

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON)
)
Respondent,)
)
v.)
)
CHRISTOPHER AHLSTEDT,)
(your name))
)
Appellant.)

No. 41234-9-II

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, Chris Ahlstedt, 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

Prosecutor Misconduct - Vouching: Deputy Prosecutor Troberg did lend the weight and credibility of his office and station to vouch for the credibility of Mr. Tyson as an expert witness, when he was not qualified at all. 6RP 27. "Mr. Tyson be qualified as an expert in interpreting these 969b packs", did not meet the standard of a certified copy of conviction required for a crime to count as a prior. Rita v. United States, No. 06-5754 (U.S. 2007). State v. Lopez, 147 Wn.2d 482; State v. Ammons, 105 Wn.2d 175, 186 (1986).

Additional Ground 2

Prosecutor Misconduct - Vouching: Deputy Prosecutor Troberg did lend lend the credibility to vouch for Sara Hughes, his star witness, "She didn't make up a story to try and tell you to save her husband or anything". 5RP 45. United States v. Necochea, 986 F.2d 1273, 1276 (9th Cir. 1993). This statement was clearly improper as it totally discredited defendant's wife, Sara Ahlstedt, and constituted impermissible vouching for Sara Hughes. U.S. v. Combs, 379 F.3d 564 574-76 (9th Cir. 2004).

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

Date: 5-24-11

Signature:

11-22-11

ADDITIONAL GROUND 3

Prosecutor Misconduct - Vouching: Deputy Prosecutor Troberg did lend the credibility and weight of his office and station to vouch for the credibility and accuracy of the State's leading Forensic scientist, Lisa Collins, Washington State Patrol Crime Lab DNA Supervisor, and totally mislead the jury in doing so with mis-fact. "The forensic scientist also tells us that Mr. Ahlstedt's DNA is on the handle of the knife and clearly handled it, and Mr. Beauchesne is excluded as a substantial source of any DNA on the handle. What this means is that by inference Chad did not handle the knife. Mr. Ahlstedt did that." 5RP 23-24.

Prejudice was overwhelming as the above statement to the jury made them think that it was impossible for Chad Beauchesne to have handled the knife what-so-ever. In truth Lisa Collins testified to "The knife contains more than Ahlstedt's DNA. There was a trace amount of DNA from a second individual. At 50 would not have excluded Chad Beauchesne." 5RP 37-38. The 50 referred to RFU's.

The prosecutor's statement in this very technical testimony did seem to convey facts he knows as truth that the jury has no clue. A prosecutor's statement of personal opinion about a witness' credibility has only a single vice: It must not convey the impression that the prosecutor knows facts that the jury does not. Lawn v. United States, 355 U.S. 339 359 n.15, 2 L.Ed 2d 321, 78 S.Ct. 311, 1958-1 C.B. 540. (1958). Vouching for credibility of witness is error. State v. Reed, 102 Wn.2d 140 (1984).

ADDITIONAL GROUND 4

Prosecutor Misconduct - Vouching: Deputy Prosecutor Troberg did lend the weight and credibility of his office and station to vouch that Defense witness Tina Sloan was a liar. Presenting to the jury, Troberg told them that what Tina Sloan testified to was not true. "So I am saying that that has the ring of a story which is again improbable, contrived and frankly, completely made up. evidence shows that the only person they could get ahold of to come in and tell a completely made up story is Tina Sloan." 5RP 62-63.

Tina Sloan came back to Washington State from California to testify. She testified exactly as the defendant, Sara Ahlstedt and Sheila Perkins did, that Chad Beauchesne was screaming and out of control, lunged at the defendant, got up and brushed himself off as if nothing happened and left on his own accord. All four of the defense witnesses testified to this and reputed both what Chad Beauchesne and Sara Hughes had testified happened. All five witnesses reputed what Sara Hughes said, that she helped Chad to the truck. Saying that Tina Sloan was not credible and was the fabricator of an unbelievable story, and only witness to that effect was prejudice. The elderly witness that testified to the exact same version of events, collaberating Tina Sloan, was Sheila Perkins whom the prosecutor called, "his witness." 5RP 56. The prosecutor cannot term the witness' or defendant's testimony "lie" or "fabrication". State v. Martin, 41 Wn.App. 133 (1985).

