

COURT OF APPEALS  
DIVISION TWO  
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON )  
)  
Respondent, )  
)  
v. )  
)  
ANN MARIE SILVIS )  
(your name) )  
)  
Appellant. )

400685  
No. 08-1-04620-B  
STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

FILED  
COURT OF APPEALS  
DIVISION II  
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STATE OF WASHINGTON  
BY [Signature]  
DEPUTY

I, ANN MARIE SILVIS, 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

I KNEW OR SHOULD HAVE KNOWN MS FINLEY  
PARTICULARLY VULNERABLE OR INCAPABLE OF RESISTANCE.  
PAGES 1-6

Additional Ground 2

APPEAL BOND ISSUE.  
PAGES 1-8

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

Date: SEPTEMBER 13, 2010

Signature: [Signature]

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No. 08-1-04620-8

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Additional Ground 3

RESTITUTION

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Additional Ground 4

AGGRAVATING FACTOR

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Date: SEPTEMBER 13, 2010

Signature: *Cast.*

## GROUND 1

I KNEW OR SHOULD HAVE KNOWN MS FINLEY WAS PARTICULARLY VULNERABLE OR INCAPABLE OF RESISTANCE.

ON DECEMBER 4, 2009, THE COURT IMPOSED AN EXCEPTIONAL SENTENCE OF 171 MONTHS IN CONFINEMENT. THE ISSUE, I KNEW OR SHOULD HAVE KNOWN, MS FINLEY WAS PARTICULARLY VULNERABLE OR INCAPABLE OF RESISTANCE IS NOT A FAIR AND ACCURATE STATEMENT.

I WOULD LIKE THE COURT OF APPEALS TO REVIEW THIS ISSUE AND CASE, AND SEE THE TIME FRAME IN WHICH, I KNEW MS FINLEY. THIS TIME FRAME IS ALSO A TIME FRAME, THAT MS FINLEY HAD INTERACTION WITH OTHERS, BESIDES MYSELF. THROUGH OUT THE TRIAL, THE COURT ALLOWED "HEAR SAY" SOME, IF NOT ALL STATEMENTS DAMAGING TO THE DEFENSE. MS SYMONS GAVE HER OPINION STATEMENT, THAT MS FINLEY HAD EARLY SIGNS OF DEMENTIA. 339, 12-22 HOWEVER, WHEN DEFENSE COUNSEL TRIED TO SHOW OTHER WISE, THROUGH MEDICAL RECORDS, THE COURT WOULD NOT ALLOW THIS AS EVIDENCE. THIS WOULD HAVE SHOWN MS FINLEY'S MENTAL AND PHYSICAL STATE, AT THE TIME I KNEW HER (DECEMBER 2006 - AUGUST 2008). THE STATE MENTIONED NUMEROUS TIMES, HOW VULNERABLE MS FINLEY HAD BEEN, WHILE GIVING ME THOSE CHECKS, SHE INTENDED TO GIVE. SEVERAL STATE WITNESS' GAVE THIER TESTIMONY TO JUST THAT, THAT SHE

GROUND 1 CONT.

DID GIVE AND INTENDED TO GIVE ME THOSE CHECKS. THIS IS WHAT I NEED THE COURT OF APPEALS TO LOOK AT. THAT MS FINLEY NOT VULNERABLE, AT THE TIME I KNEW HER.

MS FINLEY DID A LOT OF ACTIVITIES, THAT REQUIRED HER TO HAVE A SHARP MIND, BE ORIENTED TO TIME AND PLACE AND MOST IMPORTANTLY, BE COMPETENT. THERE IS TESTIMONY TO THAT AS WELL, FROM STATE AND DEFENSE WITNESSES. THE COURT WOULD NOT ALLOW DEFENSE WITNESSES TO GIVE THEIR TESTIMONY OF MS FINLEY'S STATE OF MIND AND WHAT THEY KNEW OF HER MENTAL STATE. COURT STATING THAT "HEAR SAY", NOT BE GIVEN NOR OPINIONS. I DON'T KNOW THE SIGNS OF DEMENTIA, NOR DO I BELIEVE MS FINLEY HAD ANY MENTAL PROBLEMS. IF I KNEW OR SHOULD HAVE KNOWN THE VULNERABILITY OF MS FINLEY, THEN I WOULD ARGUE THAT OTHERS SHOULD KNOW THIS AS WELL. MS FINLEY, AT THE TIME I KNEW HER, WAS DOING BUSINESS WITH A FEW PROFESSIONAL PEOPLE ON VERY IMPORTANT MATTERS, NEEDING ONE TO BE OF SOUND MIND, SHARP AND MOST IMPORTANT, COMPETENT. THE COURT HEARD ABOUT ONE OF THOSE PROFESSIONALS, ART DILLE, A DEVELOPER. HE HAD A CONTRACT WITH MS FINLEY FOR THE PURCHASE OF HER HOME AND LAND, IN THE AMOUNT OF 1.5 MILLION DOLLARS. 305, 22-25. MS SYMMONS, STATED THAT MS FINLEY MADE HER OWN DECISIONS

