

COURT OF APPEALS  
DIVISION TWO  
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON )  
)  
Respondent, )  
)  
v. )  
)  
KETH CATIMER )  
(your name) )  
)  
Appellant. )

No. 36836-6-II

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

FILED  
COURT OF APPEALS  
DIVISION II  
08 MAY 22 PM 12:30  
STATE OF WASHINGTON  
BY DEPUTY

I, KETH CATIMER, 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

AS PER ATTACHED

Additional Ground 2

AS PER ATTACHED

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

Date: 20 MAY 08

Signature: Keth Catimer

To whom it may concern,

I thank the court and counsel for the chance I've been given to emphasize just a few points of interest I feel may be relevant to my receiving the chance for a new and fair trial. I am pleased with Ms. Crusier and her efforts in my behalf, and I thank her.

You will see as you read the following, that this case was based on a criminal offense, however, it never was about the victim. If it was, Mrs. Metcalf and Ms. Ketchem, would never have been involved in my life past the first allegations made in March 05. The allegations made by Mrs. Metcalf were not made until after we broke up, (Dec 05) and I got involved with Ms. Ketchem. Ms. Ketchem didn't join and support Mrs. Metcalf until I left her in May 06. The two of these women used this little girl to get back at me, and that's the bottom line. I believe this was premeditated by Mrs. Metcalf, to punish me for not staying with her. The following comments provided is what really happened. Please bear with me.

Point of interest I: ref: pgs.4&7 In reference to the first trial, it ended in a 9-3 split, in my favor. Only three people thought I was guilty. In reference to the second trial, it was a 15 person swing from the first trial to the second trial. That is so lopsided to be accurate or true. Having served as a military police officer for 15 years, this would be grounds to investigate further. Something just wasn't right. Thus, the real truth needs to be found based on truth and evidence, not hearsay. That is all the state had, "hearsay".

If a person was to compare the testimony from the first trial to that of the second, you would find a considerable amount of significant testimony was left out of the second trial. I strongly feel that, had similar testimony been provided in the second trial the results would have been again, a hung jury or an innocent verdict. I too agree that it was the lack of effort by my defense attorney. He did a great job, right up to the point that the prosecution changed his strategy by bringing Ms. Ketchem in as a rebuttal witness. I believe this was done to acquire a win and not to find the truth. Ref: pg. 4

The court was called to recess just before Ms. Kethem was called by the prosecution to testify. At that time I felt inspired to discuss the strategy for cross examination with my attorney. I felt we needed to establish certain points, and I expressed them to him. He stated that, "**the jury knows she's a hostile witness so we don't need to go in that direction, or ask those questions.**" I again expressed the

importance, and my concern. Some of the things the jury did not hear but should have is as follows:

Ms. Ketchem and I got together for the second time on 31 October 05. I being honest about everything, told her in early November 05 about the alleged allegations against me. This **did not** effect her decision to continue dating me, and she supported me at that time. She still lived in Roseburg, OR, and came up to Portland a few times a month to see her sister and I. We loved our time together. In January 06, I was served with a "No Contact Order" by the court. Ms. Ketchem accompanied me to Port Orchard, WA for these proceedings. (J.R.L.s' father and step mother were witnesses to this, and expressed with criticism the same to Mrs. Metcalf when they got home.)

Ms. Ketchem accepted my proposal for marriage in Jan 06. In mid February 06, Ms Ketchem **and her three children** (Cody 15, Kevin 13, and Brittney 11) all under the age of 16 moved up to Vancouver, WA to be with me and to start our lives together. The allegations still **did not** affect her, or her children's decision to be with me, and were open to accept me in the family. If she really believed "I did it," why then, did she move up to be with me? Ref: pg 4 Mrs. Metcalf and Ms. Ketchem at this point in time knew one another but **DID NOT** like each other, in fact they hated each other. I have a text message showing the two ladies in a text war, when they were enemies, but using me as a buffer. This all took place before the first trial.

In March we moved into a home large enough for all of us, and started living together as a family. Ms. Ketchem called off the engagement to marry me shortly after that but we continued the relationship. I informed her at that time, "no commitment, no provider" and that she would have to pay half the bills. She was furious with me. She then stated, "that she has never paid a days rent in her life and wasn't about to start now."

Mrs. Metcalf tried on several occasions to disrupted or destroy my relationship with Ms. Ketchem by E-mails, phone calls, and text messages without success. (I may still have copies) In one of the conversations they had in Jan 06, the question was brought up by Ms. Ketchem that, "if you really feel that Keith did what you claim, why in the world would you want to have him around you, or your kids for any reason,? I would have ran the other way and gotten as far away from him as I could." Mrs.

