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COURT OF APPEALS
DIVISION II

11 AUG 15 PM 1:42
STATE OF WASHINGTON
BY [Signature]
DEPUTY

CERTIFICATE OF SERVICE
I certify that I have
copies of Plt's supp to petition
to Kathleen Proctor
& Diane City Pros. Atty
4/23/11
Date Signed Jane
via email

WASHINGTON STATE COURT OF APPEALS
DIVISION II

STATE OF WASHINGTON,)
Plaintiff,) No. 41925-4-II
)
) **STATEMENT OF ADDITIONAL**
) **GROUND FOR REVIEW**
KEITH EDWARD BERRY,)
Defendant,)

GROUND THREE

Speedy Trial Right Violation

The petitioner was deprived of the Constitutional Right of a
speedy trial, guaranteed by the 6th Amendment of the United
States Const., and incorporated into the 14th Amendment.

Facts To Consider In Case

The trial court granted continuances because of general
congestion of the court's calendar, or lack of diligent prep-
aration, or failure to obtain available witness on the part of
the attorney for the government, or courtroom unavailable.

The courtroom was unavailable on the following dates:

| <u>Date Of Continuance</u> | <u>Age Of Case</u> |
|----------------------------|--------------------|
| 12-7-10 to 12-8-10 | 63 Days |
| 1-12-11 to 1-13-11 | 99 Days |
| 1-13-11 to 1-19-11 | 100 Days |
| 2-2-11 to 2-3-11 | 120 Days |

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Unavailability Of Witness

On 1-19-11, the primary officer and the alleged victim was unavailable to testify. The trial was delayed until 2-2-11, and this caused the case to age 105 Days.

Lack Of Judicial Manpower

The prosecutor was in trial from 12-1-10 to 12-7-10, and the trial was continued for lack of judicial manpower. The case was further continued for these reasons from:

12-8-10 to 1-3-11 Aged 64 Days
1-3-11 to 1-10-11 Aged 90 Days
1-10-11 to 1-12-11 Aged 97 Days

Prosecutor also took a vacation during that time, and this further pushed trial up

Court Reported Decisions

State v. Kenyon, 167 Wn.2d, 130, 216 P.3d rev. 1024 (2009)
State v. Saunders, 153 Wn.App. 209, at 216-222 (Div. II 2009)
Barker v. Wingo, 407 U.S. 514, 92 S.Ct. 2182, 33 L.Ed.2d 101 (1972)

Washington Practice

Washington Practice Speedy Trial (301. Ed.) 1201, 1202, 1204, 1207, 1208, 1216, 1217.

Means Of Relief

This petition is the best way I know to get relief I want, and not other will work as well because, I know of no other procedure to make my claim before this, or any other court.

DATED this 11 day of August 2011.

Respectfully submitted,
x Michael E. Bong

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DECLARATION OF SERVICE BY MAIL

I, KEITH EDWARD BERRY, declare that on 8-11-11, I deposited the foregoing STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW, or a copy thereof, in the internal mail system of AIRWAY HEIGHTS CORRECTIONS CENTER, and made arrangements for postage, addressed to:

THE COURT OF APPEALS
DIVISION II
950 BROADWAY, SUITE #300
TACOMA, WA 98402

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

x Mr. Keith E. Berry
KEITH EDWARD BERRY

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STATE OF WASHINGTON
BY _____
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COURT OF APPEALS
DIVISION II