

CERTIFICATE OF SERVICE

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

I certify that I mailed
1 copies of SAG
to App Counsel P. Petrick
& Pres. office / Skinda
12/22/10
Date Signed

FILED
COURT OF APPEALS
DIVISION II

10 DEC 22 PM 12: 24

40406-1
No. 09-1-01648-1
STATE OF WASHINGTON
DEPUTY

STATE OF WASHINGTON)
Respondent,)
v.)
BRANDON D. L. CORDER)
(your name))
Appellant.)

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, BRANDON CORDER, 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.

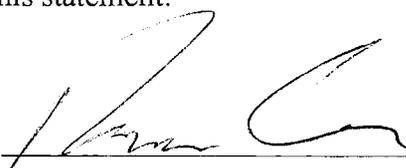
Additional Ground 1

INEFFECTIVE COUNSEL.

Additional Ground 2

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

Date: _____

Signature: 

Under both W.A. Con. Article 1 section 22 and U.S. Con. 6th amendment the Defendant in any criminal prosecution is entitled to effective assistance of counsel. The standard for judging claims of ineffective assistance of counsel under the sixth amendment is whether counsels conduct so undermined the proper functioning of the adversary process. That the trial cannot be relied upon as having produced as result.

Strickland VS Washington 466 54 668, 686, 80 L.E.D 2d. 674, 104 S. ct 2052 (1984) In determining whether counsels assistance has met the standard the Supreme Court has set a two part test.

First a convicted defendant must show that the trial counsels performance, fell below that requires of a reasonable competent defense of attorney .

Second the Defendant must go on to show that counsels conduct causes prejudice. Strickland, 466 US At 687,80 L.E.D. 2D At 2064 - 65.

The test for prejudice is whether there is a reasonable probability that, but for the counsels professional errors, the result in the proceeding would have been different. A reasonable probability is a probability sufficient to undermine to undermine confidence in the outcome. Church VS Kinchelse, 767 F. 2D 639,643 (9th cir. 1985) (citing Strickland 466 US At 69480 L.E.D 2D at 698, 104 S. CT. at 2068) In essence the standard under the WA Const. is identical. State VS. Cobb, 22,wn,App.221,589 P. 2D, 297 (1978) counsel must have failed to act as a reasonably prudent attorney. State VS. Johnson, 29 WN. App, 807 637 p. 2D, 413 (1981) counsels ineffective assistance must have caused prejudice to client.

Mr. Jimersons conduct leading up to and including trial very easily meets the criteria of both test in a finding of ineffective assistance of counsel. Shortly after making bond I had the first and the only meeting with Mr. Jimerson to discuss my case. The first thing discussed was the states offer of the plea

agreement for 58 months, I immediately rejected this offer. I explained what went on the night in question October 17, 2009. I was at the Passage of India Bar and Restaurant. That passage of India is located at 810 Sleater Kinney Road Southeast, Lacey, WA. I was there from 8pm until 2am which could be confirmed by Jolene Hill the bartender on that night. I stayed until closing and escorted her to her car. At that time I drove to the New Hope Community Church on 2425 Black Lake Blvd. Olympia, WA. I drove 7.4 miles away to sleep in my SUV. I was sleeping in my vehicle due to my lease running out on my apartment and the new apartment wasn't ready to move into yet due to painting and new carpet going in. I chose the church parking lot because it was off the road and quiet dark safe place where I wouldn't be bothered. It took me approximately 15 min to drive there. I proceeded to walk my two dogs before bedding down for the night. While walking next to the church I noticed a door propped open by a chair. I thought this was odd so I was the only other vehicle in the lot. I returned my dogs to my SUV and checked my cell phone it didn't have a signal. I grabbed my black metal maglite flash light and I went to go investigate. This was closely to 2:20am. I remember this cause I checked my phone. As I entered the church through the open door and went downstairs I didn't see or hear anyone as I walked back up the stairs and headed for the door. I saw two figures outside and it startled me. I didn't know who it was. I retreated to the stair well to hide. Approximately 25 minutes later I heard someone yell "Olympia Police come out." So I revealed and I proceeded to follow all instructions. I was placed under arrest and put in the back of the police car. No one asked me what I was doing in there. I thought for sure next day a detective would speak to me. It never happened. Mr. Jimerson at this time said it would be difficult to prove and I should give the plea deal some thought. I told him "No way, I will plead guilty for a crime I did not commit." I gave him contact information for Jolene Hill, Randy Hill, Carl Jurgens, and Linda Jurgens to call as witnesses. He told me he had two pending murder cases at this time and he wouldn't have much time for my case. So he would be asking for a continuance. He expected we would go to trial in March. I was surprised on January 13, 2010 when Jimerson stated he

