(2)

07 JUN 12
COURT OF
BY Cmm
DEPUTY

COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON,	)	S 35898-8
	)	
Respondent,	)	No. ~~35988-1~~-II
	)	
v.	)	
	)	STATEMENT OF ADDITIONAL
Jeff Leroy Harp,	)	GROUNDS FOR REVIEW
	)	RAP 10 10
Appellant.	)	

I, Jeff Harp, 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

(1) The charging document (2) Judgement and sentance of prior convictions (3) The special verdict form (4) Judical misconduct (5) Prosecutorial misconduct (6) Ineffective assistance of council (7) The complaining document (8) Expert witness testamony (9) discovery issues (10) Omitted elements of charged offense to the jury (11) cummulative error.

~~Additional Ground 2.~~

Opening Statement From Pro se, RAP 10.10

Defendant (S.A.G)

Division II, No. 35988-1-II

Your honor(s), this is the pro se supplemental brief of Jeff L. Harp. You'll have to forgive me for the fact I hand wrote this in my cell. I start with the wide open for viewing of the fact the state shifted the burden of proof beyond a reasonable doubt, when it presented irrelevant evidance. When the State brought forth into evidance of two predicate convictions of prior NO Contact Orders, but failed to prove that the orders were of the same spieces, from the same specific orders violated with the case at bar. By not fulfilling his duty in the investigating part of this process, the State unfairly shifted the burden of proof to rest on the defense to prove that the predicate

convictions were not of the same species by failing to provide sufficant evidance. Had this duty been performed, this issue in hand would not have made it this far, because it would not have been elected a felony. But by presenting the sole evidance, the judgement and sentance as the only evidance to prior convictions of no contact orders he failed to prove as a matter of law that they were spawned from this specific line of orders. There was 5 of them on the order compiled from a crime spree in were multiple people were involved with seperate orders, And were not compiled until the order at bar. It is not the defenses obligation to prove that the prior convictions were not of the same species, but the states burden to prove that they were. Just

Saying well the defense has got prior No Contact Orders Violated is not sufficant to convict for an elevated offense with no evidance of their history. Where they derived, how they spawned, again the burden Was shifted, unfairly and violated due process. It ~~seems~~ seems the deputy prosacutor here has the "win at any cost" attitude even if it means to ruin someones life by depriving them from life, liberty, and Due process Justice. Justice is suppose to be just. Some one needs to inform ~~them~~ these deputy prosacutor's that Due process is a requirment in this part of their job. And that this kind of conduct is not appropriate. He Know's this though. But somewhere sometime they lost that sight, and began to just

work for talley marks. This at best should have been county time. But since the poorly drafted order was invalid not even should be imposed. How is it invalid, you ask? What makes it not invalid is the fact a judge signed it, a judge dated it, and a judge compressed 5 peoples orders on to one order, from a previous case. All those are true and valid. It became invalid when the judge failed to issue a distance for ~~~~ the restrained to remain away, so technically the restrained could be standing right next to the protected, and it was not a violation. It also became invalid at the framework part of the drafting of the document. When it only listed a number of diffrent R.C.W.S, but gave no issuance to any of them. Leaving one to guess, assume,

speculate, or some how go beyond the document and in sort, "Pin the tail on the donkey". The judge could have validated it by simply writing one of specified of his choice or even just circled one, but failed to do so. This was a defective order, but them, the defense only got half of it. And it is not OK for a deputy prosacutor to "pin the tail on the donkey", to give issuance. And to have a fellow deputy prosacutor and fellow "expert practicioner, purger her self and lie on the stand in regards to the issuance. It is true she was not there she does not know. she lied. She flat out lied, a "win at all costs" is how they conduct them selves. These people who qualify as "privates" in the

