

COA Sewed 12/1/10 (en)

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

COURT OF APPEALS
DIVISION II

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STATE OF WASHINGTON
BY [Signature]
DEPUTY

STATE OF WASHINGTON)
)
Respondent,)
)
v.)
)
Jennifer Sarah Holmes)
(your name))
)
Appellant.)

No. 39103-1-II

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, Jennifer Sarah Holmes, 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

PROSECUTING ATTORNEY SHEERAN RELEASED MY 1998 CHEVY 1 TON PICKUP AND HORSE TRAILER WITHOUT NOTIFYING DEFENSE OR THE COURTS AND WITHOUT INVENTORYING CONTENTS OF EITHER BEFORE TRIAL. JUDGE HAD TO ORDER THAT NO OTHER EVIDENCE BE RELEASED BEFORE TRIAL.

Additional Ground 2

RECEIPT FOR METAL TUBE GATES FROM DEL'S FARM AND FEED ALLOWED IN AS EVIDENCE OF THEFT BY DEFENDANT HOLMES EVEN THOUGH DEL'S FARM AND FEED OFFICIAL REPRESENTATIVE STATED THEY DO NOT HAVE A STORE IN HAWAII.

Additional Ground 3

WILKEY STATED THAT CRIME VICTIM FUNDS WERE WITHDRAWN FOR HOSPITAL STAY AND TREATMENT AND THAT HE HAD TO REPAY THESE BILLS FROM HIS OWN MONEY.

Additional Ground 4

ATTORNEYS FOR HOLMES AND LINDSAY WERE NOT PAID FOR MONTHS PRIOR TO TRIAL ENDING. I FEEL THIS GREATLY ADVERSELY AFFECTED COUNSEL'S WILLINGNESS TO FIGHT FOR ME.

Additional Ground 5

PROSECUTING ATTORNEY SHEERAN WAS ALLOWED TO MAKE STATEMENTS TO JURY THAT WERE INAUDIBLE TO ALL BUT A FEW OF THE JURY.

Additional Ground 6

INEFFECTIVE ASSISTANCE OF COUNSEL BY JUST MAKING FUN OF VICTIM INSTEAD OF DEALING DIRECTLY WITH ISSUES IN CLOSING STATEMENTS BY DEFENSE COUNSEL.

Additional Ground 7

WILKEY'S COCAINE ABUSE AND MARIJUANA ABUSE NOT ALLOWED IN TO ATTACK WILKEY'S CREDIBILLITY.

Additional Ground 8

'WILKEY'S ABUSE OF HOLMES' 3 CHILDREN AND THREATS TO THEM IF THEY TOLD HOLMES WERE NOT ALLOWED IN TO ATTACK 'VICITIM'S' CREDIBILITY.

Additional Ground 9

WILKEY'S "INJURIES" NOT CONSISTENT WITH ANYTHING BUT LACK OF CARE FOR DIABETES. WHICH WILKEY ADMITTED TO NOT TAKING CARE OF UNDER OATH.

Additional Ground 10

WILKEY STATED THAT HE ONLY WANTED MONEY AND IF PAID WILKEY "\$130,000 +" THEN HE WOULD DROP ALL CHARGES.

Additional Ground 11

ONLY THE BATHROOM AND LIVINGROOM/KITCHEN AREAS AND THE HALLWAY AND PARTS OF TWO OF THE 3 BEDROOMS ON ONE END OF THE HOUSE WERE PHOTOGRAPHED LEAVING THE REST OF THE HOUSE UNDOCUMENTED.

Additional Ground 12

POLICE AND CRIME SCENE INVESTIGATORS FOUND THAT THE HOUSE DID NOT LOOK LIKE IT HAD BEEN TRASHED OR DESTROYED, BUT LOOKED CONSISTENT WITH A SLOPPY HOUSEKEEPER.