was ready for trial. I immediately became worried. I didn't have any meetings with Mr. Jimerson to discuss what he thought on my witness, or to work on my testimony. That day I contacted three other attorneys and they all three suggested I ask for a continuance to give me time to get the money from my grandmother for the retainer. I called all week leaving numerous messages for Mr. Jimerson leaving my phone number telling him I needed a continuance, as he testified to in court 24,25 RP5 and 1-17 RP,6. Judge Mcphee denied my continuance 18-25 RP6 and 1-11 RP,7. There was a valid reason for a continuance for the other reason that there was evidence and witness that were not brought forth by Mr. Jimerson. He nor his officer ever contacted my witnesses, or even looked into anything pertaining to my case. This is proven by not one witness on my behalf in court, and Mr. Jimerson's comments made during sentencing arguments on February 2, 2010. Mr. Jimerson couldn't get his facts straight thinking I had just been released from prison in 2009. When actually I was release back in February 2007. 1-11Rp.6 I could have easily proven I had been successful since my release. 4-25 Rp.8 and 1-4 Rp.9 I think that this shows some of the missteps made by Mr. Jimerson. The major ones were not even contacting the main witness Jolene Hill. That establishes a time line that made the crime virtually impossible. Officer Watkins testimony that shortly after 2am, he arrived on scene. 14-25 Rp. 13 9-10 Rp. 14 H CS Backup officer Houda testified he arrived at 2:28am. 3-6 Rp.51 Jolene Hills testimony would have put reasonable doubt on the massive damage done. Her timeline of me walking her to her vehicle shortly after closing at 2am. It's a 7.4 mile drive from point A to point B. As showed by the map included with this statement. There was significant amount of damage done to the church that night. 15-24 Rp. 70. There was an attempt to break into a hidden safe. One hidden so well that Klaus Neubert a parishioner and maintenance man of 7 years, 5,6 Rp.71, didn't know it was there. 6-8 Rp 73. I am confident that if Mr. Jimerson brought forth the evidence I have included with this statement, the same exact packet of evidence I offered him at our only meeting verdict would have been not guilty, or convicted of a lesser charge of criminal trespass. That was not an option was not available. Sorry this

statement is a little long winded but I had to get my side of the story out there since no one was interested in it anytime during the whole process. I was considered guilty, not innocent till proven different. I am only asking for a fair trial in which all the evidence and witnesses are brought forth, with a complete counsel. Mr. Jimerson actions more than meet all the tests put forth to find the lack of an effective counsel. In witch I ask to Reverse this conviction. So I can have a fair swing at this charge.

Thank you for your time and consideration.

Sincerely,

Brandon David Lee Corder

VOID CORRECTED

PAYER'S name, street address, city, state, ZIP code, and telephone no. Sprinter Trucking, Inc. P.O. Box 1539 368 Dillard Gardens Road Winston, OR 97496 541-679-2000		1 Rents	OMB No. 1545-0115		Miscellaneous Income
		\$	2007 Form 1099-MISC		
PAYER'S federal identification number 93-1193402		2 Royalties			4 Federal income tax withheld \$
		\$			
RECIPIENT'S identification number 53-4885519		3 Other income	6 Medical and health care payments \$		For Privacy Act and Paperwork Reduction Act Notice, see the 2007 General Instructions for Forms 1099, 1098, 5498, and W-2G.
RECIPIENT'S name Brandon D Corder Brandon D Corder		5 Fishing boat proceeds			
Street address (including apt. no.) 107 Foster Road		\$ 67158.20			
City, state, and ZIP code Montesano WA 98563		7 Nonemployee compensation			
Account number (see Instructions)		8 Substitute payments in lieu of dividends or interest	9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input type="checkbox"/>		10 Crop insurance proceeds \$
2nd TIN not <input type="checkbox"/>		11	12		
13 Excess golden parachute payments \$		14 Gross proceeds paid to an attorney \$		15a Section 409A deferrals \$	
15b Section 409A income \$		16 State tax withheld \$			17 State/Payer's state no. \$
18 State income \$		19 State/Payer's state no. \$		20 State income \$	
21 State/Payer's state no. \$		22 State income \$			