States court room front line turned this proceeding in to a mockery for your court system and should be taken as disrespect for Due process rights, and court procedure. I know I took it personal, I Lost everything I owend. Most important, I will lose my son, my only son to C.P.S as of July 11 2007, forever due to incompliance for being in prison. I got all the resources I could get in here, but it is just not good enough. One month prior to ERD He will be taken forever. And this "Chalk up another tally" attitude and say "oh its just a felony conviction" by injustice. Well the ripple really destroyed my life, for a talley mark. If this case was handled with due process and not "on the quick" like the judge

of record stated. It would have drafted the frame work of the special Verdict form properly it would not have be defective. Had it not ommitted the essential elements of a felony Violation of a No contact order, of being twice previasly convicted of the specific order to elevate to a felony. This was an incomplete instruction to the jury ommitting essintial elements as well as misstating the law. there is a cumulative amount of manifest errors of constitutional magnatude. What kind of defense attorney is not gonna object right at the gate of the State admitting they did not disclose all of the no contact order as part of discovery? Now thats ineffective. And there is many more at least reversable errors.

I have found that there is cases that are published that used unpublished cites. I have drafted a Page on this alone. The letter I recived from the court of Appeals, stated there was no real format that I must apply. So I simply just listed the case law from state and Federal on their own pages, and put remaing proper laws on their own sheet. Again I apologize for hand writing this, and not Knowing on how to format. But I done the best I could with my knowledge and resources. I hope I didnt spell to many words wrong.

Table of Authorities
In light of Viewing
Published and Unpublished

From: Electronic Media & Other Nonprint Resources

18.1.1 Cases

Cases available on commercial electronic databases may be cited to that database, e.g.) #Versus Law# State v. Goodman, No. 32089-4-II (Wash. App. Div. 2 6.21.2005)

I have also found a published case that cites Unpublished cases. see, State v. McCarty No. 67902-9 (4.27.2000) This case is published. All these cases will be on Versus Law.

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* State V. Mills, 154 Wn2d 1, 7 (2005)
* State V. Eastmond, 129 Wn2d 497, 502 (1996)
* State V. Linehan, No. 71676-5 (Wash 10.24.2002)
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* City of Seattle V. Termain, NO. 52967-6-I (12.20.2004)
* City of Seattle V. Edwards 87 Wn. app. 305, 308 (1997)
* State V. Douglas, 115 Wn2d 171-72, 178-79 (1990)
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* City of Auburn V. Brooke, 119 Wn2d 623 (9.10.1992)
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* State V. Barrero, 147 Wn2d 353, 360 (2002)
* State V. Hickman, 135 Wn2d 97, 98, 101, 102 (1998)

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* Neder v. United States, 527 U.S. 1, 9, 119 S.Ct. 1827, 144 L.Ed. 2d 35 (1999)
* Chapman v. California, 386 US 18, 24, 875 Ct. 824, 17 L.Ed. 705 (1967)

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LAW'S

RAP 2.5(a)(3)
26.50.110(5) RCW
10.99.020(1) RCW
ER 702
Washington State Constitution;
Article I section 22, 3, 14, 12
U.S. Constitution Amendment; ~~VI~~, ~~VIII~~, ~~XIV~~, ~~V~~
CrR 2.1(b)
WAC 162-08-09501
ER 401
ER 403
Holt rule
Rule of lenity
Workman test
CrR 4.7(a)(i)
Washington State Constitution
Article ~~IV~~ section 16
Vagueness doctrine
26.50.010(1)
CrR 8.3(b)
Cummulative error doctrine

(16)

COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION II

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STATE OF WASHINGTON

STATE OF WASHINGTON,)
)
Respondent,)
) No. 35598-1-II
v.)
) STATEMENT OF ADDITIONAL
Jeff Leroy Harp ,) GROUNDS FOR REVIEW
) RAP 10 10
Appellant.)