The defendant was a business partner and landlord to Tina Sloan on a professional level. The defendant was a landlord to whom the State coined his witness, Sheila Perkins. The prosecutor committed blatant prejudice by saying, "The defendant and his witnesses I will agree were glib, they were contrived in their statements and explanations, extremely improbable." 5RP 32. What betrays the prosecutor's attack on the defendant and everyone he associates with character, is the fact that Beauchesne's doctor that treated him for the wound was Ahlstedt's associate that had him in his home and employed Ahlsted and his company, and thought highly of him. It cannot go both ways that the State can call the doctor as their witness and the defendant cannot use him as a character witness to prove all his friends are not liars and fabricators as the State more than implied. Troberg's remarks were flagrant, highly prejudicial and introduced facts by his vouching not in evidence. This was prejudice meriting reversal. State v. Belgarde, 110 Wn.2d 504, 558, 755 P.2d 174 (1988), aff'd 119 Wn.2d 711, 837 P.2d 599 (1992). Troberg's statements constituted misconduct requiring reversal. Washington law recognizes that a prosecutor has a special duty in trial to act impartially in the interest of justice. Washington v. Stith, 71 Wn.App. 14, 856 P.2d 415 (1993). Troberg's categorizing Tina Sloan with the defendant and all his other witnesses as liars diverted the jury from its sworn duty to decide the case on evidence and the law, and to focus instead on issues "broader than guilt or innocence of the accused under controlling law." ABA STANDARDS FOR CRIM. JUSTICE, § 5.8(d) (2d ed. 1980); Darden v. Wainwright,

477 U.S. 168, 191-92, 91 L.Ed. 2d 144, 106 S.Ct. 2464 (1986). In vouching that Sloan was not credible it violated Ahlstedt's right to a fair trial and due process. United States v. Smith, 962 F.2d 923 (9th Cir. 1992).

ADDITIONAL GROUND 5

Prosecutor Misconduct - Vouching: Deputy Prosecutor Troberg did lend the weight and credibility of his office and station to the vouching of the Defendant's credibility. "We also know from Mr. Ahlstedt's own statement that stab was, excuse me, Chad Beauchesne was stabbed not with his own knife, but with Mr. Ahlstedt's knife." 5RP 23. This was never stated by the defendant or testified to. On the contrary, the Defendant's testimony and statements all say that the knife was not his.

Deputy Prosecutor Troberg repeatedly violated the Motion in Limine ruling that Ahlstedt's interrrogation on tape "should not be allowed". 4RP 22-23. Troberg further put words in Ahlstedt's mouth that simply were not true or on the tape at all, "I stabbed him just once, two times." 4RP 58. The Court made the Order and agreed that the tape did not say that. For Troberg to state as a fact that it did say that, then not allow the jury to hear the tape again to collaberate Troberg outright lied, violated the right to a fair trial. Troberg's vouching for what the defendant said attacked Ahlstedt's veracity. This type of vouching gave weight in the form of the prosecutor's opinion of fact and the assessing Ahlstedt's credibility, instead of making the

independent judgment of credibility to which the defendant is entitled. United States v. McKoy, 771 F.2d 1207 (9th Cir. 1985); United States v. Young, 470 U.S. 1, 18-19, 84 L.Ed 2d 1, 105 S.Ct. 1038 (1985). Troberg's actions underscored the jury's ability to ascertain the truth by his vouching of Troberg's personal opinion and not what was actually on the tape. By expressing his personal opinion and vouching for Ahlstedt's testimony, Troberg made an improper argument and committed misconduct. State v. Sargent, 40 Wn.App. 340, 343-46, 698 P.2d 598 (1985), rev'd on other grounds, 111 Wn.2d 641 (1988).

ADDITIONAL GROUND 6

Ineffective Assistance of Counsel - Not Motioning for Severance of the Witness Tampering Charge: Defense Counsel John Black did deny Ahlstedt due process when he refused to motion the court for severance of the Witness Tampering charge when asked by Ahlstedt to do so. The damning letter that was gained by illegal means was extremely prejudicial to whether the defendant was guilty of the original crime charged as the inflammatory gist of the letter that was used as evidence for Witness Tampering had the propensity to have a jury to convict the Defendant of any violent crime. There was no trial strategy or reason to allow the letter to be used as a tool to convict. There was no trial strategy to use any part of the letter for any defense means. Failure to even try to exclude the letter exhibits ineffectiveness clear as a bell and is vastly apparent that the defense counsel was acting as an agent for the

State. Inclusion of this letter allowed the jury to weigh highly prejudicial evidence that should of not been before them to find a determination to Ahlstedt's guilt or innocence of the Assault.

