

Anne M. Crusier

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February 28, 2009

Mr. David C. Ponzoha, Clerk
Court of Appeals, Division II
950 Broadway, Suite 300
Tacoma, WA 98402-4454

RECEIVED
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CLERK OF COURT OF APPEALS DIV II
STATE OF WASHINGTON

Re: Gary Lucas, Respondent, v. Henry J. Prien, Appellant
Court of Appeals No. 37789-6-II
Clark County No. 07-2-07879-1

Dear Mr. Ponzoha:

Please find enclosed Appellant's Statement of Additional Grounds for Review and the Affidavit of Mailing as it pertains to the above case.

Thank you for your attention in this matter.

Sincerely,



ANNE M. CRUSER
Attorney for Appellant

SAG

THE CONTENTS CONTAINED HEREIN ARE STATEMENTS OF ADDITIONAL GROUNDS FOR REVIEW (SAG). THESE STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND UNDER THE LAWS OF PERJURY OF THE STATE OF WASHINGTON.

GROUNDS

①

PROBABLE CAUSE AT TIME OF ARREST.

AT THE TIME OF ARREST, OFFICERS HAD NO PROBABLE CAUSE TO STOP AND CHECK THE APPELLANT. I WAS DOING NOTHING WRONG. I WAS NOT COMMITTING ANY CRIMES. I WAS SLEEPING IN A TENT ON PRIVATE PROPERTY. THE INVESTIGATING OFFICER SIMPLY SAW A TENT BESIDE A HOUSE AND STOPPED TO CHECK IT OUT. SHE HAD NO REGARDS TO WHAT CONSTITUTIONAL RIGHTS OF THE APPELLANT SHE MAY BE VIOLATING.

D. MINN. 1998

FOURTH AMENDMENT LIBERTY GUARANTEES SERVE TO RESTRAIN OFFICERS WHO, WITH SINGLE-MINDED CONCERN FOR LAW ENFORCEMENT, MAY NEGLECT TO CONSIDER SUSPECT'S INDIVIDUAL LIBERTY INTEREST. U.S.C.A. CONST. AMEND. 4. U.S. VS. DAVIS, 21 FED. SUPP. 2d 979, AFFIRMED 174 F.3d 941.

C.A. 9 (WASH.) 1993

ARRESTEE HAD OBJECTIVELY REASONABLE EXPECTATION OF PRIVACY IN HIS TENT PITCHED IN STATE PARK. U.S.C.A. CONST. AMEND. 4. U.S. VS. GOOCH 6 F.3d 673

THE COURTS MUST CONSIDER THE FACT THE APPELLANT WAS DOING NOTHING WRONG AND OFFICERS HAD NO PROBABLE CAUSE TO STOP AND CHECK A TENT ON PRIVATE PROPERTY BESIDE A HOUSE. THE ARRESTEE WAS CHARGED WITH UNLAWFUL CAMPING AT WHICH THE DAY OF TRIAL THE CHARGE WAS DISMISSED. WITHOUT THE UNLAWFUL CAMPING, OFFICERS HAD NO REASON TO STOP.

② THE STATUTORY RIGHT TO COUNSEL

UNDER RCW 10.88.290, RCWA 10.91.010 AND UNDER THE (IAD). THE APPELLANT HAS THE RIGHT TO COUNSEL. FROM THE DAY THE EXTRADITION PROCEEDING BEGAN I INVOKED THIS RIGHT. I WAS ASSIGNED A PUBLIC DEFENDER NAMED MARISHA CHILDS. HOWEVER, SHE REFUSED TO REPRESENT ME. I CLAIMED PREJUDICE ON THE PART OF COUNSEL.

③ CONFLICT OF INTEREST

AT THE TIME OF THE HABEUS CORPUS HEARING THE JUDGE HAD IN HIS POSSESSION PAPERWORK WHICH PERTAINED TO A LAWSUIT I HAD FILED AGAINST THE CLARK COUNTY JAIL. A JAIL IN WHICH HE IS PART OWNER OF. HE SHOULD NEVER HAVE BEEN ASSIGNED TO THE PROCEEDINGS OF THE HABEUS CORPUS HEARING.

RESPECTFULLY SUBMITTED THIS 14TH DAY OF FEB. 2009.

APPELLANT,
HENRY J. PRIEN
Henry J. Prien

CERTIFICATE OF SERVICE

Case Name: GARY LUCAS v. HENRY J. PRIENCase No.: 37709-6-11
07-2-07879-1

IMPORTANT: You must send a copy of ALL documents filed with the court and any attachments to counsel for ALL parties in this case. You must also file a certificate of service with this court telling us that you have done so. You may use this certificate of service as a master copy, fill in the title of the document you are filing and attach it at the back of each filing with the court. Please list below the names and addresses of the parties who were sent a copy of your document and the dates on which they were served. Be sure to sign the statement below. You must attach a copy of the certificate of service to each of the copies and the copy you file with the court.

I certify that a copy of the STATEMENT OF ADDITIONAL GROUNDS
LETTER TO MS. CRUSER
(Name of document you are filing,
i.e., opening brief, motion, etc.)

and any attachments was served, either in person or by mail, on the persons listed below.

Henry J. Prien
Signature

Notary NOT required

<u>Name</u>	<u>Address</u>	<u>Date Served</u>
ANNE M. CRUSER	P.O. BOX 1670 KALAMA, WA 98625	FEB. 14TH, 2009

FILED
COURT OF APPEALS
DIVISION II

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STATE OF WASHINGTON

BY _____
DEPUTY

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

GARY LUCAS,

Respondent,

vs.

HENRY J. PRIEN,

Appellant.

) Court of Appeals No. 37789-6-II
) Clark County No. 07-2-07879-1

) AFFIDAVIT OF MAILING

ANNE M. CRUSER, being sworn on oath, states that on the 1st day of March, 2009

affiant placed a properly stamped envelope in the mails of the United States addressed to:

Arthur Curtis
Clark County Prosecuting Attorney
P.O. Box 5000
Vancouver, WA 98666-5000

AND

David C. Ponzoha, Clerk
Court of Appeals, Division II
950 Broadway, Suite 300
Tacoma, WA 98402-4454

AND

and that said envelope contained the following:

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(1) MR. PRIEN'S STATEMENT OF ADDITIONAL GROUNDS
(2) AFFIDAVIT OF MAILING

Dated this 1st day of March, 2009.



ANNE M. CRUSER, WSBA #27944
Attorney for Appellant

I, ANNE M. CRUSER, certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

Date and Place: March 1, 2009, Kalama, WA

Signature: Anne M. Cruser