I, Jeff Harp, 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

The no Contact order it's self. The order has no statutory basis of issuance, Which rises the question of how a document with no issued statutory basis, be the basis for it's self yet alone the basis of an elevated crime? Which RCW

~~Additional Ground 2~~

that was actually violated is still a mystery. The actual order

it's self list 9A.46, 10.99, and 26.50, The old J&S, the states sole evidance to any prior states, 26.50.110(4), 10.99.020(1), 26.50.110(4), 10.99.020(1), 10.99.020(1), 9A.46.020(1)(9)(i) & (2)(b). But Yet the instruction

~~Additional Ground 3~~

#8 Claim's it was issued to 10.99, which is clearly untrue. It has no issuance. Making this a faulty instrucion. Then if you flip to the new J&S it convicts me with 26.50.110. To be frank it is confusing & aggravating to not know

~~Additional Ground 4~~

what my actual charge is. Which one is it? This clearly is a due process violation. The case at bar is very confusing, on page 7 of the transcripts, the State will agree with that they were unsure of what crime to actually charge me

with. ~~It's~~ the States assumption or guess at this phase is improper conduct and surley not procedurial to ~~do~~ Due process. I am in belief that at a trial stage, it is safe to assume that one should not have to assume

or guess of what crime is actually charged. The State on page 8,9,10 addresses the issue of no issuance or lack of agrees regretably that it has no issuance. At this point

~~Additional Ground 3~~

he get's to issue as he wishes or sees fit, Nor does he feel required to give notice prior to trial. So it seems. RCW, case law, and beyond the convicting language says in some sort ~~clearly~~ that one "violated an order issued under....". This order

~~Additional Ground 4~~

clearly has no issuance. Now how can this be a base for even a misdaminor if it's issued to nothing, much-less to an elevated offense? It cant. This is a court order, not a sign One can purchase at Wal Mart, and even most of them have

Legal code on them now.

By disclosing this to the jury un-redacted was very prejudice. The court and the State agreed to remove these names out of record due to prejudice, page 15, 16. However we

can plainly see, this did not happen. This document goes beyond the scope just one person now, leaving speculation in the minds of the jury, with all this other

~~Additional Ground 3~~

testamony and implications and alligations. Carelessness and lack of process mounted this.

I also bring to light the discovery prase, which will re appear in this pro-se. The back page of the N.C.O. As we can see it is not here Nor was

~~Additional Ground 4~~

it disclosed to the defense or court at any time. Hidden, Why, I dont Know, neither does the court, or anyone except the deputy prosacutor that poses it. But not to say it didn't have some important value to defense. On page I of this deficantly ~~prossed~~

processed proceding, that deprived me of my due process right, the deputy prosacutor fumbles and in sort implies that it does have relavancy to a defense, but later on, acts unwitting to it. He never

admitted or denied of it's relavancy, however, the state did not disclose it ever. Which rises the question of what he is hiding? Now does depriving the defense of a complete charging

~~Additional Ground 3~~

document violate a due process right? If I am correct, by my study, the legislators seem to think so.

100 yards from nowhere. This has not got any places or where abouts issued. It's there, but has no issuance. This is analogous

~~Additional Ground 4~~

to the statutory issuance. It's there, but it is not issued to anything and is very ambigous and misleading.

Had the state done it's "home work" it would have also found out that the two previous No

contact orders did not evolve from the same predicate order. Had they not been deficant as to bringing the actual no contact orders to light, this would have been a diffrent case. The first

order was in fact dismissed. The other issued some months down the road. Making this one the second violation at best. If this was properly handled, this would not

~~Additional Ground 3~~

even be an issue to this court.

As well as this invalid, defective, misleading, assumtionous order, also fails to imply it's elements of knowingly or willingly any where on it. Nor can it be constructed any where on the document that

~~Additional Ground 4~~

the defense recived, however, we did only recive part of it. So who knows?

Over much defense objections as to entering this order pages 3-10, 36, this order was attacked in a timely manner before the trial jury. Therefore the correct timlyness of

of its challenge controls the Standard of review for determining the charging documents validity should be construed strickly.

These ~~essential~~ essential elements and non essential elements, prejudice

guessing, assuming, misleading, vague, and over all invalid insufficant evidance of the order alone, the court erred by entering this flawed order into evidance, this

~~Additional Ground 3~~

was an abuse of discreation. This is a manifest error of constitutional magnatude that requires count 1 to be dissmissed with prejudice, do to insufficant evidance. As well as count 2 do to without count 1 there was

~~Additional Ground 4~~

no count # 2.