This evidence was so inflamatory it overwhelmed the jury with Ahlstedt's propendency to commit crimes and infered guilt. Both the Federal and State Constituions guarantee all defendants a fair trial, untainted from prejudicial evidence. State v. Swenson, 62 Wn.2d 259, 382 P.2d 614 (1963). As part of this fair trial right, a defendant is entitled to a severance of counts if the joinder of the counts is "so manifestly prejudicial as to outweigh the concern for judicial economy." State v. Hoffman, 116 Wn.2d 51, 804 P.2d 577 (1991). Under such circumstances inwhich the unfair prejudice outweighs the concern for judicial economy, the failure to grant a motion to sever requires reversal unless the State can prove that the error was harmless beyond a reasonable doubt. State v. Mitchell, 117 Wn.2d 521, 817 P.2d 898 (1991). Ahlstedt's circumstances outweighed the concern for judicial economy.

The Court should have been Motioned to sever so it could of considered the admissability of other crimes. Witness Tampering is generally severed as a rule. It is fundemental under our justice system that "propensity" evidence, is not admissible to prove commission of a new offense. ER 404(b). Not objecting fell below an objective standard of reasonableness, which made Black ineffective. State v. Stenson, 132 Wn.2d 668, 705 (1997). The procedural default resulted from Black's inadvertance, rather

than from a tactical decision, therefore he was ineffective. Murray v. Carrier, 477 U.S. 478 (1986). Without the letter the jury indicated when polled, they would not of convicted. This is showing prejudice, but for the deficient performance, there is a reasonable probability that the outcome would have been different. In re Pers. Restraint of Pirtle, 136 Wn.2d 467, 487, 965 P.2d 593 (1998). The Sixth Amendment guarantees the right to counsel. More than mere presence of an attorney is required. The attorney must perform to the standards of the profession. Counsel's failure to live up to those standards will require a new trial when the client has been prejudiced by counsel's failure. State v. McFarland, 127 Wn.2d 322, 334-35, 899 P.2d 1251 (1995). The statement by the prosecutor of the letter's content did effect the jury, "He didn't do anything to deserve this threat to go for a walk and not come back." 4RP 61.

ADDITIONAL GROUND 7

Ineffective Assistance of Counsel - Failure to Request a Comparability Analysis of Ahlstedt's Out of State Prior Felonies Used to Calculate his Point Score: Not objecting to or requesting a comparibility analysis deprived Ahlstedt of due process and gave him a sentence beyond what is legally proscribed. Ahlstedt was found to have been convicted of numerous California convictions that the Court allowed to be counted as priors without conducting proper analysis to see if they compare. The three "class C" Burglary convictions were of non living structures, one of which was an open ended storage like cover. 7RP 74. This denied Ahlstedt the

right not to have an exceptional sentence. The same deficiency as described in the last ground apply here also. Not knowing the law can be added to the compounding of error as the Washington State Courts have found that in California the crime of burglary is not legally comparable because the Washington crime requires proof of lawful entry. State v. Thomas, 135 Wn.App. 474 (2006). When sentencing an offender after a jury trial, if the court makes no effort to classify the defendant's foreign convictions according to comparable Washington crimes before they are included in the sentencing score, the resulting sentence is erroneous. If the defendant does not object, remedy is to remand back to trial court to allow State an opportunity to complete the classification process. State v. Cassel, 128 Wn.App. 481 (2005). Since this goes to show that procedural error is present by undisputable fact, prejudice is guaranteed that trial counsel was grossly ineffective beyond a shadow of a doubt. When the defendant's criminal history includes an out-of-state conviction, the State bears the burden of proving, by a preponderance of the evidence, that the conviction would be a felony under Washington law. State v. Ford, 137 Wn.2d 472, 480, 973 P.2d 452 (1999).

