

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

FILED
COURT OF APPEALS
DIVISION II
2016 MAR 25 AM 11:07
STATE OF WASHINGTON
BY AW
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STATE OF WASHINGTON)
)
 Respondent,)
)
 v.)
)
 RICHARD GLENN HALLEK)
 (your name))
)
 Appellant.)

No. 47961-3-11
STATEMENT OF ADDITIONAL
GROUND FOR REVIEW

I, Richard G. Hallek 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

MY FIRST ISSUE IS THAT A KEY WITNESS WAS NOT DISCLOSED BY THE PROSECUTION AT ORIGINALS. BOTH OFFICERS THAT TESTIFIED FOR THE PROSECUTION, TESTIFIED THAT OFFICER COTTE WAS PRESENT AND HAD ASSISTED THEM IN HANDCUFFING. I WAS DISAPPOINTED MY LAWYER DIDNT POINT THIS OUT TO THE COURT AS I FEEL MY DEFENSE WAS DISADVANTAGED BECAUSE OF IT. I HAD ALSO FILED A COMPLAINT OF EXCESSIVE FORCE AT BOOKING. OFFICER COTTE'S TESTIMONY WOULD HAVE GIVEN ADDITIONAL INSIGHT AS TO THE ARREST.

Additional Ground 2

THE NEXT ISSUE IS THAT AN EVENT OCCURED THAT DIDNT GET RECORDED IN THE TRANSCRIPTS. I WANTED TO BRING THIS TO THE ATTENTION OF MY APPELATE LAWYER BUT SHE HAD NO OPPORTUNITY TO EVEN CONSIDER IT. OFFICER TROUT WAS ALLOWED TO ADDRESS THE COURT WHILE STANDING NEXT TO THE PROSECUTOR'S TABLE AND STATED THAT HE MADE A MISTAKE ON THE POLICE REPORT. HE SAID HE FORGOT HE GAVE THE WARRANT TO SARGENT. IN HIS REPORT HE DECLARED THAT HE WAS THE ONE THAT DISPLAYED THE WARRANT. I WAS AGAIN DISAPPOINTED

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

Date: 3/23/2016

Signature: Richard Glenn Hallek

that my lawyer didn't object or that the judge even allowed this, as I wasn't allowed equal time to stand up next to my lawyer and remind Trout what he did or didn't do with the warrant. In addition, I believe Sargent's testimony tainted Trout's. If Trout had testified first, he would have no reason to contradict his police report(arresting agency affidavit), on the contrary, he would have been compelled to confirm it.

Finally, I was uncomfortable about Officer Trout's ruse to circumvent my constitutional rights and the way that the officers served or executed the warrant. I looked up the Fourth Amendment and found the requirements for executing a warrant. Basically, before they can break and enter, they must give notice of office, authority, and purpose. In another site, authority and purpose were stressed. My attorney vaguely touched on the aspect of whether I willfully obstructed but none of these criteria were mentioned. The officers kept stressing that they had a warrant and ordered me to open the door, many times. In his summary, Prosecutor Richards seemed to sum up Law Enforcements position when he said,"The officers told the defendant, we got a warrant."..."That's the Law." To further complicate the matter, I never saw anyone leave to get a signature for the warrant, finding out after the fact that they got a telephonic warrant. When they came to the door I was already wary and on guard for more circumvention of my rights but when they didn't tell me what the warrant was for and who signed it and wouldn't let me read it to find out for myself, I thought they were out of line. If you agree that all they have to do is have a warrant, then I must relent and be satisfied with the fact that I was found not guilty of the more egregious charge for which I was arrested. On the other hand, if you find that they may not have met the criteria of the constitutional requirements of executing a warrant, or if you find any merit at all in my other issues of contention, then I implore you to use your best judgement to render further justice in my case. Thankyou for your diligent consideration.

Respectfully,

Richard Hallek