(23)

COURT OF APPEALS
STATE OF WASHINGTON
BY
DEPUTY

COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON, Respondent,	)	
v.	)	No. 35598-1-II
Jeff Leroy Harp, Appellant.	)	STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW RAP 10 10

I, Jeff Harp, 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

The Judgement and Sentance. This alone is not sufficant evidance as to predicate convictions. Why, you ask? Because it is openly ambigous as to prior convictions. It plainly states multiple chapters of sections of chapters. (Eg. 26.50.110(5) or 10.99.020(1).) As to what the Meaning of what the State was impliying

~~Additional Ground 2~~

By this, no one knows. It leaves one to guess, speculate, assume or somehow go beyond the document. What we all do know is that the State had plenty of time to sort

~~Additional Ground 3~~

all this misinformation out. It is also known that under WAC 162-08-0950, that the State could and should have as part of it's investigational part of the case, retrived those easily obtainable N.C.O.'s previously issued, to clear up

~~Additional Ground 4~~

which order was alleged to have been predicate violations as proof to who they were issued against, what RCW they were issued under or if this was a relavant or irrelavant case, to proceed as a misdamino r

or a felony. Why this was neglected leaves one only to speculate. ~~The~~ The State had the ability and means as well as duty to provide this information. This is done by an expert Deputy

prosacutor. Assuming Deputy prosacutors are experts which was brought to light in this case. If the state decided it wanted to do it's job completly

~~Additional Ground 3~~

it would have found out that one prior no contact order was not stemed from this line of orders. It was an dismissed order of another line of orders. This again was not brought to light to the court due to

~~Additional Ground 4~~

prosacutorial Misconduct, and ineffective assistance of council. Who knows why the state didnt provide all the evidance? However all aside, the ambiguity of the prior convictions calls for the rule of lenity.

This document was not properly redacted as well. Why the jury was allowed to review my substancial Legal financial obligations, I don't know. I do know it was prejudical

and irrelavant evidance. A minor redaction error as well was the Domestic violance Box was still checked. Irrelavant evidance is considerd prejudical.

~~Additional Ground 3~~

I would also like to point out that Box 4.4, has no statutory issuance, no statutory required warning, it has no legal relavant value.

The State bears the burden of proof, beyond a resonable

~~Additional Ground 4~~

doubt. It did not do so in the case at bar. Some how a mere alligation with invalid, insufficant, vague, misleading evidance that was irrelavant. Perhaps the actual prior N.C.O's would have cleaned this up, and been handled

properly to a matter of law. Standing alone was defective.

The jugement and sentance was also entered into evidance over defense objections pg 8-12. during trial as to prior convictions.

The trial court abused it's discreation and allowed this irrelavant document into evidance. Becausl of defenses timely objections the standard of review for

~~Additional Ground 3~~

determining the documents validity should be construde Strickty. The court erred in its gate Keeping capacity in letting this document in.

The direct dismisal with prejudice to this case at bar

~~Additional Ground 4~~

is proper. There needs to be some sort of repramand to the state, so that this kind of lawlessness in his misconduct of Due Process dosn't persist. And to dismiss would be the proper means. to let them Know this

Kind of behavie and conduct isn't tolerated. A "win at all costs" attitude is not justice, and should be fraund upon!

(28)

COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON, Respondent,	)	
v.	)	No. 35598-1-II
Jeff Leroy Harp, Appellant.	)	STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW RAP 10 10

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Additional Ground 1

The Special Verdict form. This element of felony violation of No Contact order is constitutonally defective, not specific, and vague. As a matter of law, the jury is to be instruckted on the law and all essential elements. An essential element of F.V.N.C.O, is

~~Additional Ground 2~~

two predicate convictions of the same spieces of an order. RCW. 26.50.110(5)

The Special Verdict form at bar is a violation of U.S. and ~~U.S.C~~ Washington State Constitution (W.S.C). The judge when recited the instruction he did not inform the jury of

~~Additional Ground 3~~

the ~~implicit~~ implicit element of twice convicted of same spices. But as had ever been convicted of two no contactsorder violations. By not reciting complete law, verbally and written, leaving the jury to guess and assume it was complete.