Metcalf had no response to that comment. Remember, I first heard about these allegations in March of 05, (ref: pg 2) and Lisa and I continued to see each other from that time forward on a regular basis until I got back together permanently with Ms. Ketchem in Dec 05. (That is when Mrs. Metcalf found information in my phone. Ref: pg 3) Thus, the statement Mrs. Metcalf made to J.R.L. about she and I being through (Mar 05) for good was a false statement, due to the fact that we were seeing each other again in less than a week on a regular basis for 10 more months. Not only with her, but her whole family as if we were still married but not living together. Mrs. Metcalf and I were great friends with no obligation to each other I thought, so my faithfulness was/shouldn't have been an issue. She too dated others with no recourse from me. I honestly wanted her to be happy, even if it was with someone else. Ref: pg 3

In mid April 06, I was struggling with my spiritual beliefs and the way I was living in sin with Ms. Ketchem. I felt that I should move out and continue the relationship from different homes. I saw no problem, but Ms Ketchem said that, "the relationship won't last if I move out. I tried to explain how it could work, but she refused to see it that way. I was still willing to pay half her rent along with my own. I made arrangements with my landlord and he had another place for me to move. During the wait I remained with Ms Ketchem, and she was out looking for someone else to provide for her. Prior to and during this time, Mrs. Metcalf still contacted me on several occasions and we talked. In one of these conversations Mrs. Metcalf told me that, "Ms. Ketchem was the devil and I should leave her and get as far away as I could, or she will take me down to hell with her."

In another conversation Mrs. Metcalf wanted to resolve an issue concerning a bill with Trend West. She claimed she went to a lot of trouble to make this possible and that I should honor her efforts by going to Bellevue WA, to see that we get this taken care of. I agreed. The next day I received a call from Mrs. Metcalf, she proceeded in bringing up the past and how badly I treated her and all the wrongs I did. I kindly explained to her that I had things to do and this was not the time to be going into this kind of conversation, and if she continued I was going to hang up on her. Well, she kept going so I hung up. I received a text message from her saying, "I wonder what Twanna would do if she knew what you did last

night.”(I still have saved on phone) I responded with, I was in Belleview taking care of a bill. Mrs. Metcalf called back and continued badgering me and I hung up again for the same reasons as before. I got home from the mall after running an errand and found Ms. Ketchem on the phone; she informed me that she was talking with Lisa. Mrs. Metcalf was telling Ms Ketchem all about how I was in Belleview, but wasn't telling her that it was to resolve a joint bill; instead it was to say that I was asking Mrs. Metcalf to take me back or something like that, hoping that Ms. Ketchem and I would break up. Well it worked. All I got from Ms. Ketchem was the 10<sup>th</sup> degree in foul language, to get out, and we are through. I then got as much as I could get with my truck and left for my new home leaving everything else behind.

Sometime later in the month they together showed up to give me my things, I was not at home. They then piled it up in the driveway in the rain. Ref: pg 4. They came back a second time, and this time I was there. I closed the garage door and went inside. I was not to talk with them, as ordered by my Commander and Bishop. I told them to go away through the door. Mrs. Metcalf was not happy that I didn't come out to talk, and continued to badger me through the door. I called 911 and my roommate at the Base. They then departed spinning tires down the way. Ms. Ketchem kept in her possession the rest of my things: most of the kitchen, two beds, some furniture, an office desk and lamp, my chainsaw and other tools I won't mention at this time.

They formed this alliance for one purpose and one purpose only, to ruin my life because I didn't stay in the relationship with either of them. I chose to move on for obvious reasons. At that point, they together attacked my career in the military, my finances, and my credit; and with the states help they accomplished the mission. In court they acted like they have been involved as friends for years, but truthfully it had only been ten months or so.

I feel that all these things mentioned are relative, and feel that the jury should have heard these things to enable them to make a better assessment for a fair, and impartial decision; and to see the obvious hate crimes committed against me. My attorney knew in his heart that I was innocent of the crimes I was accused of, but failed to push the issues to prove it. There were so many reasons to have found a substantial amount of reasonable doubt, and in no way should it have been an all out guilty verdict.

