

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

FILED
COURT OF APPEALS
DIVISION II

STATE OF WASHINGTON)
)
 Respondent,)
)
 v.)
)
 JASON P. ROMERO,)
)
 Appellant.)

10 FEB 11 PM 12:45

STATE OF WASHINGTON

No. 39660-2-II BY [Signature]
DEPUTY

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, Jason P. Romero, 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

Attached to back of this form. One copy for court and
one for Counsel

Additional Ground 2

CERTIFICATE OF SERVICE
I certify that I mailed
copies of 347
to J.P. Romero
2/9/10 Date Signed [Signature]

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

Date: 2/9/10

Signature: Jason P. Romero

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

STATE OF WASHINGTON,

Respondent,

v.

JASON ROMERO,

Appellant.

Court of Appeals Cause No. 39660-2

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

BY
 DEPUTY STATE OF WASHINGTON

10 FEB 11 PM 12:46

FILED
 COURT OF APPEALS
 DIVISION II

I Jason P. Romero, 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 I

On page 3 of the brief, Ms. Ellner states that I was convicted of molesting Carly. The actual charge was Indecent Liberties in the second degree. In 2006 I plead guilty to this charge.

It was at this time that I was given my first polygraph test and asked if I had done anything to any other person in this family, I answered no and was completely honest in answering all questions and passed the polygraph.

I was sentenced to 17 months in prison. It was at this time when my then girlfriend Raelani Diaz and I were married before I went into prison, AFTER the conviction.

My wife went to live with Raymond & Nancy Diaz, Cheyenne's parents while I was incarcerated. I called there several times with Cheyenne herself answering the phone. After my release from prison I stopped by Ray & Nancy's house with Cheyenne answering the door, giving me a hug with no uneasiness between us at all.

I was able to see my son, Andrew Romero as often as I wanted at first, although my wife was very confrontational with me and wanted to argue about what I had done to Carly. She would often yell at me that I had "raped" Carly.

My only concern was seeing my son and getting a divorce from Raelani. She had moved on with her life and was living with another man, my only thoughts were to get a job, find a house to live in and see my son. All of which I accomplished. I was on Community Custody with Community Corrections Officer Debbie Walsh. **I took and passed each and every polygraph test that was given to me and I passed drug testing also.** I went through drug/alcohol counseling and received my GED while incarcerated.

As time went on, my wife started to withhold my son Andrew from me as well as my family. I was attempting to divorce Raelani and get my family plan put together when I found out about these new charges regarding Cheyenne.

As the trial proceeded, **I agreed to take another polygraph which would be specific to Cheyenne. I passed this test as well.** Cheyenne had written a letter to her mother after the slumber party stating that I had "raped" her, a word that my wife Raelani had used over and over again when yelling at me. In the interview with Cheyenne, the interviewer never asked Cheyenne where she had learned this word or had she heard it before. I don't believe that a girl her age would even know what this word meant. Why weren't the girls at this slumber party ever brought in for questioning? This letter was not permitted into trial.

When the discussion of whether or not to permit the Indecent Liberties charge in this new trial, there was a total misunderstanding of what ER404(b) was stating. Judge Dalton, my attorney Amy Muth and the prosecutor went round and round several times on each sentence that is written. Even though the jury was instructed NOT to judge someone on a past crime, in this day and age you mention a sex crime to anyone and the response is most likely going to be, "If they did it before, they will do it again".

It was specifically brought up at this time that Carly's sister Stormy, not be brought up in trial.

Everyone understood this. Her name was not to be brought up in court. But it happened not only once but twice. The jurors were immediately asked to leave the courtroom, Judge Dalton at this time made

the decision not to call a mistrial. The jurors were brought back in then Cheyenne mentions her again. This trial should've ended at this point, but it didn't. The state has these guidelines to follow for a fair trial but there was nothing fair about this trial. The odds were so stacked against me. One of the jurors even told my attorney that it was the first offense that was brought up that is why they came up with the guilty charge.

I will state now as I have stated in the beginning of this whole trial. I messed up once in my life. I paid dearly for my mistake! But I owned up to that mistake and went to prison and paid my price to society. I answered every question that they asked. I passed not only 1 polygraph but I believe I've taken about 12 so far. I have passed them all.

I did not commit this crime against Cheyenne. Not only did Cheyenne's mother ask her repeatedly if I had touched her, but it was also brought up in court that around Thanksgiving all the adult family members each took Cheyenne upstairs and asked her over and over if I had touched her and she at that time just as she had told her mother before, "No Jason never touched me".

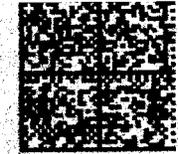
I believe that she had been questioned so much and had heard my estranged wife badger and belittle me so many times that when she attended this slumber party and the girls were telling their stories that Cheyenne came up with this story and once she had said it, she was too scared to say she was lying.

I respectfully request that the Court reverse this conviction of Child Molestation in the first degree and allow me to have a fair trial.

Date: 2/9/10

Signature: Jason P. Konner

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q/c Lowe ~~6~~

2/9/10