~~Additional Ground 4~~

This incorrectly drafted instruction, is a manifest error of constituonal magnatude. It's errorness, ambigous, as well as misleading. It also by omitting this ~~element~~ element, it relived the state of it's burden OF proving every element of the

crime beyond a reasonable doubt. This is also prejudical to the outcome of the case. This unreliable vehicle fatally infected the ~~the~~ rendering of Guilt of F.V.N.C.O.. Perhaps this language was omitted

do to they didn't even know what the charge was, page 4, 5, 7, instruction #8, on the face of the old judgement & sentance 26.50.110(4), 10.99.020(1), 9A.46.020(1)(a)(i)&(2)(b), on the face of the new Judgement and sentance 26.50.110, On the No contact order its self in which has three R.C.W.s 9A.46, 10.99, 26.50, all three having no issuance. Therefore they couldn't actually say what they were charging me with. This tool of confusion violated my due process right to a fair trial. This form lacks the essintal elements of felony violation of a No contact order. Requiring to be dismissed with prejudice

(31)

COURT OF APPEALS
DIVISION II
07 JUN 13 AM 11:53
STATE OF WASHINGTON
BY
DEPUTY

COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON, Respondent, v. Jeff Leroy Harp, Appellant.	No. 35598-1-II STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW RAP 10 10

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Additional Ground 1

Misconduct. The State committed several evidentary acts of misconduct of a manifest error of ~~constitutes~~ a constitutional magnatude. In regards to failing to disclose part of the charging N.C.O..

~~Additional Ground 2~~

When the State ommitted the element of speaking to the

complaing party, on the [illegible]. complaing document, which came to be an essential element that of conviction. Due to there was no distance restriction, and the ~~that~~ complaing document only charged distance restrictions. At trial is hardly the time to inform of this element. Giving a lack of notice. The state also failed to present suffican evidance, by assuming, guessing, or speculating to the issuance of the order. Misconduct also came about when the state failed to prove the orders validity after defense challenged it. This is analogous to when the state failed to prove that the N.C.O. were from the same predicate orders, after defenses timely objection

to the previous convictions after it was challenged. At the admitance of the N.C.O. into evidance with five diffrent names the state implicated that multiple people have diffrent N.C.O's and the priors could and did come from diffrent spieces, shifting the burden of proof to the defense to prove they were not of the same species. this is clearly a violation of Due Process and an error of constitutional magnatude. The state also shifted the burden of proof when it in closing arguments page 99 when the state implys that I didn't testify to say its not. the state also was notable to prove the drugs were in the bag before the chain of custody was broken and left the line of sight for

a significant amount of time, with plenty of opportunity to retrive it, with back up patrol, no resistance even leaving the sceen to come back to it to retrive it. This is not procedure. Procedure is a process, a due process. This is a due process violation. The lack of discovery is tremendous. Page 98 is another deputy prosacuting attorney giving issuance to the order that was previously admitted by the State page 9 had no issuance. The signing Judge could have circled one of the several R.C.W.'s to give it issuance for referance, but failed leaving no issuance, analogous to 100 yards from nowhere. The State also committed

misconduct when it left the jury to decide wether or not the uncharged alternative means of Identity theft with having no prior convictions of crimes of dishonesty and the paper work in question was not missing, of stolen or anything of that nature to lead any impression to the jury until the State left that impression. How do we consider this prejudice? well the irrelevant evidance submitted to the jury as to my substancial debt to my legal finacial obligations, the drugs, the fact I have a prior criminal history with 5 diffrent individuals. All this submitted to the jury with the impression of other possible crimes to consider. No instruction

could cure that or did. And was very prejudical. Is it constitutional error to flaunt uncharged alternative means in the minds of the jury? All this misconduct and error is of a "dump truck load". All of this misconduct is blaytant and obviously a "win at all costs" type of proceeding even at the abuse of due process, and smearing injustice all over the law. Reversal or dismissal is necessacary for such conduct and it will uword justice's Due process.