VOID CORRECTED

PAYER'S name, street address, city, state, ZIP code, and telephone no. Sprinter Trucking, Inc. P.O. Box 1539 368 Dillard Gardens Road Winston, OR 97496 541-679-2000		1 Rents \$	2 Royalties \$	OMB No. 1545-0115 2008 Form 1099-MISC	Miscellaneous Income
PAYER'S federal identification number 93-1193402		RECIPIENT'S identification number 53-4885519		3 Other income \$	
RECIPIENT'S name, street address (including apt. no.), city, state, and ZIP code Brandon D Corder Brandon D Corder 107 Foster Rd Montesano WA 98563		5 Fishing boat proceeds \$	6 Medical and health care payments \$	Copy C For Payer or State Copy	
Account number (see instructions)		2nd TIN not. <input type="checkbox"/>	7 Nonemployee compensation 117798.70 \$	8 Substitute payments in lieu of dividends or interest \$	For Privacy Act and Paperwork Reduction Act Notice, see the 2008 General Instructions for Forms 1099, 1098, 5498, and W-2G.
15a Section 409A deferrals \$	15b Section 409A income \$	13 Excess golden parachute payments \$	10 Crop insurance proceeds \$	14 Gross proceeds paid to an attorney \$	
16 State tax withheld \$		17 State/Payer's state no. \$	18 State income \$		

VOID CORRECTED

PAYER'S name, street address, city, state, ZIP code, and telephone no. Sprinter Trucking, Inc. P.O. Box 1539 368 Dillard Gardens Road Winston, OR 97496 541-679-2000		1 Rents \$	2 Royalties \$	OMB No. 1545-0115 2009 Form 1099-MISC	Miscellaneous Income
PAYER'S federal identification number 93-1193402	RECIPIENT'S identification number 53-4885519	3 Other income \$	4 Federal income tax withheld \$	Copy C For Payer or State Copy	
RECIPIENT'S name, street address (including apt. no.), city, state, and ZIP code Brandon D Corder Brandon D Corder 107 Foster Rd Montesano WA 98563		5 Fishing boat proceeds \$	6 Medical and health care payments \$		For Privacy Act and Paperwork Reduction Act Notice, see the 2009 General Instructions for Forms 1099, 1098, 3921, 3922, 5498, and W-2G.
Account number (see instructions)		7 Nonemployee compensation 21724.37 \$	8 Substitute payments in lieu of dividends or interest \$		
		9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input type="checkbox"/>	10 Crop insurance proceeds \$		
11	12	13 Excess golden parachute payments \$	14 Gross proceeds paid to an attorney \$		
15a Section 409A deferrals \$	15b Section 409A income \$	16 State tax withheld \$	17 State/Payer's state no.	18 State income \$	



October 25, 2010

I, Jolene Hill am writing this affidavit stating that Attorney Robert Jimerson never tried to contact me on behalf of Brandon Corder.

I was at the Passage to India restaurant/bar on October 17, 2009 working until closing time; 2:00 am. Brandon Corder was also there until 2:00 am, he walked me to my car after my shift.

I also was not contacted to be a character witness for Brandon Corder by Attorney Robert Jimerson or anyone else from his office.

Sincerely,

Jolene Hill



STATE OF Washington
COUNTY OF Thurston

Personally appeared before me, the undersigned authority in and for the county and state aforesaid, Jolene Hill, who acknowledged that she/he signed the foregoing instrument on the day and year therein mentioned as her/his act and deed.

Witness my official act this 29 day of Oct 2010.



Judith A. Roderick
Notary Public
Expires May 15, 2013

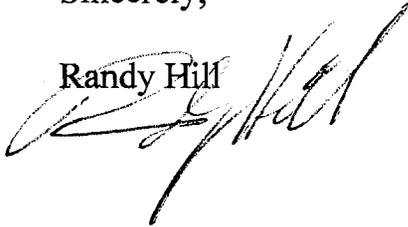
October 25, 2010

I, Randy Hill am writing this affidavit stating that Attorney Robert Jimerson never tried to contact me on behalf of Brandon Corder.

My name was given to said attorney to be a character witness for Brandon Corder and I was not contacted by Attorney Robert Jimerson or anyone else from his office.

Sincerely,

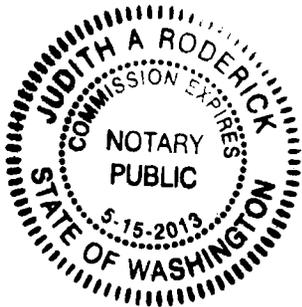
Randy Hill



STATE OF Washington
COUNTY OF Thurston

Personally appeared before me, the undersigned authority in and for the county and state aforesaid, Randy Hill, who acknowledged that she/he signed the foregoing instrument on the day and year therein mentioned as her/his act and deed.

Witness my official act this 29 day of Oct 2010.