GROUND 1 CONT.

ON THAT SELLING OF HER HOME, 40, 9-25,  
411, 13-25. MS FINLEY WAS STILL DOING  
 BUSINESS WITH ART DILLE, UP UNTIL  
 AUGUST 2008.

IN NOVEMBER 2006, MS FINLEY  
 MOVED HERSELF FROM ONE APARTMENT  
 COMMUNITY TO ANOTHER, WITH NO ASSISTANCE  
 FROM ANY ONE, 200, 18-22. THE HIRING OF  
 MOVERS, PACKING AND FILLING OUT AN  
 APPLICATION TO THE NEW APARTMENT.  
 ALL NEW RESIDENCE MUST BE SCREENED  
 AND EVALUATED, BEFORE ACCEPTANCE.

IN DECEMBER 2006, I MEET MS  
 FINLEY, JUST ONE MONTH AFTER HER MOVING  
 HERSELF. ONE YEAR LATER, DECEMBER 2007,  
 MS FINLEY MOVES TO ANOTHER COMMUNITY,  
 WHERE STATE WITNESS TESTIFIES, THAT MS  
 FINLEY, VERY ALERT AND SHORT TERM  
 MEMORY IN TACT. 718, 6-9.

IN APRIL 2008, MS HOLMES GIVES  
 HER TESTIMONY, THAT SHE WAS IMPRESSED  
 WITH MS FINLEY, FOR TAKING THE SHUTTLE TO  
 HER OFFICE, THAT MS FINLEY SHARP AND  
 VERY INDEPENDANT, MS HOLMES ALSO STATES  
 THAT MS FINLEY IS MENTALLY AND PHYSICALLY  
 AS SHE WAS IN DECEMBER 2007.

IN JANURARY 2009, STATE ASKS THE  
 COURT TO GRANT THE STATE TO DO A VINED  
 DEPOSITION ON MS FINLEY, STATING IF STATE  
 DOESNT GET MS FINLEYS TESTIMONY STATE  
 DOESNT HAVE A CASE. THAT MS FINLEY WILL  
 NOT BE ABLE TO GIVE HER TESTIMONY BY THE  
 TIME OF THE TRIAL, 2, 16-17, 3, 2-12, 130, 1-3.

GROUND 1 CONT.

THE STATE MAKES A STATEMENT, THAT MOST IMPORTANTLY IN THIS CASE, IS HER MENTAL HEALTH, THAT MS FINLEY, CURRENTLY COMPETENT. THIS AS OF JANUARY 2009.

FEBRUARY 2009, THE VIDEO DEPOSITION OF MS FINLEY IS DONE. THE COURT, UPON REVIEWING THE VIDEO DEPOSITION, MAKES FINDING THAT MS FINLEY IS COMPETENT AND THE VIDEO DEPOSITION WILL BE ABLE TO BE VIEWED, IF SHE IS INCOMPETENT, AT TIME OF TRIAL.