(37)

COURT OF APPEALS
DIVISION II
07 JAN 19 PM 12:00
STATE OF WASHINGTON
BY
DEPUTY

COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON, Respondent,	)	
v.	)	No. 35598-1-II
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Additional Ground 1

Judical misconduct and error. The court erred when it allowed the vague, inadequit, misleading order into evidence over defense objection. The court erred by allowing fellow practicioner deputy prosacutor Shaffer

~~Additional Ground 2~~

to testify and purjure her self in a self conflicting testomony

to give issuance to an order she does not have first hand Knowledge of, in which gave her meaningless and irrelavant testomony, as an expert first hand witness. Impeachment is necessacery. It was also mis conduct when a court coach's a deputy prosacuter, page 57, as to closing argument on uncharged alternative means, eliminating a fair trial. The court erred by entering the irrelaventy prejudical judgement and sentance over timely defense objections. The court erred by allowing lengthy discussion of uncharged alternative means of I.D. theft. This entire case is a manifest error of constitutional magnatude requiring dismisal prejudice.

(39)

COURT OF APPEALS
DIVISION II
07 JUN 13 PM 12:40
STATE OF WASHINGTON
BY
DEPUTY

COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON, Respondent,	)	
v.	)	No. 35598-1-II
Jeff Harp, Appellant.	)	STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW RAP 10 10

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Additional Ground 1

Complaining document. The complaining Charging document omitts the element of actual contact "Verbal" the element that was actually charging the crime. The complaining document only recites the elements of

Additional Ground 2

Knowingly or willingly or restricted from, the defense from a place

or area, not the ~~conversation~~ verbal contact element. And clearly the defense set up a defense on the language of the complaing document. Introducing this element at trial, was not sufficant notice of defense, to that essential element.

The language of the complaing document and the charging document "the order" do not harmonize each other or match remotely. This language prejudized our defense to prior setting up.

(41)

COURT OF APPEALS
DIVISION II
07 JUN 13 P 12:02
STATE OF WASHINGTON
BY
DEPUTY

COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON, Respondent, v. Jeff Leroy Harp, Appellant.	No. 35598-1-II STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW RAP 10 10

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Additional Ground 1

The court abused it's discretion by allowing deputy prosacutor Shaffer as an expert and deputy prosacutor. By placing Michelle Shaffer on as a witness 24 judical hours prior to trial and to replace first hand testamony knowledge

Additional Ground 2

over the case, and expert at law Judge Jim Stonier was not

part of a fair trial, especally doing so out of convience. A deputy prosacutor also charged this case. This was hardly the work of an expert, so they

~~Additional Ground 3~~

are of equal ranks. Neither is an expert, or even procieved as experts, as a matter of common knowledge. And this witness was allowed to testify over lengthy objections as an expert.

The fact that Shaffer testified

~~Additional Ground 4~~

that on Page 78 she gives issuance of the order is not valid and purgory. She was not at the signing and has no testomonary knowledge of this, and lies and says she does. Page 82 she says in her own testamony she was not there

at the signing of the documents In which was the time the no contact order was dated. Her giving issuance to it is not valid. And her belittling attempt on Page 82 was also prejudical along with her

entire testamony, an impeachment is necessary. And the fact a judge signed the order does not mean it was drafted properly, the frame work of it was incorrectly built, and the State bears the burden of its flaws. And I have not yet found any RCW's or WAC's that allow "expert" deputy prosecutors to read into an orders and issue statue to an order over facial value, with or with out supporting evidance, it is what the judge signs, not what a prosecutor wishes to spec-ulate.

(44)

COURT OF APPEALS
DIVISION II
07 JUN 13 PM 12:
STATE OF WASHINGTON
BY
DEPUTY

COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

Jeff Leroy Harp,

Appellant.

