COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

FILED
COURT OF APPEALS
DIVISION II

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STATE OF WASHINGTON
BY _____ DEPUTY

STATE OF WASHINGTON Respondent, v. TIMOTHY M. KELLY (your name) Appellant.	))))))))))	No. 35786-1-II STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

I, TIMOTHY M. KELLY, 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

During my trial, Misty Saldana-Williams testified that she had met Tim Kelly on the 28th of August at drug court at Pierce County court house. She claims that she gave a list of houses to burglarize to the defendant (Tim Kelly). The Lykenn house gets burglarized on the morning of August 28th from an e-mail sent by Detective Allen Myron, to Officer Kelly Busy. Allen Myron reports that a neighbor's hear the Lykenn's burglar alarm at 2:30am, in which Tim Kelly is still in the custody of Pierce County Jail, which was testified to. Misty Saldana-Williams states she met the defendant on the 28th of August,2003. She testified that she stayed the night with the defendant at a motel, then dropped him off at his aunts house. Then she states that she leaves Mr. Kelly and went back to her residence and work and didn't return back to Tacoma for 5 or 6 days. This is when she claims to leave the list of houses of the customers of thousand trails. With this testimony, the time line doesn't match the evidence against Mr. Kelly. This means she didn't make it to Tacoma until the 4th or 5th of August, 2003. Allen Myron's e-mail states that the house was burglarized from the neighbors account of the alarm going of on the morning of the 28th of August, 2003, when the defendant was in jail. Obviously the list of houses were given to some one else prior to Misty Saldana-Williams meeting Mr. Kelly cause she states she didn't meet Mr. Kelly until August 28th 2003. The first house (Lykenn's) was burglarized prior to her ever meeting Mr. Kelly.

ADDITIONAL GROUND 2

Officer Allen Myron claims that he enter the Lykenn house and saw a pair of scissors on the counter that had a broken blade and that the blade was still in the wall, he believed the scissors were used to disarm the alarm system. But yet he leaves them there. Mr. Lykenn testified that the scissors that were found at his house he had for years, they were long, black and crome. The scissors with the defendants DNA were small, plastic and had purple handles. He claims the scissors never left his house until the police came and gotten them. This is a false statement cause there is a picture of the same scissor's claiming to be found in the house, on the garage floor with items that were recovered in the stolen Lykenn saturn. The scissors were also not found or given to the police until August 22, 2003. The Lykenn's claim the bloody scissor's sat in there kitchen the whole time. They are not the same scissors he testified to in court.

Date: 1/28/08 Signature: Timothy M Kelly

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