I BROUGHT THIS ISSUE TO THE COURT OF APPEALS, TO SHOW THE INCONSISTANCY THE STATES THEORY, MS FINLEY NOT COMPETENT AND VULNERABLE. THERE ARE NUMEROUS TESTIMONY OF MS FINLEY'S STATE OF MIND. COMING FROM MS SYMONDS, MS MCCULLOUGH, MS HOLMES AND DETECTIVE VISNAW, ALL GIVING DIFFERENT STATEMENTS AT DIFFERENT TIMES. DEFENSE COUNSEL TRIED TO DEFEND MY WITNESS'S AND MY STATEMENTS, THROUGH OUT THIS TRIAL, TRYING TO SHOW THAT AT THE TIME I KNEW MS FINLEY, SHE WAS INDEPENDANT, OF SOUND MIND AND COMPETENT, AS TESTIMONY SHOWS AS WELL. I AM MADE TO BE HELD ACCOUNTABLE WITH 171 MONTHS OF CONFINEMENT, ON STATES THEORY, THAT I KNEW OR SHOULD HAVE KNOWN MS FINLEY WAS PARTICULARLY VULNERABLE OR INCAPABLE OF RESISTANCE.

IN AUGUST 2008, MS FINLEY HAS HER LAWYER, MS HOLMES DRAFT A NEW

GROUND 1 CONT

POWER OF ATTORNEY, THE SIGNER BEING MS FINLEY. DEFENSE COUNSEL ASKS MS HOLMES, IF HER CLIENTS MUST BE COMPETENT TO EXECUTE A NEW POWER OF ATTORNEY THAT OF WHICH IS A LEGAL BINDING DOCUMENT? MS HOLMES ANSWER, "CORRECT", HER CLIENTS MUST BE COMPETENT. 438, 5-18. MS HOLMES STATES THAT SHE MADE SURE MS FINLEY UNDERSTOOD WHAT SHE WAS EXECUTING, THAT SHE WANTED TO DO IT AND DID IT VOLUNTARILY. 438, 24-25.

MY QUESTION HAS BEEN, THAT IF MS HOLMES EXECUTED A POWER OF ATTORNEY FOR MS FINLEY, HER CLIENT THAT IS SAID TO BE COMPETENT TO EXECUTE SUCH DOCUMENT, WHY IS IT THAT MS FINLEY IS NOT COMPETENT OR OF SOUND MIND WHEN GIVING ME THOSE CHECKS, THAT SHE, HER SELF STATES, SHE GAVE ME AND INTENDED TO GIVE ME THEM. IN THE SAME TIME FRAME, BOTH MS HOLMES AND ART DILLE ARE DOING BUSINESS WITH MS FINLEY ON VERY IMPORTANT LEGAL MATTERS,

IN AUGUST 2008, MS SYMMONS FILES A RESTRAINING ORDER ON BE HALF OF HER VULNERABLE ADULT ALIEN, MS FINLEY. THIS RESTRAINING ORDER IS ON ME. 393, 3.

IN AUGUST 2008, MS HOLMES GIVES STATEMENT TO PUYALLUP POLICE DEPARTMENT, THAT MS FINLEY IS NOT OF SOUND MIND. 440, 16-24

IN SEPTEMBER 2008, ONE MONTH AFTER MS FINLEY IS SAID TO BE INCOMPETENT, MS HOLMES EXECUTES ANOTHER LEGAL BINDING DOCUMENT FOR HER CLIENT MS

GROUND 1 CONT

THE DOCUMENT IS A CIVIL SUIT, ON MY HUSBAND AND MY SELF.

I DID NOTHING TO FORCE MS FINLEY NOR WAS THERE ANY EVIDENCE THAT I FORCE MS FINLEY TO WRITE THOSE CHECKS. THE EVIDENCE CERTAINLY FAILS. THERE IS TESTIMONY INDICATING THAT MS FINLEY INTENDED TO GIVE THOSE CHECKS, OF WHICH I AM CONVICTED. THERE IS A BIG DIFFERENCE IN, IF SOMEONE HAD FORGOTTEN AND DOESNT REMEMBER, THEN THEY DIDNT WRITE THEM AT ALL. MS FINLEY CLEARLY STATES AND WITNESS'S ALSO CONFIRM HER INTENTIONS, THROUGH OUT THE TRIAL. 5, 4-8. THE CHECKS WERE GIVEN TO ME VOLUNTARILY AND WILLINGLY. MS FINLEY WAS SHOWN EACH AND EVERY CHECK THAT RELATED TO THOSE COUNTS AND SHE INDICATED IN HER TESTIMONY VERY CLEARLY, THOSE CHECKS WERE IN HER HAND AND THERE WAS NO CHANGES ON THOSE CHECKS. THE COURT AT THE TIME OF SENTENCING, STATED THAT MS FINLEY DID GIVE YOU THE MONEY, BUT DOESNT REMEMBER HOW MUCH. ONE OF THE MOST PROTECTED RIGHTS IS TO HAVE AN EFFECTIVE REPRESENTATION UNDER THE SIXTH AMENDMENT, THAT'S PROBABLY THE MOST IMPORTANT PART OF OUR CRIMINAL JUSTICE SYSTEM, THAT OF EFFECTIVE REPRESENTATION. PROCESSING CASES AND REACHING CONCLUSIONS IS AN IMPORTANT ISSUE FOR THE COURT. JUSTICE IS IMPORTANT, AFFORDING ME MY DUE PROCESS.