No. 35598-1-II

STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW
RAP 10 10

I, Jeff Harp, 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

Ineffective assistance of council. the defense council fell below the standards when it failed to object to the lack of discovery disclosed. page 1. pertaining to the not being furnished or even sight of

~~Additional Ground 2~~

the other half of the Charging document. leaving the State

to decide if there was relavancy. This is not ok. The defense should be able to examine all documents held by the state with due notice prior to trial. By allowing this his standards fell way below right from page 7. Once the state disclosed the element not on the complaing document as part of the prosacution, without proper notice to set up defense, and not objecting to this he fell below the standard. The statutory construction of felony violation of a No Contact order is built on lesser charges. His timely objections left the state to have to Prove the predicate violations. But by not asking the court for the intitled lesser instruction

of a lesser included offense, he in sort lifted the burden of proof in which the State could not prove due to insufficant evidance. And from that point the State worked around this proof and tried their case on guess, assumtion, speculation, and allagation. This proved to be fatal. And is ineffectiveness at its best, with the exception of whats next. The Karnofsk. paper work. Wow. Defense council smeard this all over the court. This was very prejudical and it opend uncharged alternative means, more fatal than any good. It was even brought up by the State and court that this was very

prejudical. So it seems as if defense council just wanted to hand this over in some "back court room trade" of cases. And wanted it done in a hurry. Page 18. These are serious errors worth mentioning. That is not all of them either, but I belive yaur court see's the evidance of its below standard assistance. This is a worthy reversal of ineffective assistance of council.

(48)

COURT OF APPEALS
DIVISION II

07 JUN 13 PM 12:37
STATE OF WASHINGTON
BY
DEPUTY

COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON,
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Jeff Leroy Harp,
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No. 35598-1-II

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Additional Ground 1

cumulative error. This is simple. The cumulative error in the case at bar is substancial. In harmless error and in a manifest constitutional magnatude error. The cumulative error doctrine covers this errorful

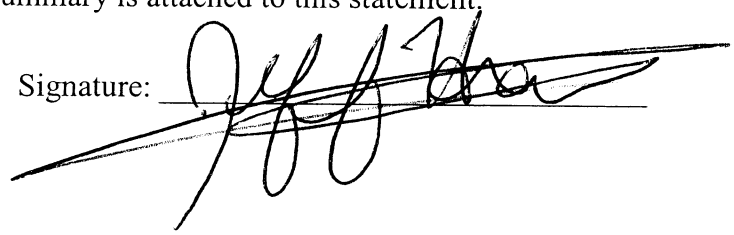
~~Additional Ground 2~~

case. Reguing reversal at least.

Conclusion

This case has ingested manifested errors of constitutional magnatude, that are riddled throughout this entire case. The State in this Matter with its "chalk it up" and "pin the tail on the donkey" attitude going around bullying the public charging them with what they want, evidance or not, win at all costs ignoring justice, just to put fear in people is wrong. You are the higher court, you can tell them they cant do that, tell them to do it right next time. Start by showing them this can not be the way to win this way to remember their duty. Erase those tally From this case and dismiss with prejudice.

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

Date: June 6, 2007 Signature: 

(1)

DECLARATION OF SERVICE BY MAIL
GR 3.1(c)

COURT OF APPEALS
07 JUN 13 PM 1:53
STATE OF WASHINGTON
BY

I, Jeff L. Harp, declare that, on this 8 day of June, 2007, I deposited the foregoing documents:

RAP 10.10 Statement of additonal Grounds (S.A.G)

(Name of document(s))

or a copy thereof, in the internal legal mail system of:

Stafford Creek correction Center,

(Name of institution)

and made arrangements for postage, addressed to:

Court of Appeals Division II
950 Broadway, Suite 300
Tacoma, WA
98402-4454

(Name & Address of court or other party)

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

DATED at Aberdeen, Washington on

(City & State)

(Date)

/s/ Jeff Harp # 877783