

COURT: I HOPE YOU FIND MY WRITING LEGIBLE. DON'T TRY TO WRITE SMALL.  
PLEASE MAIL BACK COPIES. THANK YOU

COURT OF APPEALS  
OF THE STATE OF WASHINGTON  
DIVISION II

BY CLINTON ALLEN PRATHER  
STATE OF WASHINGTON  
COURT OF APPEALS  
DIVISION II  
NOV 11 1988

STATE OF WASHINGTON, )  
)  
) Respondent, ) No. 07-1-01007-3  
) 37146-4-II  
)  
) v. )  
) STATEMENT OF ADDITIONAL  
) CLINTON ALLEN PRATHER, ) GROUNDS FOR REVIEW  
) ) RAP 10 10  
) Appellant. )

I, CLINTON PRATHER, 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.

SIXTH AMENDMENT VIOLATION

RECORD OF PROCEEDINGS 281-285  
Additional Ground 1 RP 289 & 500-515

THE TRIAL COURT ERRORED WHEN FAILING TO PROTECT MY RIGHTS UNDER THE SIXTH AMENDMENT. IN THE FIRST TRIAL PROSECUTION BROUGHT UP USING D.O.C. HEARINGS AGAINST ME, THEN DECIDED NOT TO FOR SIXTY AMENDMENT REASONS. IN THE SECOND TRIAL PROSECUTION BRINGS D.O.C. HEARING BACK TO THE TABLE, RP 500-504 WE DOES NOT GIVE SUFFICIENT TIME FOR DEFENSE COUNSEL TO PREPARE AND PUTS ME ON THE SPOT FOR IMPEACHMENT IF HE CAN FIND ONE THING DIFFERENT IN MY STORY. AT THE D.O.C. HEARING I WAS QUESTIONED WITHOUT MY RIGHTS AT ALL BEING READ AND WITHOUT DEFENSE COUNSEL PRESENT. IT IS EVEN D.O.C. POLICY THAT INTERNAL HEARINGS ARE NOT TO BE USED AGAINST A PERSON IN COURT, AND EVEN IF THIS WAS ALRIGHT WITH WASHINGTON STATE D.O.C., IT STILL VIOLATES THE SIXTH AMENDMENT OF THE UNITED STATES - DEFENSE COUNSEL'S OBJECTION TO USE OF THIS TAPE SHOULD HAVE BEEN SUSTAINED THEREFORE ALLOWING ME TO TAKE THE STAND TO DEFEND MYSELF WITHOUT FEAR OF IMPEACHMENT. I WAS UNABLE TO TESTIFY ON MY OWN BEHALF.

Additional Ground 2

THE TRIAL COURT ERRORED WHEN FAILING TO FIND BOTH HARASSMENTS IN THIS CASE SHOULD HAVE BEEN CONSIDERED "SAME CRIMINAL CONDUCT" UNDER RCW 9.94A.589. IT WAS PROVEN AT TRIAL THAT I THREATENED JOSIE BRYANT BY BURNING DOWN HIS HOUSE ETC. IT IS AGREED THAT I WAS SPEAKING TO JOSIE ONLY AT THIS TIME. ANGELINA WOLMAN WAS HIDING BY A TRUCK OUT OF MY IMMEDIATE PRESENCE RP 85  
THIS LEAVES THE QUESTION OF WHOM WAS BEING DIRECTLY SPOKEN TO OR THREATENED? WHO WAS AT IN FEAR? IF A PERSON WALKS INTO A CROWDED BAR AND THREATENS THE BARTENDER TO

SHOOT HIM AND HIS CUSTOMERS THEN THAT WOULD BE A FELONY HARASSMENT. OR WOULD YOU COUNT ALL THE POTENTIAL VICTIMS IN THE BAR? 157 COUNTS OF HARASSMENT?

THIS ISSUE WAS RAISED AT TRIAL RP 242-245.

TRIAL JUDGE WARME IS CLEARLY UNSURE OF THE STATUTE RP 243 JUDGE WARME DID DISMISS COUNTS 516, BUT FAILED

TO DISMISS THE HARASSMENT AGAINST ANGEINA HOLMAN WHOM WAS NEUTRAL BEING SPOKEN TO, NOT IN MY DIRECT PRESENCE, INEFFECTIVE ASSISTANCE OF COUNSEL WHEN DEFENSE MOTIONED FOR DISMISSAL ON COUNTS 516, BUT NOT COUNT 4. TRIAL PROVED THAT I THREATENED JOSH BRYANT AND JOSH BRYANT ONLY. RCW 9A.04A.589 IS CLEAR THAT BOTH HARASSMENTS IN THIS CASE WERE REALLY ONE CRIME, THEREFORE COUNT 4 FELONY HARASSMENT w/ GUN ENHANCEMENT SHOULD BE VACATED.