Judith A. Roderick
Notary Public
Expires May 15, 2013

October 29, 2010

I, Karl Jurgens, II am writing this affidavit stating that Attorney Robert Jimerson never tried to contact me on behalf of Brandon Corder. My name was given to said attorney to be a character witness for Brandon Corder and I was not contacted by Attorney Robert Jimerson or anyone else from his office.

Sincerely,

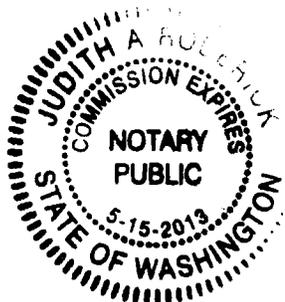
Karl Jurgens, II



STATE OF Washington
COUNTY OF Thurston

Personally appeared before me, the undersigned authority in and for the county and state aforesaid, Karl Jurgens, who acknowledged that she/he signed the foregoing instrument on the day and year therein mentioned as her/his act and deed.

Witness my official act this 29 day of Oct 2010.



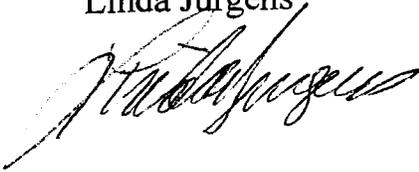
Judith A. Roderick
Notary Public
Expires May 15, 2013

October 29, 2010

I, Linda Jurgens am writing this affidavit stating that Attorney Robert Jimerson never tried to contact me on behalf of Brandon Corder. My name was given to said attorney to be a character witness for Brandon Corder and I was not contacted by Attorney Robert Jimerson or anyone else from his office.

Sincerely,

Linda Jurgens



STATE OF Washington
COUNTY OF Thurston

Personally appeared before me, the undersigned authority in and for the county and state aforesaid, Linda Jurgens, who acknowledged that she/he signed the foregoing instrument on the day and year therein mentioned as her/his act and deed.

Witness my official act this 29 day of Oct 2010.



Judith A. Roderick
Notary Public
Expires May 15, 2013



Directions to 810 Sleater Kinney Rd SE, Lacey, WA 98503
7.4 mi – about 16 mins

Save trees. Go green!
 Download Google Maps on your phone at google.com/gmm



 2425 Black Lake Blvd SW, Olympia, WA 98512

- | | | |
|---|---|---------------------------|
| | 1. Head northeast on Black Lake Blvd SW toward 21st Ave SW
About 5 mins | go 2.0 mi
total 2.0 mi |
|  | 2. Turn right at Harrison Ave NW
About 1 min | go 0.6 mi
total 2.6 mi |
| | 3. At the traffic circle, take the 1st exit onto Olympic St W | go 0.1 mi
total 2.7 mi |
|  | 4. Slight right to stay on Olympic St W | go 105 ft
total 2.7 mi |
| | 5. At the traffic circle, take the 3rd exit onto 4th Ave W
About 3 mins | go 0.9 mi
total 3.6 mi |
|  | 6. Turn right at Plum St SE
About 2 mins | go 0.6 mi
total 4.2 mi |
|  | 7. Merge onto I-5 N via the ramp to Tacoma/Seattle
About 3 mins | go 2.7 mi
total 6.9 mi |
|  | 8. Take exit 108 for Sleater-Kinney Rd toward College St | go 0.1 mi
total 7.0 mi |
|  | 9. Take exit 108A for Sleater-Kinney Rd S | go 0.1 mi
total 7.1 mi |
|  | 10. Turn right at Sleater Kinney Rd SE
Destination will be on the left
About 1 min | go 0.3 mi
total 7.4 mi |

 810 Sleater Kinney Rd SE, Lacey, WA 98503

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2010 Google

Directions weren't right? Please find your route on maps.google.com and click "Report a problem" at the bottom left.

PATIENT: CORDER, BRANDON D AGE: 27 years old EXAM DATE: 03/18/09

SUBJECTIVE

CHIEF COMPLAINT: Right wrist injury.

MEDICATION: Vicodin

ALLERGIES: .No Allergies Reported

HPI: Patient is a 27 years old male with a 15 day history of falling off a 4 foot high trailer. He landed on his outstretched right upper extremity. It remained painful and he sought medical attention on March 10. He is referred from the emergency room. He is right hand dominant.

SOCIAL HISTORY: Alcohol - Rarely; Drug Use: Never; Marital Status: Single; Tobacco: Never Smoked

FAMILY HISTORY: Parents: Father-Living; Parents: Mother-Living

ILLNESSES: Fatigue; fever; Joint pain; joint stiffness & swelling; Loss of Appetite; swelling of feet,ankles,hands; weakness of muscles or joints

OPERATIONS: . No operations reported

ROS: Health questionnaire dated today was reviewed with no changes noted.