## GROUND-2 APPEAL BOND

THIS ISSUE OF THE APPEAL BOND IS A CONCERN I HAVE HAD, BECAUSE I WAS NOT GIVEN THE RIGHT TO AN APPEAL BOND. I THINK EVERYONE HAS THE RIGHT TO AN APPEAL BOND, OR BE GIVEN REASONS FOR THE COURTS DECISION I WAS DENIED.

DEFENSE COUNSEL REQUESTED FOR AN APPEAL BOND 18, 17-19, ASKING THAT I BE RELEASED ON AN APPEAL BOND, PENDING THE COURTS (APPEALS COURTS) DECISION. THE COURT WAS INFORMED, THAT I HAD NO FELONY HISTORY, NO MISDEMEANOR HISTORY NOR DO I HAVE A JUVENILE HISTORY. I HAVE NO CRIMINAL HISTORY WHAT SO EVER. I MADE ALL COURT APPOINTED APPEARANCES, NEVER BEING LATE OR DISRESPECTFUL TO THE COURT. MY HISTORY DEMONSTRATES THE LIKELIHOOD OF RE-OFFENSE, VERY VERY SLIM. CERTAINLY AFTER THIS EXPERIENCE THAT EVERYONE HAS GONE THROUGH, INCLUDING MS FINLEY, MY LIFE HAS BEEN CHANGED FOR EVER. I HAVE TWO SONS, AND ALOT OF WOMEN INCARCERATED DO. THERE ARE PROGRAMS, SUCH AS "FOSA" FAMILY AND OFFENDERS SENTENCING ALTERNATIVE SUBSTITUTE. SENATE BILL 6639. IT IS MEANT FOR MOTHER GETTING HELP TO GET HOME TO THIER CHILDREN SOONER. TO HAVE THIER MOTHERS HOME, COULD MEAN, KEEPING THE CHILDREN FOCUSED AND STAY OUT OF TROUBLE. THE WOMEN GO THROUGH TRAINING, TO FOCUS ON THIER CHILDREN AND THIER GOALS. THE CHILDREN HAVE TO HAVE

GROUND 2 CONT.

A PROMISING FUTURE AND NOT FOLLOW IN THEIR MOTHERS FOOT STEPS. I DO NOT QUALIFY FOR THIS PROGRAM, I HAVE MORE THEN 18 MONTHS LEFT. I AM ASKING I GET AN APPEAL BOND AT THIS TIME, PENDING THE COURT OF APPEALS DECISION. I THEN CAN BE OUT, USE MY TIME AND KEEP MY YOUNGER SON FOCUSED ON HIGH SCHOOL AND KEEP HIS GOALS AND FUTURE SET. I UNDERSTAND I PUT MY FAMILY IN THIS POSITION, MY SONS HAVE ALWAYS HAD ME THERE FOR THEM. I KNOW I WOULD BE A TREMENDOUS HELP TO MY SONS. APPEALS MAY TAKE ANY WHERE FROM 1 OR MORE YEARS. I GOT MY OLDER SON THROUGH HIGH SCHOOL, I WOULD HOPE THE YOUNGER ONE GOT THAT SAME OPPORTUNITY. I AM NOT SURE ONE CAN ASK FOR OR BE GRANTED AN APPEAL BOND, AT THIS POINT, I HAVE BEEN INFORMED IT IS NOT UNHEARD OF.