LESSER INCLUDED OFFENSE -

Additional Ground 3

DEFENDANTS HAVE THE RIGHT TO LESSER INCLUDED OFFENSE INSTRUCTION - RCW 10.61.006 STATE VS. BOWENMAN 115 Wn 2d 799, 805, 802 P2J

IN THE SECOND TRIAL I WAS NOT GIVEN A LESSER INCLUDED OFFENSE. THE REASON BEING THAT THE BEST CHARGE FOR THIS WOULD BE HARASSMENT MAKING IT EVEN MORE OBVIOUS THAT I HAD ALREADY BEEN TRIED AND CONVICTED OF THE SAME ACT/SAME CONDUCT THEREFORE DOUBLE JEOPARDY. HARASSMENT SHOULD HAVE BEEN (1990)

THE LESSER INCLUDED OFFENSE FOR ASSAULT 2<sup>o</sup> IN THE FIRST TRIAL. I SHOULD BE RE-TRIED WITH A LESSER INCLUDED OFFENSE FOR ASSAULT 2<sup>o</sup> OR CONVICTION VACATED.

OVERCHARGING/  
JUDICATIVE PROSECUTION Additional Ground 4

FROM THE VERY BEGINNING OF THIS CASE THE PROSECUTION HAS OVERCHARGED IT. IN PLAIN ENGLISH IT WAS PROVEN AT TRIAL THAT I PULLED A GUN ON A FRIEND OF MINE AND THREATENED HIM. THOUGH OF COURSE THAT IS A SERIOUS OFFENSE, IT WAS MADE INTO SOMETHING WAY MORE HEINOUS AND IN THE PROCESS A FAIR TRIAL WAS NEVER A REALITY. TEN FELONIES WITH SIX GUN ENHANCEMENTS WERE ORIGINALLY CHARGED. PROSECUTION NEVER WANDERED, ASKING FOR CONSECUTIVE SENTENCES, AND WITH ENHANCEMENTS WHICH OREAR NO GOOD TIME. MY ORIGINAL TIME I WAS LOOKING AT WAS IN THE NEIGHBORHOOD OF 40-60 YEARS. AT THE TIME OF CHARGING I WAS A NON-VIOLENT OFFENDER. I READ BOOKS AND THE RCW'S OF LAWFUL CONDUCT ETC CONCERNING MULTIPLE CHARGING AND OVERCHARGING TO GET A PLEA BARGAIN. THE LAW BOOKS CLEARLY STATE THAT THIS IS NOT ALLOWED, BUT PROVING IT IS VERY DIFFICULT. AFTER TRIAL I WAS SHOCKED AT WHAT WAS ALLOWED AT TRIAL AND WROTE A COMPLAINT WITH WSBA AGAINST PROSECUTOR MR. SMITH. THE ONLY "DEAL" BEING OFFERED WAS A 220 MONTH DEAL IN WHICH MR. SMITH STARTED TO THREATEN WITH FEDERAL PROSECUTION. I REJECTED THE DEAL AND MR. SMITH THEN DROPPED TWO UNLAWFUL POSSESSION OF A FIREARM CHARGES SO THE FEDS COULD PICK THEM UP. BEFORE THEN IT WAS VERY OBVIOUS THAT FEDERAL PROSECUTORS AND MR. SMITH WERE "TEAMING UP" ON ME TO OBTAIN A PLEA BARGAIN. I STILL REJECTED THE OFFER FOR THE SIMPLE FACT THAT THE PUNISHMENT AND THE CRIME NOT ONLY DID NOT FIT, BUT WERE NOT EVEN CLOSE. SEVERAL ATTEMPTS WERE MADE BY DEFENSE TO SETTLE THIS CASE, BUT PROSECUTION WAS ASHAMED ABOUT SEVERE TIME AND NO DOSA. AFTER TRIAL FEDERAL AUTHORITIES DID COME PICK ME UP FROM SHELTON AND CHARGED ME WITH THE GUNS. AFTER 3 MONTHS THEY DROPPED CHARGES FOR LACK OF EVIDENCE. MY APPEAL ATTORNEY HAS FILED AND BRIEF INCLUDING STATEMENTS OF DOUBLE JEOPARDY. THIS WOULD NOT BE AN ISSUE HAD

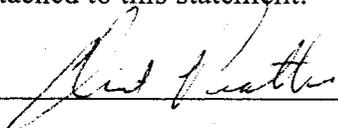
11 AC - Statement of Additional Grounds for Review

I BEEN CHARGED AND TRIED ACCORDINGLY. AS IT STANDS NOW I AM DOING MORE TIME FOR ENHANCEMENTS OF THESE MULTIPLE CHARGES THAN FOR THE ORIGINAL THREATENING.