The Washington courts have ruled that it is ineffective assistance of counsel for an attorney to not request a comparability analysis of an out of state conviction used in the offender score regarding elements. RCW 9A.360(3). The SRA requires courts to translate the convictions "according to the

comparable offense definitions and sentences provided by Washington law." The Washington State Supreme Court ruled, "Defense counsel's performance deficient when counsel failed to object to the sentencing court's incorrect conclusion that the defendant's prior conviction from Montana was legally comparable. State v. Thieffault, 160 Wn.2d 409 (2007). The Thieffault court also held "counsel's failure to hold the state to its burden proving comparability before it waived any objections to the inclusion of the prior out-of-state conviction was prejudicial. Id. at 414-16. This about checkmates Ahlstedt's similar burden to get due process, prejudice is only cured by remand back.

ADDITIONAL GROUND 8

Prosecutor Misconduct - Making State Witness Unavailable for the Defense to Interview - Denied Right to Full Confrontation: The defense was not allowed to interview Sara Hughes prior to her trial testimony as she was kept from them by the State making her purposely unavailable. The defense requested the State provide Sara Hughes be made available, and got no answer. The defense did notify the Court that it was trying to get an interview with Sara Hughes, "to get an idea of how she is going to testify." Pretrial transcript RP dated June 6th, 2010, Pages 12-13. The State used tactics to put her on right away and denied the defense the right to interview her, or put Ahlstedt in jeopardy of asking for a continuance and violating his right to a speedy trial. Sara Hughes was the only collaberating witness to Chad Beauchesne that

it was not an accident that four other eye witnesses testified to that happened, and Beauchesne did not appear hurt due to he got up after falling and dusted himself off and left. The defense was denied being able to investigate the competency of her and Beauchesne's admitted drug inducement immediately prior to the incident, motive to lie, and deals made. Having nine felonies dropped for her testimony was evidence that the defense should of been able to inquire before being blindsided on the stand.

The biggest fact that Sara Hughes testified to was that she got out of Chad Beauchesne's truck and rushed to his aid, having to physically carry him to the truck and rush him to the hospital. The defense witnesses, all four of them, and Chad Beauchesne all testified disputing her version. Denying the defense an opportunity to interview her beforehand made it hard to impeach her, not knowing what she was going to say. The trial court did not allow the defense to explore Hughes ' and Chad Beauchesne's drug use. Investigation of the witnesses that both Hughes and Beachesne were with prior would of changed this bad ruling. Impeachment was impaired as were both of the State's star witnesses physically as proven by the blood test of a four drug narcotic cocktail. A criminal defendant has the right to confront the witnesses against him. Davis v. Alaska, 415 U.S. 308, 94 S. Ct. 1105, 39 L.ED. 2d 347 (1974); State v. Orndorff, 122 Wn.App. 781, 95 P.3d 406 (2004). The United States and Washington State Constitutions guarantee defendants the right to confront and cross-examine adverse witnesses. United States Const. Amend. VI;

Washington Const. Art. 1 § 22; State v. McDaniel, 83 Wn.App. 179, 185, 920 P.2d 1218 (1996).

Because the State's whole case relied on Hughes' testimony collaborating Beauchesne's testimony in chief, Ahlstedt should have been allowed access to her and therefore allowed to fully cross-examine her, especially her credibility. The more essential the witness is to the State's case, the more latitude the trial court should give to the defense to explore fundamental elements, such as motive, bias, credibility, or foundation. State v. Darden 145 Wn.2d 612, 619, 41 P.3d 1189 (2002).

The State's prevention of allowing the defense access to Sara Hughes, prohibited Ahlstedt to inquire and denied him a fair trial and his ability to defend himself. A criminal defendant has the right to present a defense. State v. Hudlow, 99 Wn.2d 1, 14-15, 659 P.2d 514 (1983). The goal of the Confrontation Clause is to allow reliability of the accuser to be assessed through cross-examination. Crawford v. Washington, 541 U.S. 36, 61, 124 S.Ct. 1354, 158 L.Ed.2d 177 (2004). The State's purposeful not allowing defense access to Hughes and disclosing the deals that were made to her and allowing the defense to explore her version of understanding the scope of what she was required to do for the huge deal she got denied Ahlstedt effective impeachment. United States v. Bagley, 473 U.S. 667 105 S.Ct. 3375, 87 L.Ed.2d 481 (1985), on remand, 798 F.2d 1297 (9th Cir. 1986). Failure to disclose violates the Due Process Clause of the Fourteenth

Amendment. Giglio v. United States, 405 U.S. 150, 154-55, 92 S.Ct. 31 L.Ed.2d 104 (1972; State v. Benn, 120 Wn.2d 631, 650, 845 P.2d 289 (1993).

