

FILED
CLERK OF COURT
JUL 10 2018
BY: *al*

**COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON**

<u>State of Washington</u>)	No. 08-1-00956-4
)	38565-1 II
Plaintiff,)	38568-6
)	Statement of additional
vs.)	Grounds for review
<u>Azael Ortiz-Lopez</u>)	
)	R.A.P. 10.10
Defendant)	

I, Azael Ortiz-Lopez, 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.

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Continued

Additional Ground 1

State must prove every element of the crime:

State V. Baeza, 100 Wn.2d 487, 488, 670 P.2d 646 (1983)

In re Winship, 397 U.S. 358, 364, 90 S.Ct.1068,1073, 25 L.Ed.2d 368 (1970)

Azael in english means (Jonathan). This is the name I go by in the United States. The only person I could have been defrauding is myself. As the record shows my pre-booking information showed that the booking officers named me as 'John Doe'. The A.K.A. is Jonathan Ortiz-Lopez.

There is insufficient evidence to convict for the forgery counts and criminal impersonation. I did not defraud anyone. As there should be proof that Jonathan Ortiz-Lopez is another person.

SEE Attached(booking Sheet.)

Additional Ground 2

In Re Connick, 144 Wn. 2d 442, 28 p.3d 729 (2001)

State V. Saunders, 120 Wn.App. 80, 86 p.3d 232 (2004)

Ineffective assistance of counsel:

My counsel was deficient in not arguing that the forgery counts should have counted as one point. Or in the alternative one count of forgery should have been dismissed.

The forgery counts should be counted as same course of conduct.

This is double jeopardy, meant, to stack felony points and to get my offender score up to six points.

(Continued)

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Additional Ground 3

Malicious and vindictive prosecution:

The State originally charged me with one count of Criminal Impersonation and two Counts of forgery under Cause number 07-1-00619-2.

And later the State Amended the information and created a new cause # 08-1-009556-4.

Additional Ground 4

The evidence is insufficient to convict on criminal impersonation. RP 82-85
CD Proceedings September 9, 2008.

Date: 08.13.09

Signature: 

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187732

Clark County Custody Pre-Book/Probable Cause Sheet

(Please Attach Pink Sheet)

Defendant's Name (Last, First, Middle) DOE, JOHN

DOB: _____ Sex: _____ Race: _____ Hair: BLK Eyes: BRN Ht: _____ Wt: _____

Address: _____ City: _____ St: _____ Zip: _____

Phone: _____ Place of Birth: _____ SS#: _____

Arresting Agency: CCSO Officer & PSN: _____ Transport Officer/PSN: _____

Date & Time of Arrest: 4-5-07 2145 Police Rpt. No: 622-4171

Incident Location (Address, City, State): 4819 NE 112TH AVE # D103

Arrest Location (Address, City, State): SAME AS ABOVE

AKA/alias/Maiden Name

Name: JUSTIN DEJIZ LOPEZ DOB: _____

Scars/Marks/Location

Type: _____ Location: _____ Description: _____

Type: _____ Location: _____ Description: _____

Intake/Triage Questions

	Yes	No
1. Does the arrestee have any observable medical problems?		<input checked="" type="checkbox"/>
2. Does the arrestee have any observable mental health problems?		<input checked="" type="checkbox"/>
3. Does the arrestee show any signs of suicidal behavior or attempts?		<input checked="" type="checkbox"/>
4. Has the arrestee shown any escape potential or violence propensity behaviors?		<input checked="" type="checkbox"/>
5. Does the transporting officer have any other information which we need to know concerning this matter?		<input checked="" type="checkbox"/>

Comments:

Charges (Circle if there is a WARRANT or CITATION number and include the bail amount)

Charge(s)	Citation/Warrant#	RCW	LEA	Counts	Bail Amount
<u>PCS META W/INTENT</u>		<u>69.50.401 DEL</u>	<u>CCSO</u>	<u>1</u>	<u>\$10,000</u>

Domestic Violence

Victim	Date of Birth	Relationship to Defendant