I am innocent, and I pray that you too will see through the smoke screen the prosecution laid out for the jury, just for the win. He informed the jury in his closing remarks that, "I have never denied doing this act." I attest to you that he has lied. I did in fact tell: the case worker for the State Child Protective Services, Battle Ground P.D. Detective, Vancouver P.D. polygraph tech Sgt. Holiday, (told me his report to Battle Ground P.D. would say, "NO deceit noted") and the State of Washington in court twice, not to mention family and friends who know of my innocents!! They all agree that I was framed. I am now telling you the same, I DID NOT do the crime I was accused of, so PLEASE release me.

Point of interest II: This is indeed a weak case with absolutely no evidence whatsoever, (medical or physical) just hearsay. I have in my possession the findings from CPS that their investigation found nothing conclusive, and Battle Ground P.D. stating the same even with the polygraph results. I also have witnesses to show how these two women acted and treated me during the whole incident. My military 1<sup>st</sup> Sgt., also Vancouver Police Officer, played a large roll due to my military status, as one to talk to, and in an effort to retrieve my things from Ms. Ketchem, who refused to work with him. I also have rental agreements proving that Mrs. Ketchem and I were together with her children, during the time in question and one for my moving out to live elsewhere. That is when Ms. Ketchem decided, "I did it", when I no longer provided for her needs. Ref: pg 8

The statement made about me concerning, "I must have done it in my sleep" Ref: pg. 3 is a blatant lie coming from an angry ex wife Mrs. Metcalf. I NEVER made that comment.

The defense caught the State witnesses in lies a few times throughout the proceedings. The fact that several days after Mrs. Metcalf informed me of the situation, we were back doing things together, without a second thought of the things that had just transpired a few days before; not even an objection from the supposed victim, and she joined in on the fun. In the trial, the state was trying to show that we had NO contact after the first allegations were made in Mar 05. That too is a lie.

In January 06, Mrs. Metcalf contacted Ms. Ketchem informing her of the accusations against me, and how I supposedly treated her badly. Ms. Ketchem still chose to be with me, but informed Mrs. Metcalf of her extensive experience in the social services field, and that her ex-husband is an attorney in

California, and if she ever needed anything she would be happy to help. This truly was the support Mrs. Metcalf needed to pursue these accusations and take me down. It wasn't until I moved out of the house that they got together, and together they planned on taking this all the way. Bottom line is, without MS. Ketchem, the State, or Mrs. Metcalf had nothing concrete enough to get a conviction.

In my opinion they still don't. Had my attorney done his job and object to the statements, and the pictures submitted to the court as exhibits, along with a more thorough cross examination of Ms. Ketchem. I believe the outcome would have been different. Ref: pg. 2

I'll say it again, I DID NOT DO IT!!! All I did was not accept the treatment of two women that wanted to manipulate and control me, and when I didn't comply they turned against me. I ask you, would you have stayed? I think not!

In Conclusion: I thank you in advance for your help in this very important life threatening situation for me. I pray that God will be with you, and that you seek His guidance in making the right decision for MY life; and allow me the opportunity to clear my good name from the lies of two angry women. I attest to you again, this WAS NOT about the little girl, they just used her and the situation to have me punished.

Please allow me the opportunity to return to the life I once knew; a servant of our country, the state, the community, and most importantly my God. May God bless you in these proceedings, and that your decision will be to allow me a new trial, or outright freedom. I pray this will be your decision. Thank you again.

Sincerely,

A handwritten signature in cursive script, appearing to read "Keith Latimer".

Keith Latimer

FILED  
COURT OF APPEALS  
DIVISION II  
08 MAY 22 PM 12:30  
STATE OF WASHINGTON  
BY [Signature]  
DEPUTY

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION II

STATE OF WASHINGTON, )  
 ) Court of Appeals No. 36836-0-II  
 ) Clark County No. 06-1-01832-0  
 Respondent, )  
 ) AFFIDAVIT OF MAILING  
 vs. )  
 )  
 KEITH LATIMER, )  
 )  
 Appellant. )

On 20 MAY, 2008 I sent via Institutional Legal mail the following documents:

1. STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW WITH ATTACHMENTS.
2. DECLARATION OF SERVICE BY MAIL

TO: Arthur Curtis – Clark County Prosecuting Attorney – P.O. Box 5000, Vancouver, Washington 98666-5000

TO: David C. Ponzoha, Court Clerk, Court of Appeals, Division II – 950 Broadway, Suite 300 Tacoma, Washington 98402-4454

AND TO:  
Anne M. Cruser – Attorney at Law – P.O. Box 1670 – Kalama, Washington 98625

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

Dated this 20 day of MAY, 2008

[Signature]  
Keith H. Latimer, Appellant.