

FILED
COURT OF APPEALS
DIVISION II

09 APR -1 PM 12:42

STATE OF WASHINGTON
BY ls
DEPUTY

IN THE
STATE COURT OF APPEALS IN AND FOR

VANCOUVER, WASHINGTON, .

DIVISION # 2

COURT OF APPEALS # 38040-4-11

CLARK COUNTY NO: 07-1-02023-3

STATE OF WASHINGTON,
RESPONDENT;

VS:

DEMETRIUS RAY WOOD,
APPELLANT;

APPELLANT'S SATURATED STATEMENT OF ADDITIONAL GROUNDS

ARGUMENT OF THE APPELLANT

APPELLANT, DEMETRIUS RAY WOOD, ASSERTS THE FOLLOWING POSITION IN THIS MATTER;

A: PETITIONER'S CHARGING DOCUMENT, AND JUDGMENT & SENTENCE ARE BOTH CONSTITUTIONALLY INVALID, AND SUSPECT, 144 WN. 2d 315; THE ERROR IS "PREJUDICIAL", 154 WN. 2d 438; THUS, APPELLANT'S JUDGMENT & SENTENCE IS "INVALID" ON IT'S FACE, 127 WN. APP. 119; 130 WN. APP. 422; 118 WN. APP. 321;

B: APPELLANT ASSERTS THAT HIS TRIAL ATTORNEY SHOULD HAVE RECOGNIZED RIGHT OFF THE BAT, THAT APPELLANT'S CHARGING DOCUMENT, AND JUDGEMENT & SENTENCE WERE NOT STATUTORILY, AND CONSTITUTIONALLY SUFFICIENT, THIS FAILURE TO DISCOVER, OR BE AWARE OF THE DEFECTS, CONSTITUTED MANIFEST "INEFFECTIVE ASSISTANCE OF COUNSEL", 137 WN. APP. 81;

C: THE LAW IS CLEAR, WHENEVER THE PROSECUTOR "SUBSTANTIALLY" AMENDS THE CHARGING DOCUMENT, THE APPELLANT IS ENTITLED TO "SUFFICIENT & ADEQUATE NOTICE", SO THAT HE CAN MARSHAL, AND PREPARE AN ADEQUATE DEFENSE TO THE CHARGES. THIS CONSTITUTIONAL RIGHT CAN ONLY BE ACCOMPLISHED BY BRINGING THE DEFENDANT BACK IN FRONT OF THE JUDGE TO BE "RE-ARRAINED", AS LAW & JUSTICE REQUIRES, 103 WN. APP. 889;

MEMORANDA OF LAW IN SUPPORT OF ARGUMENT

127 WN. APP. 119;
112 WN. APP. 68;
113 WN. 2d 178;
***144 WN. 2d 315;
141 WN. 2d 342;
109 WN. APP. 869;
***161 WN. 2d 322;
152 WN. 2d 647;
122 WN. 2d 772;
142 WN. 2d 298;
136 WN. 2d 467;
***60 WN. APP. 309;
73 WN. APP. 838;
139 WN. 2d 581;
***147 WN. 2d 98;
146 WN. APP. 55;
88 WN. APP. 254;
119 WN. 2d 623;
109 WN. 2d 607;
45 WN. APP. 541;
43 WN. APP. 613;
***92 WN. APP. 197¹ (197);
152 WN. 2d 772;
108 WN. APP. 31;
38 WN. APP. 684;

QUESTIONS PRESENTED

- #1: IS THE U.S. CONSTITUTION THE SUPREME LAW OF THE LAND?
- #2: ARE ALL STATE COURT JUDGES BOUND BY THE UNITED STATES CONSTITUTION?
- #3: DOES THE STATE COURT OF APPEALS HAVE JURISDICTION OVER "CONSTITUTIONAL" ISSUES?
- #4: WILL THE STATE COURT OF APPEALS "REVERSE" A CRIMINAL CONVICTION IS "PLAIN ERROR" IS PRESENT?
- #5: IF STATE LAW CONFLICTS WITH FEDERAL LAW, DOES THE SUPREMACY CLAUSE OF THE U.S. CONSTITUTION PREVAIL?

ISSUES PRESENTED:

- #1: ARE PROSECUTORS ABOVE THE LAW, AND DOES STATE LAW BIND PROSECUTORS....
- #2: WHETHER THE PROSECUTOR MUST HAVE SUFFICIENT EVIDENCE BEFORE HE CAN BRING CHARGES.
- #3: IS APPELLANT ENTITLED TO DUE PROCESS OF LAW, AND EQUAL PROTECTION OF THE LAW.....

