

79747-1

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

In Re The Detention Of:

NO. 56171-5-I

ANDRE B YOUNG,

Petitioner,

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

v.

STATE OF WASHINGTON, et al.,

Respondent.

I, ANDRE B YOUNG, have received and reviewed the opening brief prepared by my attorney, Nancy P Collins, WSBA #28806; Washington Appellate Project-91052. 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

Whether, the Petitioner, Andre B Young, was arbitrarily and capriciously selected out and referred to The End Sentence Review Committee, TESRC, by a DOC caseworker, and arbitrarily and capriciously selected out and referred by The End Sentence Review Committee, to Norm Maleng, King County Prosecutor without, at any point along the way, first having a hearing to challenge the initial proceedings, or ex parte Certificate of Probable Cause;

Additional Ground 2

Whether, DOC mental health data located in Petitioner's DOC file #125192 in excess of 5, 10, 15, 20, 25, or 30 years can be considered in a file evaluation conducted by a prosecution psychologist, and used to determine Petitioner's eligibility for indefinite commitment under ch

71.09;

Additional Ground 3

whether Petitioner's invalid prior convictions can be used against him in ch 71.09 proceedings, after the 9th Circuit Court of Appeals Reverse and Remand of Petitioner's 1963, and 1976 convictions were invalidated premised on invalidity of his 1986 predicate sentence and conviction;

Additional Ground 4

Whether the provision of RCW 71.09.040(4) that denies bail to persons held under RCW 71.09 prior to trial is unconstitutional on its face, because it violates the separation of powers clause of the Washington state Constitution in that it abridges or modifies the inherent power of the state courts to consider whether or not a person held under ch. 71.09 may be considered for release from confinement on a cash bail, or personal recognance;

Additional Ground 5

Whether petitioner being held eight(8)months beyond his early earned time release date of March 4, 1990, can be legally tried under ch. 71.09, when the proceedings were, from the outset, judicially and collaterally estopped as per State v. Young, 4 Wn. App. 135; 480 P.2d 514 (1971); Young v. Smith 8 Wn. App. 275; 505 P.2d 824 (1973);

Additional Ground 6

Whether any length of confinement in a County Jail pending ch 71.09 proceedings creates rebuttable presumption that confinement was punitive in violation of substantive due process, notwithstanding statutory obligation to keep such detainees in a secure facility;

Additional Ground 7

Whether the state, without legal, or moral authority, can decimate the spiritual life of Petitioner, for the materialistic practices of psychology/psychiatry and other related mental health disciplines, when there is nothing benevolent, nor healing in the ideologies, principalities and powers behind the fraudulent therapeutic practices and procedures compelled by the State onto Petitioner and conducted at Special Commitment Center, SCC, by way of Annual Review Reports, and examination by plethysmographs, and polygraphs, which are against Petitioner's religious faith;

Additional Ground 8

Whether jury nullification may be applicable, when the prosecution submits Petitioner's prior convictions, as the State's case in chief; premises one's alleged dangerousness based on rape convictions as a means of establishing mental illness, while disallowing the jury to know the term of confinement is indefinite;

Additional Ground 9

Whether strip searches, by Department of Correction, DOC, Correctional Officers, authorized by an Interagency Contract between Special Commitment Center, SCC, vis a vis Department of Social and Health Services, DSHS, and DOC of Petitioner, is violative of his substantive due process and equal protection and of his privacy rights, when as here, DOC not only strip searches Petitioner prior to off-Island medical/court trips, while mandating SCC personnel strip search Petitioner upon his return, to SCC.

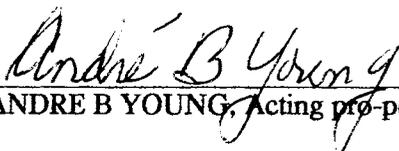
Additional Ground 10

Whether Petitioner is precluded from combining a 42 U.S.C. Section 1983 Civil Rights Complaint under his King County Superior Court civil commitment number, when there is federal citation that permits combining a Habeas Corpus Petition and 42 U.S.C. Section 1983 Civil Rights Complaint in tandem.

Additional Ground 11

Whether Petitioner, who has been wrongfully convicted of mutiple rape, and labeled a sexually violent predator, has a remedy at law to distinguish himself from convicted child molesters, who are deemed truly mentally ill as opposed to those convicted of raping exclusively female adults, and could be deemed "common" criminal offenders;

Dated October 7, 2005.


ANDRE B YOUNG, Acting pro-per