The defense has a right to interview adverse witnesses, and the prosecution may not place coercive condition on its exercise. As a quasi-judicial officer, representing the people of the State a prosecutor must act impartially in the interest of justice. State v. Reed, 102 Wn.2d 140, 147, 684 P.2d 699 (1984) quoting State v. Case, 49 Wn.2d 66, 70-71, 298 P.2d 500 (1956). Preventing Ahlstedt from fully investigating the facts hardly "serves the interests of justice. It may be unethical prosecutor misconduct." State v. Zhao, 157 Wn.2d 188, 137 P.3d 835 (2006).

When the free choice of a potential witness to talk to defense counsel is constrained by the prosecution without justification, this constitutes improper interference with a defendant's right to access the witness. State v. Hofstetter, 75 Wn.App. 390, 397 (1994).

ADDITIONAL GROUND 9

Denied Right to be present at All Relevant Proceedings - The Defendant was not Present For Juror Questions to the Trial Court: During the JuryDeliberations, the jury had questions about the jail letter. CP July 12th, 2010. The Defendant, nor his attorney, John Black, were made aware or made available for the questions. 7RP 70-71. This prejudiced the defendant as the letter was what the jury said was the reason that they convicted. Not being able

to object or make further motions denied Ahlstedt due process. CrR 6.15 requires the trial court to notify all parties of any jury question posed to the trial court during deliberation and to provide all parties with an opportunity to comment upon an appropriate response. The failure to do so will only be reversible error when the communication between the judge and jury was prejudicial and the State cannot demonstrate that the error was harmless. State v. Jasper, COA No. 63442-9-I (Sep. 20, 2010).

Not having the opportunity to know what the questions were about the letter denied Ahlstedt due process. Not being able to be able to object made it not a fair trial. Not being able to be part of the jury process and part of the jury instructions the court clarified, modified or gave new, or possibly denied was error. Once a defendant raises the possibility that he or she was prejudiced by an improper communication between the court and the jury, the State bears the burden of showing that the error was harmless beyond a reasonable doubt. State v. Johnson, 105 P.3d 85 (2005).

Not having the opportunity to be there or have defense counsel there was prejudicial. Trial is unfair if the accused is denied counsel at a critical stage of the trial. United States v. Cronin, 466 U.S. 648, 80 L.Ed.2d 657, 104 S.Ct. 2039 (1984). The Washington Courts have recently held that a defendant has a right to be present if a jury sends out a question during jury deliberations. State v. Irby, No. 82665-0 (Wash 2011).

ADDITIONAL GROUND 10

Ineffective Assistance of Counsel - Failure to Suppress Letters Illegally Seized under Gant: Ahlstedt begged his attorney John Black to suppress the letter that was the basis of the Intimidation of a Witness charge. John Black was incredibly inept and deficient, being totally unaware of the monumental ruling issued by the United States Supreme Court that literally changed the law as we know it in Washington regarding search and seizure involving motor vehicles. Gant v. Arizona, 129 S.Ct. 1710, 173 L. Ed.2d 485 (2009); State v. Patton, 167 Wn.2d 379, 219 P.3d 651 (2009).

Black told Ahlstedt in reply, that is just the way they do things in Clallam County and the judge would not grant a motion no matter how the letter was obtained. This is clearly not the law and more than bad advice. Defense counsel Black might as well have wore a blindfold and a gag during trial, as his "objector" was seriously broken, just like his trust and oath to uphold the law. Police misconduct and highly illegal tactics proved that John Black was not on Ahlstedt's side. No trial tactic known to man can be explained for not objecting and automatically asking the court via motion to suppress the letter. When the jury was polled afterwards they indicated the only reason that they did convict on all counts was due to the letter. John Black knew the letter was taken by very illegal police tactics without a warrant

outside the law. On December 14th, 2009, the Defendant, Chris Ahlstedt, called his wife, Sara Ahlstedt. Ahlstedt told his wife that he was sending her a letter to give to a guy who would help them at trial with "their problem". Jail officials immediately gave Detective Hollis a copy of this potentially criminal phone call. Hollis is proven to have had the knowledge of the Ahlstedt telling his wife that he was sending her a letter to give to a guy who would help them at trial with "their problem". Motion in Limine filed June 15th, 2010, Page 12, Line 14, part of the trial record. The Motion in Limine clearly shows that Detective Hollis knew of the letters before Ahlstedt's wife had them.