THE TRIAL COURT ERRED WHEN IT FAILED TO PROTECT ME FROM MULTIPLE CHARGES FOR SAME OFFENSE AND OVERCHARGING IN THE FIRST PLACE. ANOTHER MAJOR FACTOR WAS THAT DURING JURY INSTRUCTIONS FOR THE FIRST TRIAL, THERE WERE SO MANY CHARGES AND SPECIAL INSTRUCTIONS FOR THE JURY THAT THEY WERE EASILY CONFUSED. THIS WOULD NOT HAVE BEEN THE CASE HAD I BEEN CHARGED PROPERLY AND FAIRLY. AS CITIZENS WE HAVE THE RIGHT TO BE PUT ON TRIAL FOR THE CRIME(S) WE ARE SUSPECTED OF COMMITTING AND THEN DEFENDING OURSELVES. NOT FOR WHAT WE ARE SUSPECTED OF AND THEN A BUNCH OF OTHER STUFF JUST SO SOMETHING WILL STICK. I WAS GROSSLY OVERCHARGED. IN WASHINGTON STATE YOU CAN NOT HUNT DEER WITH AN ASSAULT RIFLE. FOR OBVIOUS REASONS IT WOULD NOT BE FAIR TO THE DEER BECAUSE YOU ARE BOUND TO HIT THAT DEER EVENTUALLY. I WAS NOT GIVEN A FAIR TRIAL DUE TO OVERCHARGING AND VINDICTIVE PROSECUTION. THE TRIAL AND SENTENCING COURTS FAILED TO PROVIDE PROTECTION AND THEREFORE, I SHOULD BE GRANTED A NEW & FAIR TRIAL, OR ALL CHARGES EXCEPT & FELONY UNLAWFUL HUNTING ON JOSH BRYANT AND MALICIOUS MISDEMEANOR, COUNTS 3 & 7 VACATED...

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

Date: 8-7-08

Signature: 

### ADDITIONAL GROUNDS #5

IN THE FIRST TRIAL OFFICER CHRISTIANSON MADE A DEVASTATING REMARK RP 187 WHEN HE STATED THAT ALL OTHER PRIOR CONTACTS WITH ME INVOLVED GUNS OR ME CARRYING A GUN. THOUGH IT WAS STRICKEN FROM THE RECORD, OR DISREGARDED, IT WAS STILL HEARD CLEARLY BY THE JURY AND IT WAS VERY PREJUDICIAL AND DAMAGING TO MY CASE. THE TRIAL COURT ERRED WHEN NOT DECLARING A MISTRIAL AND INEFFECTIVE ASSISTANCE OF COUNSEL FOR NOT MOTIONING FOR A MISTRIAL. FOR THE REST OF THE TRIAL THE JURY REMEMBERS THE OFFICER STATING THAT I WAS ALWAYS ARMED. GROUNDS FOR RETRIAL.

### ADDITIONAL GROUNDS #6

PLEASE REVIEW SENTENCING HEARING ITSELF RP 563-565 AND 569-572. SEVERAL TIMES I FELT AS THOUGH JUDGE WARME WAS CONFUSED BY SENTENCING GUIDELINES AND STATUTES. AND CAN ENHANCEMENTS BE (RAN) CONCURRENT WITH EACH OTHER BUT CONSECUTIVE WITH THE CONCURRENT SENTENCE?

NOTE TO APPEAL PANEL:

RE: STATE VS CEMING 32843-7-II  
(WASH. APP. DIV. 2 7/11/2006)

Your Honors,

I DID MY BEST TO ABIDE YOUR RULES FOR MY SUBMISSION OF ADDITIONAL GROUNDS, ie NOT RAISING THE SAME ISSUES AS MY ATTORNEY IN HER BRIEF. HOWEVER IN REGARD TO THE DOUBLE JEOPARDY ISSUE MS. TABBOT RAISES, IF IT IS POSSIBLE I WOULD ASK THAT YOU CONSIDER THE CASELAW THAT MY TRIAL ATTORNEY MR. HANIFY SUBMITTED DURING TRIAL. IT COMES FROM YOUR COURT AND I BELIEVE HOLDS MERIT. STATE VS. CEMING 133 Wn. App. 875 P2D (2006). JUDGE WARME ON RECORD AGREES WITH STATE VS. CEMING AND THINKS TRIAL # 2 A WASTE OF TIME RP 352-353 IN AGREEING WITH DEFENSE COUNSEL. CLEARLY AT THAT MOMENT JUDGE WARME ERRED WHEN HE DID NOT DISMISS CHARGES.

THANK YOU FOR YOUR TIME AND CONSIDERATION,

*Neil Nathan*