

COURT OF APPEALS  
DIVISION TWO  
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON )

Respondent, )

v. )

James M Stogsdill )

(your name) )

Appellant. )

No. 37031-0-II

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

FILED  
COURT OF APPEALS  
DIVISION II  
08 JUL 25 AM 11:31  
STATE OF WASHINGTON  
BY [Signature]  
REPLY

I, James M. Stogsdill, 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

Prosecutor Failed and misinformed me and my Attorney about my sentencing guided lines. I should have been sentenced under the 1999 sentencing guided lines. Do to the fact I signed for one count of 2<sup>nd</sup> degree that was allegedly committed on 4-1-99

Additional Ground 2

Ineffective assistance of Counsel do to misinformed and misadvisement. My Attorney should have never advised me to sign the deal under the 2000 2001 sentencing guided lines knowing that I was eligible to be sentenced under the 1999 guided lines do to the fact I only signed for one count of 2<sup>nd</sup> degree which allegedly was committed on 4-1-99

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

Date: July 18<sup>th</sup> 2008

Signature: James M. Stogsdill

Before the Prosecutor was willing to let my Attorney ask the Court for Sosa they wanted to see my Psychosexual Evaluation and my polygraph. When my Attorney came to me before my sentencing on March 2, 2006 on paper what the Prosecutor was willing to do which was Charge me with one count of 2<sup>nd</sup> degree Rape of a Child so that we could ask the Court for a Sosa. The Prosecutor was not to recommend Sosa. They the Prosecutor informed my Attorney that my standered Sentencing range was 102 to 136 months. The prosecutor informed my Attorney they would be asking the court for 136 months. On March 2<sup>nd</sup> 2006 as I meet with my Attorney they were wrong on my sentencing guided lines and that it was 102 to 136 to life. At that time I informed my Attorney that I did not want to agree to this I was told by my Attorney these were the new guided lines and there was nothing I could do about it. As you can see the 4-1-99 crossed out and yes I did sign next to were they crossed out which in fact makes it that I did agree to the new guided lines. What I would like to point out is that I would have never agreed to let the Prosecutor have my Evaluation or Polygraph if I was told that the standered range was 102 to 136 to life. So at the time of my sentencing I felt I had no other choice to do so being they had my Evaluation and Polygraph and also at the advice of my Attorney to do so. Also I signed a deal for one count of 2<sup>nd</sup> degree and in fact one of those 2<sup>nd</sup> degree allegedly happened in 4-1-99 and sentencing guided lines in 1999 were 102 to 136 not 102 to 136 to life. So I believe that the prosecutor did not stand in good faith and stick to the original offer of 102 to 136 month under the 1999 guided lines instead changed the deal to the 2000 and 2001 guided lines after they got me to hand over my Evaluation and Polygraph report. Again yes even though I did sign the deal at that time I had no idea what was the right thing to do and went on the advise of my Attorney. I believe my Attorney misinformed me.

do to the fact that my Attorney was misinformed by the prosecutor about  
my sentencing guided lines.

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Also my attorney failed to inform me that on the day of the plea deal  
I had the option to ask the court to pull out of the plea instead  
my attorney said there was nothing that could be done.

Respectfully,

James M. Stossdill  
James M. Stossdill  
July 18<sup>th</sup> 2008

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BY \_\_\_\_\_ DEPUTY

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Court of Appeals No. 37031-0-II  
NO.  
Pierce County Superior Court. No. 04-1-037B-4  
AFFIDAVIT OF SERVICE  
BY MAILING

I, James M. Stogsdill, being first sworn upon oath, do hereby certify that I have served the following documents:

Statement of Additional Grounds For Review  
Total of three Pages

Upon: Washington State Court of Appeals Division Two  
950 Broadway Suite 300  
Tacoma, Wa. 98402  
Pierce County Prosecuting Attorney  
930 Tacoma Ave. S.  
Tacoma, Wa. 98402

By placing same in the United States mail at:

WASHINGTON STATE PENITENTIARY  
1313 NORTH 13<sup>TH</sup> AVENUE  
WALLA WALLA, WA. 99362

On this 21<sup>st</sup> day of July, 2008.

James M. Stogsdill Doc #  
Name & Number 713484

Affidavit pursuant to 28 U.S.C. 1746, Dickerson v. Wainwright 626 F.2d 1184 (1980); Affidavit sworn as true and correct under penalty of perjury and has full force of law and does not have to be verified by Notary Public.