GROUNDS FOR RELIEF

COUNT #1:

APPELLANT'S CHARGING DOCUMENTS, JUDGMENT & SENTENCE, CERTIFICATE OF PROBABLE CAUSE, AND AMENDED INFORMATIONS ARE CONSTITUTIONALLY DEFECTIVE.

HOW SO?

****THE ORIGINAL CHARGING DOCUMENT/INFORMATION WAS FILED ON 11/15/2007, AND THE "THIRD" AMENDED INFORMATION WAS FILED ON 7/1/2008, SOME (8) MONTHS AFTER THE FILING OF THE "ORIGINAL" CHARGING DOCUMENT.

APPELLANT ASSERTS THAT THIS "UNDUE", "UNNECESSITATED", AND "BLATANT" DELAY OF TRIAL, VIOLATED THE "SPEEDY TRIAL DOCTRINE", AS GUARANTEED BY THE 6th AMENDMENT OF THE UNITED STATES CONSTITUTION:

COUNT #2:

APPELLANT ASSERTS THAT HIS CERTIFICATE OF PROBABLE CAUSE SHOWS THAT HE WAS "ARRESTED" ON 11/13/2007, HOWEVER, THE PROSECUTOR DID NOT DECIDE TO FILE CHARGES UNTIL 11/15/2007, SOME (48) HOURS AFTER APPELLANT HAD BEEN RESTRAINED OF HIS LIBERTY, AND DETAINED IN CUSTODY.

WHY THE DELAY? THE PROSECUTOR DID NOT HAVE "SUFFICIENT & ADEQUATE" EVIDENCE AGAINST THE APPELLANT AT THE TIME OF THE ARREST, BUT NEEDED ADAQUATE ADDITIONAL TIME TO MAKE A CASE FOR ARREST. APPELLANT ASSERTS THAT THE PROSECUTOR'S "RUSH TO JUDGMENT" WITH AN ARREST "PRIOR" TO HAVING SUFFICIENT "EVIDENCE" THAT THE APPELLANT HAD COMMITTED A CRIME, WAS "HIGHLY PREJUDICIAL". AND VIOLATES THE HAPSTEAD DOCTRINE, WHICH IS CITED AS

107 WN. 2d 346 :

GROUND FOR RELIEF

COUNT #3:

THE CERTIFICATE OF PROBABLE CAUSE CHARGES THE APPELLANT WITH THE CRIMES OF ASSAULT 1; & DRIVE BY SHOOTING: HOWEVER, THE CHARGING DOCUMENT CHARGES APPELLANT WITH ALLTOGETHER "DIFFERENT" CRIMES, OF A MUCH MORE SERIOUS, AND ADVERSE NATURE. CAN THE CHARGING DOCUMENT, AND THE CERTIFICATE OF PROBABLE CAUSE BE OF A "DIFFERENG", AND "CONFLICTING" NATURE? CAN THE PROSECUTOR "ADD" MORE SERIOUS CRIMES TO THE CHARGING DOCUMENT, THAN ARE LISTED OR ALLEGED IN THE CERTIFICATE OF PROBABLE CAUSE?

COUNT #4:

THE SIGNATURE OF THE PROSECUTOR (MS. CAMARA L. BANFIELD) ON ALL OF THE CHARGING DOCUMENTS IS NOT CONSISTENT. WAS THE SIGNATURE OF MS. CAMARA L. BANFIELD "FORGED"? A CLOSE LOOK AT THE SIGNATURE OF MS. CAMARA L. BANFIELD ON THE ORIGINAL INFORMATION, THE AMENDED INFORMATION, THE SECOND AMENDED INFORMATION, the third AMENDED INFORMATION, ARE NOT "IDENTICAL", BUT ARE "ALARMINGLY DIFFERENT", AND "SUSPECT". CAN A PROSECUTOR "FORGE" THE NAME OF ANOTHER PROSECUTOR TO A CHARGING DOCUMENT?

GROUNDS FOR RELIEF

COUNT #5:

THE APPELLANT'S "GUILTY PLEA" STATEMENT WHICH IS DATED 7/1/2008 IS "NOT" SIGNED OFF ON BY THE DEFENDANT/APPELLANT. THE LACK OF THE SIGNATURE OF THE DEFENDANT/APPELLANT MAKES THE GUILTY PLEA STATEMENT "INVALID", AND CONSTITUTIONALLY DEFECTIVE.

