case to do it.**

- 1. He put nothing we gave him into evidence.**
- 2. He repeatedly would not return my calls, leaving our whole family anxious about what was going on and what to expect.**
- 3. He told us that he was going to try to get the confession thrown out, then when it was time for that hearing, he said that all this was is a 3.1 hearing. He never did try to get the confession thrown out.**
- 4. He kept postponing our hearings and trial, which did nothing but anger all the judges and the PA.**
- 5. Only one of the postponements was ours. It was when Zach had mono, so they moved it from July 3, 2006 until July 12, 2006.**
- 6. Bob asked us to get another note from Zach's doctor saying he still wasn't fit to stand trial. Zach was right there with us, looking fit as ever. I reminded him that at the last postponement, the judge said we would have to have Zach's doctor come in and testify. He obviously wasn't ready for this trial, even though it had been 11 months.**
- 7. He was so passive. He did not aggressively fight for Zach.**
- 8. He didn't do the automatic remand until after the trial and conviction, when he was trying to do damage control.**

9. **When McPhee moved the accusation date back a whole year, he gave us 3 minutes to prepare. I told Bob about the fact that in 2002, Alyssa lived in Centralia...she wasn't anywhere around Midway. He told me we don't have enough time to bring it up. I couldn't understand why, because nobody had closed, but he was pretty stressed out about the situation. I found out when the jury was excused what that the reason was.**
10. **He asked the judge, if the jury didn't come back that day with their verdict, if he could have another attorney stand in for him, because he had a "long standing family vacation" to go on the next day.**
11. **He didn't use some of our good witnesses because he had to hurry up with this trial.**
12. **When the jury came back, we got the bad news. Bob didn't even stay to pole the jury, which could have given us important information to use during an appeal.**

**We all feel that Bob did not represent Zach well or fight zealously in his defense causing unimaginable grief and damage to our entire family.**

State of Washington v.  
Zachary Meridieth  
Case No. 35345-8-11  
DOC # 896450 05/02/07

**March 6, 2006**

**3.5 Hearing**

**Bob had to re-schedule Zach's trial again for another trial he set up in Pierce Co. the same week.**

**Strophy feels he's building conflicts (R5). We personally had the feeling that all of the judges were angry with us because he kept resceduling hearings and the trial.**

**Brittany was scared of Det. Bergt, not Zach. (R10)**

**Girls going to cheerleading, and doing fine in school, not signs of depression. (R11)**

**Officer Soloman**

**Thought he was acting as a cover and had a caged unit. He assumed the role as a cover officer. (R18)**

**...and to detain the individual if that decision was made on Det. Bergts part ...it went to arrest. (R19)**

**Det. Bergt made the arrest – I handcuffed. (R20)**

**He believes Det Bergt did the probable cause later. (R21)**

**Det. Bergt went there specifically to speak with Zach and arrest him (R28)**

**Her intent when she went there was to arrest him. (R28)**

**There is nothing to prove anything happened before he was 16, or at all, (R46), except Zach's confession, which he gave not knowing the full ramifications of his action in doing so.**

State of Washington v.  
Zachary Meridieth  
Case No. 35345-8-11  
DOC # 896450 05/02/07

**Jodi Lynn Ericson-Mildrev**

**Prosecuting Attorney**

**Jodi offered a plea deal to Zach that if he plead guilty, he would only get 6 months in jail, but would still have to register as a sex offender. Zach is adamant that he is not guilty, and didn't take the deal. It turns out, he wasn't eligible for that deal because of the crimes he was accused of. So, they would have had their guilty plea, and he would have got full time.**

**When I was a witness, she kept asking me if Zach had said something very specific. I kept telling her I can't remember exactly what he said, but it was something of a sexual nature. On her way back to her desk, she turned and said, "by the way, he did say that". Bob should have, and didn't object to that as hear say. If she wanted this information stated in front of the jury, she should have asked Det. Bergt about it, not testify herself.**

**Jodi Lynn made a big show of Brittany's fear of Zach, grand standing you could say, during her first interview, when she knew full well that Brittany had stated her fear was of Det. Bergt, not Zach.**

State of Washington v.  
Zachary Meridieth  
Case No. 35345-8-11  
DOC # 896450 05/02/07

**From accusation, to wire tap, to arrest. What was the probable cause?**

**August 31, 2005, Det. Bergt applied for a warrant to get a wire tap for Zach. In her request to tap his line, she stated that the tap was necessary to corroborate A's & B's statements.....no other physical evidence is available, any corroborating evidence to their statements would be valuable.**

**Det. Bergt was granted her request to wire tap Zach's phone conversation with his uncle to get evidence. According to the transcript of the tap, they did not get any evidence. However, one half hour after the wire tap, Det. Bergt went to Zach's house with the intent to arrest him, and she did so.**

**The wire tap was approved at 1:22 p.m. by judge McPhee, who also just so happened to be our trial judge. They tapped the wire at 6:30 p.m., and arrested Zach at 7:00 p.m.**

**These are the dates that Mr. Quillian had postponed throughout the 11 months before the trial, and he still wasn't ready.**

**Pre Trials Postponed**

**10/06/05  
10/20/05  
01/05/06  
03/20/06**

**Trials Postponed**

**11/07/05  
02/06/06  
03/20/06  
06/12/06  
07/03/06  
07/12/06 Trial started**

State of Washington v.  
Zachary Meridieth  
Case No. 35345-8-11  
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Zach was either at home, Dale & Bonnie Meridieth's house, or Aaron Johnston's house		October 2002, Aaron spent the night at our house with Zach, and from then on, both of them spent their free time at our house.		Aaron pretty much stopped staying with us in April of 2005							
				Aug. 2003 – Aug. 2004 Accusation Period			August 31, 2005 Zach Arrested		Brittany and Alyssa are suddenly traumatized.		
Summer	Freshman		Summer	Sophomore		Summer	Junior		Summer	Should be Senior	
2002	2002	2003	2003	2003	2004	2004	2004	2005	2005	2005	2006
Zach's Age	14	15			16			17			18
Comments			Zach did not play football this year								

State of Washington .  
Zachary Meridieth  
Case No. 35345-8-11  
DOC # 896450 05/02/07

Zach was either at home, Dale & Bonnie Meridieth's house, or Aaron Johnston's house		October 2002, Aaron spent the night at our house with Zach, and from then on, both of them spent their free time at our house.		Aaron pretty much stopped staying with us in April of 2005											
Zach turned 14, May 25, 2002		Aug. 2002 – Aug. 2004 Revised accusation period. Judge McPhee gave us 2 min. to get prepared for this change.		Aug. 2003 – Aug. 2004 Accusation Period		August 31, 2005 Zach Arrested		Brittany and Alyssa are suddenly traumatized.							
Summer		Freshman		Summer		Sophomore		Summer		Junior		Summer		Should be Senior	
2002		2002		2003		2003		2004		2004		2005		2005	
Zach's Age		15				16				17				18	
Comments				Zach did not play football this year											

State of Washington .  
 Zachary Meridieth  
 Case No. 35345-8-11  
 DOC # 896450 05/02/07