OBJECTIVE

Vitals: **HEIGHT: 5`8.5" WEIGHT: 304 lbs 0 oz BMI: 46.2 PULSE: 90 B/P Sitting: 154/108 B/P Standing: 0/0**

PHYSICAL EXAM: The patient is well-developed, well-nourished, and in no acute distress . Eyes are clear . Respirations are nonlabored . There is no clubbing or cyanosis . Affect is calm. There are no rashes. This pain on palpation about the dorsal aspect of his wrist. There is moderate edema about the dorsal aspect of his wrist. There is no evidence of instability on exam. Wrist range of motion is limited by pain only in dorsiflexion. There are no focal motor or sensory neurologic deficits. Distal capillary refill is brisk. His skin is warm and dry.

X-Rays: Review of radiographs taken in the emergency room dated March 10, 2009 reveal no bony abnormality.

Procedure: Cock-up wrist splint application.

ASSESSMENT

Diagnosis: 842.00-SPRAIN AND STRAIN OF UNSPEC SITE OF WRIST

CPT: 99203-OFFIC/OUTPT E&M NEW MOD SEVER 30MIN

1. Right wrist sprain.

PLAN

Prescription: No data for Prescription

1. This represents a dorsal impaction injury. I recommend he wear his brace and also try a course of occupational therapy to improve his range of motion. I will see him in three weeks to assess his continued progress.



Gregory K. May, M.D.

c: GAIT - 491010214 (4/21/09)

Report Date: December 01, 2010 **Patient:** CORDER, BRANDON D **DOS:**

This document was generated in part using voice recognition software. Although every effort is made to edit the content, transcription errors may occur.

PATIENT: CORDER, BRANDON D AGE: 27 years old EXAM DATE: 04/08/09

SUBJECTIVE

CHIEF COMPLAINT: Right wrist sprain.

HPI: Patient is a 27 years old male who returns for follow-up of the above. It has been five weeks since his injury. He notices pain is significantly improved, but is definitely not gone. He thinks his motion is improving slightly.

OBJECTIVE

Vitals: HEIGHT: 5`8" WEIGHT: 305 lbs 6 oz BMI: 46.4 PULSE: 85 B/P Sitting: 148/95 B/P Standing: 0/0

PHYSICAL EXAM: He has minimal right wrist dorsiflexion secondary to pain. There is pain on palpation about the dorsal aspect of his wrist. There is minimal edema. There are no focal motor or sensory neurologic deficits. Distal capillary refill is brisk.

X-ray: None .

Procedure: None .

ASSESSMENT

Diagnosis: 842.00-SPRAIN AND STRAIN OF UNSPEC SITE OF WRIST
CPT: 99213-OFFIC/OUTPT E&M ESTAB LOW-MOD 15MIN

- 1. Right wrist sprain.

PLAN

Prescription: No data for Prescription

- 1. I recommended he continue occupational therapy working on wrist extension. I will see him in four weeks to assess his continued progress.



Gregory K. May, M.D.

c: GAIT - 491010214 (4/21/09)

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PATIENT: CORDER, BRANDON D AGE: 28 years old EXAM DATE: 05/06/09

SUBJECTIVE

CHIEF COMPLAINT: Right wrist sprain.

HPI: Patient is a 28 years old male who returns for follow-up of the above. It has been nine weeks since his injury. It has been four weeks since he was last seen.

OBJECTIVE

Vitals: HEIGHT: 5`8" WEIGHT: 311 lbs 0 oz BMI: 47.3 PULSE: 80 B/P Sitting: 166/98 B/P Standing: 0/0

PHYSICAL EXAM: His grip strength is approximately one half the opposite side. Range of motion is full. There is mild edema about his wrist. There is pain on palpation about his extensor carpi radialis longus tendon near its insertion. There is no evidence of wrist instability. There are no focal motor or sensory neurologic deficits. Distal capillary refill is brisk. His skin is warm and dry.

X-ray: None .

Procedure: None .

ASSESSMENT

Diagnosis: 842.00-SPRAIN AND STRAIN OF UNSPEC SITE OF WRIST

CPT: 99213-OFFIC/OUTPT E&M ESTAB LOW-MOD 15MIN

1. Right wrist sprain.

PLAN

Prescription: No data for Prescription

1. I recommended continued occupational therapy. I will see him in three weeks to assess his continued progress. No changes were made in his employment status. He is not yet released to return to work.



Gregory K. May, M.D.

c: GAIT - 491010214 (6/4/09)

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