THE "INITIALS" "D.W-d" IS NOT A SIGNATURE:

COUNT #6:

APPELLANTS JUDGEMENT & SENTENCE, DATED 7/10/2008 CONTAINS THE FOLLOWING DEFECTS;

A: APPELLANT'S SIGNATURE IS OMITTED:

B: APPELLANT'S "PRINTED" NAME IS OMITTED:

C: (A TYPED NAME IS "NOT" A PRINTED NAME)

D: THE JUDGMENT & SENTENCE STATUTORILY DEFECTIVE, IN THAT IT IS NOT CERTIFIED BY THE CLERK OF THE COURT:

GROUNDS FOR RELIEF

COUNT #7:

THE PROSECUTOR AMENDED THE CHARGING DOCUMENT SUBSTANTIALLY, RATHER THAN AS A MATTER OF FORM, THE RESULTING AMENDMENTS AND CHANGES TO THE CHARGING DOCUMENT "PREJUDICED" THE APPELLANT BECAUSE WHENEVER THE PROSECUTOR SUBSTANTIALLY AMENDS THE CHARGING DOCUMENT, THE PROSECUTOR IS ALSO REQUIRED TO HAVE THE DEFENDANT "RE-ARRAINED".

APPELLANT'S CHARGING DOCUMENT WAS SUBSTANTIALLY AMENDED ON (2) SEPERATE OCCASIONS WITHOUT HAVING THE DEFENDANT "RE-ARRAINED".

CONCLUSION

IN THE INTRESTS OF JUSTICE, 112 WN. APP. 68; 78 WN. APP. 593;
PETITIONER/APPELLANT SUBMITS THIS "STATEMENT OF ADDITIONAL
GROUNDS" IN SUPPORT OF HIS DIRECT APPEAL OF THE CRIMINAL
CONVICTION.

APPELLANT SEEKS RELIEF FROM THE RESTRAINT UPON HIS LIBERTY,
47 WN. APP. 304;

PURSUANT TO, 60 WN. APP. 309, PETITIONER ASSERTS THAT HE SHOULD
HAVE BEEN ALLOWED TO SIGN OFF ON THE "AMENDED" INFORMATION.

APPELLANT AVERS THAT THE ERRORS, OMISSIONS, AND INCONSISTENCIES
IN HIS AMENDED INFORMATIONS, WAS PER SE PREJUDICIAL, 1~~30~~ WN.
APP. 422, 118 WN. 2d 321;
AND THAT IN THE INTRESTS OF JUSTICE, 78 WN. APP. 593, THE
JUDGMENT & SENTENCE "MUST" BE VASATED, AND ANULLED, 113 WN. APP.
347;

"PRE-TRIAL" IRREGULARITIES, CAN BE CONSTITUTIONAL, 38 WN. APP.
684;

THE ABOVE ERRORS ALL CONTRIBUTED TO A FUNDAMENTAL DEFECT, THAT
RESULTED IN A COMPLETE MISCARRIAGE OF JUSTICE, 141 WN. 2d
342;

APPELLANT ASSERTS THAT HE HAS MET HIS BURDEN & DEGREE OF PROOF
IN THESE MATTERS, 114 WN. 2d 802;

MAY IT SO PLEASE THE COURT:

DATED: MARCH , 27 , 2009

151 Demetrius R. Wood
DEMETRIUS RAY WOOD
895443

AFFIDAVIT OF SERVICE BY MAILING

STATE OF WASHINGTON)
COUNTY OF WALLA WALLA) SS:

PURSUANT TO: 28 U.S.C.A. 1746;

I, DEMETRIUS RAY WOOD, DO AVER, AND DEPOSE, THAT ON MARCH, 27, 2009,
I FAITHFULLY DEPOSITED IN THE U.S. MAIL,
POSTAGE PRE-PAID, (1) COPY OF MY ADDITIONAL GROUNDS FOR REVIEW,
ADDRESSED TO; THE CLARK COUNTY PROSECUTOR

ARTHUR CURTIS CLARK COUNTY PROSECUTOR

P.O. BOX 5000

VANCOUVER, WA 98666-5000

& TO,

MS. ANNE CRUSER (ATTORNEY FOR APPELANT)
P.O. BOX 1670
KALAMA, WASHINGTON. 98625

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