AFTER THE GUILTY VERDICT WAS READ, THE COURT LET ME OUT ON MY OWN RECOGNIZANCES, FOR TWO AND A HALF WEEKS. I THEN RETURNED TO THE COURT TO HAVE MY SENTENCE READ. I WILL SAY, I AM NOT A THREAT TO SOCIETY AND WILL HAVE RESPECT FOR THE COURT OF APPEALS DECISION. I DO NOT KNOW THE COURTS REASONING DENING ME AN APPEAL BOND, BUT AT THIS TIME I WOULD ASK THE COURT OF APPEALS TO DO JUST THAT, AND SET ME AN APPEAL BOND.

GROUND 3

RESTITUTION

THE COURT HAS SET THE RESTITUTION IN THE SAME AMOUNT, THAT IS EQUIVALENT TO THE EQUITY IN THE FAMILY HOME, AND THE SAME AMOUNT OF THE CIVIL LAWSUIT FILED BY MS FINLEY, SEPTEMBER 2009.

AS LONG AS I AM INCARCERATED I HAVE NO POSSIBLE MEANS TO PAY THAT AMOUNT. BERGMAN V. STATE 8, 21-25. WHICH IS AT 187 WASHINGTON 622. IN BERGMAN, THAT IF A PARTY IS CONVICTED OF A CRIME FOR WHICH HE ALONE COULD BE AND WAS PROSECUTED AND CONVICTED FOR, THE JUDGEMENT, BOTH AS TO THE PENALTY AND TO ITS INCIDENT, THE COST OPERATED UPON HIM AND HIM ALONE. IF THE COST BE CONSIDERED AS A DEBT OR CIVIL OBLIGATION, IT WAS HIS DEBT, NOT THAT OF THE MARITAL COMMUNITY AND THAT IS THE LAW THAT THE COURT IS BOUND BY IN THIS PARTICULAR CASE.

THERE WAS NO FINDING IN THIS CASE, THAT THE CRIMES WERE COMMITTED IN FURTHERANCE OF THE MARITAL COMMUNITY. THE PENDING TORTE CASE IS EQUAL TO RESTITUTION AS STATED BEFORE, I THINK IN LIGHT OF BOTH BERGMAN AND THE FACT THAT THE JURY DID NOT MAKE ANY FINDING THAT THOSE FUNDS WERE SECURED IN FURTHERANCE OF THE MARITAL COMMUNITY, THE ENTIRE

GROUND 4

AGGRAVATING FACTOR

FOLLOWING A TRIAL, BEFORE THE HONORABLE FRANK E. CUTHERTSON. A JURY FOUND ME GUILTY OF 15 COUNTS OF THEFT IN THE FIRST DEGREE, WITH AGGRAVATING FACTOR OF EACH COUNT. 19, 15-18. THERE CAN ONLY BE ONE AGGRAVATING FACTOR FOUND, THAT IN FACT, WHAT THE JURY FOUND WAS ONE AGGRAVATING FACTOR OF A VULNERABLE ADULT, NOT 15. IT WAS ONE FACTOR AND IT SHOULD HAVE BEEN CONSIDERED ONE FACTOR BY THE COURT. UNDER RCW 9.94A.589 SAME COURSE CONDUCT. I DONT KNOW IF THE COURT CONSIDERED THE SAME COURSE CONDUCT WITH COUNT 7 AND 8, BOTH FROM DECEMBER. IN ADDITION THE ANTI-MERGER DOCTRINE RCW 9.94A 400. TWO OF THREE MUST APPLY. SAME VICTIM, SAME CONDUCT, AND SAME PLACE. ALL THE COUNTS HAVE TWO OF THE THREE. THE JURY WAS NOT INSTRUCTED TO FIND ONE AGGRAVATING FACTOR ON ONE COUNT OR FOR EACH AND EVERY COUNT. IT IS NOT IS DIFFERENT FACTORS, IT IS ONLY ONE.

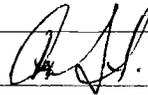
CONCLUSION

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FOR REASONS I HAVE STATED IN  
MY STATEMENT OF ADDITIONAL GROUNDS  
FOR REVIEW AND THAT OF MY APPEAL  
LAWYERS BRIEF AND AS JUSTICE  
REQUIRES, THIS COURT SHOULD REVERSE  
AND REMAND FOR A NEW AND FAIR TRIAL.

DATED THIS 13<sup>th</sup> DAY OF SEPTEMBER 2010

RESPECT FULLY SUBMITTED,



ANNA MARIE SILVIS

DOC. # 336560