On July 7th, 2010, Detective Hollis called Deputy Minks and told him to pull Sara Ahlstedt over. 5RP 130. Sara Ahlstedt testified that she was pulled over and arrested, handcuffed, and placed into the back of Deputy Mink's cruiser. She and the Deputy both testified that he then searched her car and came back to the squad car with her purse. He did not give her the purse. When asked on the stand about this illegal search without permission or warrant, and how the letters were obtained, Sara Ahlstedt testified, "I didn't have it in my purse, it was in the car that I was driving, on the passenger seat. The Deputy who arrested me took liberty of picking it up and putting it in my purse for me and then bringing my purse to the jail with me." 6RP 121.

This was intentionally done upon request by Detective Hollis who evaded legal avenues. Probable cause existed from the phone tape to get a warrant issued. The circumvention of legally obtaining a search warrant is key to showing that the letter is tainted fruit of the poisonous tree, that cannot be allowed. The whole gist of there being a penalty for law enforcement violating the Fourth Amendment is to prevent this exact action.

The State cannot avoid suppression of evidence seized without a warrant simply by showing that it could of obtained a warrant had it sought one. It is clear that the case implementing the Exclusionary Rule "Begin with the premise that the challenged evidence is in the same sense the product of illegal governmental activity." United States v. Crews, 445 U.S. 463, 471, 100 S.Ct. 1244, 1250, 63 L.Ed.2d 537 (1980).

Because Sara Ahlstedt was handcuffed in the backseat of the locked patrol car, and only arrested for driving without a license, no exceptions existed for Deputy Minks to search her vehicle without a warrant. Evidence collected, without a warrant, from a driver's vehicle, after the driver was arrested for DWLS3, handcuffed, and placed in the back of a patrol car, **must** all be suppressed. State v. Scalara, 155 Wn.App. 236 (2010).

ADDITIONAL GROUND 11

The warrantless search of Sara Ahlstedt's vehicle was illegal and the evidence gained from the illegal search should not of been allowed - trial was tainted by Gant violation evidence: The letter added so much prejudicial weight to the trial that due to the charges not being severed, it was impossible for Ahlstedt to get a fair trial. As articulated in the facts of the previous ground with citation to the record, the police purposefully did avoid the legal procedure of gaining a warrant when they knew what they were looking for and tried to cover it up. At the very least an evidentiary hearing should be held to get to the extent of the police culpability. The letters illegally gained changed the outcome of the trial and violated Ahlstedt's right to a fair trial and due process.

A Defendant's failure to challenge the lawfulness of a search in the trial court does not prevent the Defendant from raising a Gant challenge for the first time on appeal. State v. Burnett, COA No. 38196-6-II (2010).

A Defendant who did not bring a suppression motion prior to trial, may assert a claim under Gant v. Arizona for the first time on appeal. State v. Harris, COA No. 36565-1-II (2010).

Whether a Defendant has standing to Challenge a warrantless search is an issue of law we review de novo. State v. Link, 136 Wa.App. 685, 692, 150 P.3d 610 review denied, 160 Wn.2d 1025(2007).

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

STATE OF WASHINGTON,)	
)	
Respondent,)	
)	
v.)	COA NO. 41234-9-II
)	
CHRISTOPHER AHLSTEDT,)	
)	
Appellant.)	

DECLARATION OF SERVICE

I, PATRICK MAYOVSKY, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOLLOWING IS TRUE AND CORRECT:

THAT ON THE 1ST DAY OF JUNE, 2011, I CAUSED A TRUE AND CORRECT COPY OF THE **STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW** TO BE SERVED ON THE PARTY / PARTIES DESIGNATED BELOW BY DEPOSITING SAID DOCUMENT IN THE UNITED STATES MAIL.

[X] BRIAN WENDT
CLALLAM COUNTY PROSECUTOR'S OFFICE
223 E. 4TH STREET, SUITE 11
PORT ANGELES, WA 98823-0037

SIGNED IN SEATTLE WASHINGTON, THIS 1ST DAY OF JUNE, 2011.

x Patrick Mayovsky

11 JUN -2 2011
STATE OF WASHINGTON
BY
DEPUTY CLERK