

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

STATE OF WASHINGTON,
Respondent,

v. JERRY LAWRENCE BODINE
Appellant.

No. 47906-1-II
STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, JERRY LAWRENCE BODINE, 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

SEE Attachments

Additional Ground 2

SEE Attachments

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

Date: 2-23-16 Signature: Jerry L Bodine

INEFFECTIVE ASSISTANCE OF COUNSEL

First off this is my opinion on this subject; The Duties of a court appointed Attorney AND the numerous indigent Clients on his CASE LOAD WAS not enough time in my CASE to successfully attempt A defense. The FEW Attorney/client visits THAT WE DID HAVE WAS spent on Nothing more than to take A deal or risk more YEARS in custody. My STRATEGY on the CASE WAS simple. No Witness No CASE. The Feeling of the Prosecution WAS THAT they didn't NEED the Informant to testify CASE they felt they had A strong CASE. Nevertheless my defense strategy was nil. It is impossible to exhaustively define the obligations of Counsel or Form a checklist for Judicial evaluation of attorney Performance. Nevertheless, effective representation entails basic duties such As A duty of loyalty, a duty to avoid conflicts of interest(s) The overarching duty to advocate the defendant's CASE and the more particular duties to consult with the defendant on important decisions and to keep the defendant informed of important developments in the course of the prosecution. Counsel also HAS A duty to bring to bear such

2

skills and knowledge as will render the trial a reliable adversarial testing process. Deficient Performance is performance falling below an objective standard of reasonableness determined by considering all circumstances. The Prejudice Prong requires the defendant to prove that there is a reasonable probability that, but for counsel deficient performance the outcome of the proceedings would have been different. My trial was drawing near and our untrusting relationship was growing. I decided to sign a waiver to hire a lawyer. I brought it up to my appointed attorney and he was fine with that. So we were 2 weeks out from trial date. Mind you that they had put off my trial date without signing a waiver beforehand. I believe there was a complete breakdown in communication between my counsel and I. Meant we were unable to discuss possible defense strategies or to discover and assess basic information about the case from my perspective. The counsel in my opinion should of prepared an interview with their informant and should of asked if I had any witnesses.

To back up what I viewed of the case, my request was denied and I felt my 6th Amendment right had been violated...

- 1) copy of my discovery has never been seen by me except the video evidence,
- 2) by not interviewing their informant to point out her deception witnessed in the court room.
- 3) Failed to acquaint himself adequately with the facts to be properly advocated.
- 4) Failed to call witnesses for the defense.
- 5) Failed to cross-examine the Informant with correct information I had given him.
- 6) Failed to research the identity of the cell phone that was used in my trial via text message.

experienced criminal defense lawyer's understand the utmost importance of pre-trial discovery. Knowledge and understanding of the contents of the prosecution's file may determine whether a jury convicts or acquits an innocent person. And even when the circumstances do not allow such dramatic results, the defense counsel cannot obtain the fairest and most realistic plea arrangement for his client unless the counsel fully knows and understands the contents of the Prosecution's file. Another piece perhaps just as important may be the in-

formation regarding the witness(es) that the Prosecutor is likely to call at trial. Testimony of those witness(es), whether they are lay or expert witness(es), may seal the fate of the accused at trial. That it is so important to have that opportunity to have information on whether they are or are not testifying.

RIGHT TO CONFRONTATION: The right to conduct a meaningful cross-examination of adverse witness. State vs. Barden, 145 Wn.2d 612, 620, 14 P.3d 1189 (2002). Confrontation's purpose is to test the perception, memory, and credibility of witness(es) and it therefore helps assure the accuracy of the fact finding process.

CREDIBILITY OF LAY WITNESS: with recent arrest for deliveries, the informant was to have the option "to work off some charges." Jury Trial Proceedings, July 16, 2015, Page 94, Line 20. Furthermore to show up to a court of law under the influence of controlled substances is a slap in the face to the defense and to the trial court. The knowledge of whether someone under the influence in a case as this one can be hard to detect from another that is not an addict. To say in this case it

6
WAS all too obvious that the informant/^{known} Addict was using at my trail. To determine this act by a non-Addict is invalid. The arrest and seriousness of her situation would put pressure on the Informant to come up with anything and everything to be "able" to work off some charges. SHE was forced to lie on the stand cause of her Disease and the heavy load of carrying this case to the Finish. Clean for more than a year is not possible since I have seen with my own eyes her using drugs in August 2015.

WITNESS(ES) FOR THE DEFENSE: witness(es) that can testify on my behalf about the informant that continues to use drugs and run her little drug-dealing enterprise. Nevertheless this information that can be brought out would give this case a new trail.

CONCLUSION: By adding my statement of additional Grounds, I hope to achieve one of two options. One is to overturn my conviction and remanded it back to trail. Two with it being back in front of a re-trial format I will have a chance to prove my innocence in the courts of LAW. 2-23-16 JERRY LAWRENCE BODINE
Jerry Lawrence Bodine

NIELSEN, BROMAN & KOCH, PLLC

March 03, 2016 - 1:14 PM

Transmittal Letter

Document Uploaded: 4-479061-Jerry Bodine - SAG.pdf

Case Name: Jerry Bodine

Court of Appeals Case Number: 47906-1

Is this a Personal Restraint Petition? Yes No

The document being Filed is:

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: _____

Answer/Reply to Motion: _____

Brief: _____

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: _____

Hearing Date(s): _____

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: Statement of Additional Grounds for Review

Comments:

No Comments were entered.

Sender Name: Patrick P Mayavsky - Email: mayovskyp@nwattorney.net

A copy of this document has been emailed to the following addresses:

Appeals@co.cowlitz.wa.us