Additional Ground 13

THE HOUSE/SCENE WAS NOT SECURED FOR 12 + HOURS AND WHEN INVESTIGATORS FROM PIERCE COUNTY SHERIFF'S DEPARTMENT ARRIVED ON SCENE THEY WERE MET BY RICHARD VASQUEZ A VERY GOOD FRIEND OF WILKEY.

Additional Ground 14

CLOTHING CLAIMED TO BE DESTROYED AND/OR BLEACHED WERE NOT TAKEN BY INVESTIGATORS BUT WERE BROUGHT INTO COURT DURING TRIAL BY WILKEY AND WILKEY'S FAMILY AND FRIENDS, AND WERE ALLOWED TO BE USED AS EVIDENCE AT TRIAL BY THE JUDGE.

Additional Ground 15

WILKEY STOLE A GRIZZLY YAMAHA 4 WHEELER LICENSED AND REGISTERED TO HOLMES FROM HOLMES' PROPERTY IN IDAHO BROUGHT ACROSS STATE LINES TO WASHINGTON STATE AND WILKEY WAS NEVER CHARGED WITH POSSESSION OF STOLEN PROPERTY EVEN THOUGH WILKEY WAS STOPPED AND QUESTIONED BY POLICE AND THEN LET GO.

Additional Ground 16

THE TRIAL WAS INTERRUPTED 10 SEPARATE TIMES OVER AN ALMOST 2 YR. SPAN AND ONE OF THOSE TIMES WAS SO THE PROSECUTING ATTORNEY COULD SPEND A MONTH IN FRANCE ON VACATION WITH HIS WIFE. JURY COULD NOT REMEMBER ALL OF THE INCONSISTENCIES IN TESTIMONY OF WILKEY AFTER A MONTH LONG BREAK IN TRIAL.

Additional Ground 17

DEFENSE WAS NOT ALLOWED TO CROSS-EXAMINE WILKEY DUE TO TIME RESTRICTIONS SET BY JUDGE. ONE REASON FOR THIS WAS THAT THE JUDGE KNEW THAT MEMBERS OF THE JURY WERE GOING ON A MONTH LONG VACATION OUT OF COUNTRY/STATE.

Additional Ground 18

WILKEY CLAIMED PTSD. PERSONAL PHYSICIAN, LOWELL FINKLEMAN MD, STATES THAT UPON EXAMINATION WILKEY WAS DIAGNOSED WITH "STAGE FRIGHT".

Additional Ground 19

EVIDENCE PHOTOGRAPHED AT SCENE NOT SAME AS EVIDENCE PRODUCED AT TRIAL.

Additional Ground 20

PHOTOS TAKEN OF SCENE CHANGED FROM ONE PHOTO TO THE NEXT EVEN THOUGH OF SAME EXACT "EVIDENCE/SCENE".

Additional Ground 21

PHOTOS TAKEN SHOWING EVIDENCE NOT EXACT SAME EVIDENCE AS PRODUCED FROM PIERCE COUNTY EVIDENCE HOLDING FACILITIES AT TRIAL.

Additional Ground 22

PROS. ATTORNEY IN CLOSING ARGUMENT WITHOUT ANY BASIS LAID IN MEDICAL TESTIMONY OR ANY OTHER TESTIMONY SHOWED PICS OF WILKEY AND SAID THAT ABRASIONS WERE CONSISTENT WITH RUG BURNS CAUSED BY BEING DRUG ACROSS CARPET. DEFENSE OBJECTED ON BASIS OF LACK OF FOUNDATION/EVIDENCE PRESENTED AT TRIAL AND WAS OVER-RULED BY JUDGE.

Additional Ground 23

PROS. ATTORNEY REPEATEDLY BROUGHT IN TESTIMONY OUTSIDE THE SCOPE IN FRONT OF THE JURY, AND WAS REPEATEDLY REPRIMANDED AND CAUTIONED NOT TO DO SO BY JUDGE AND DEFENSE COUNSELS.

Date: 11/18/2010

Signature: J. H. H.