COURT OF APPEALS
DIVISION THREE
OF THE STATE OF WASHINGTON

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WA State Court of Appeals, Division III
By SK

STATE OF WASHINGTON)
)
Respondent,)
)
v.)
)
John E Mines Jr.)
(your name))
)
Appellant.)

No. 021032762 219895

STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

I, John E Mines Jr., 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 ATTACHED STATEMENTS

Additional Ground 2

SEE ATTACHED STATEMENTS

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

Date: 11-21-03

Signature: John E Mines Jr

Form 23

State
WASHINGTON
v.
MINES, John E
D.O.B. 6.4.81

Additional grounds # 1
States burden of Proof
Pro se Brief:

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: See Attached Documents

complaint:

Elements:

Argument:

COMPLAINT: THE STATE ERRED IN ITS BURDEN of PROOF by failing to FIND MR MINES guilty of every element of the CRIME(S): 1° RAPE, 1° KIDNAPPING, 2° ASSAULT w/ DEADLY WEAPON.

TO PROVE BEYOND A REASONABLE DOUBT a DEFENDENT is guilty of 1° RAPE A PROSECUTOR must PROVE EVERY ELEMENT of the CRIME CHARGED.

ELEMENTS: (1): THAT A SUSPECT HAD SEXUAL INTERCOURSE by forcible compulsion

(2): THAT A SUSPECT KIDNAPS with the "intent to Rape By forcible compulsion

ARGUMENT: MR. MINES HAS brought to the attention of the courts of Appeals That infact MR. MINES belives The SUPERIOR court PROSECUTOR failed to Show its BURDEN of proof BEYOND a REASONABLE DOUBT. The two BURDEN That MR. MINES belives That the court failed to PROVE ARE The two ELEMENTS MR MINES HAS PROVIDED. MR. MINES will PROVE by Argument that infact The courts ERRED IN its BURDEN of PROOF. The COURTS ERRED IN FINDING MR. MINES guilty of PARTICAPATING NOR ENGAUGING IN SEXUAL INTERCOURSE by forcible compulsion with the VICTIM MRS. JENNIFER ROBBISON. EVIDENCE That PROSECUTOR CRUZ PRESENTED WAS That infact MRS ROBBISON WAS SEXUALLY ASSULTED. The EVIDENCE infact DID NOT PROVE MR. MINES MADE NOR PARTICAPATED in the "ACT." PROSECUTOR CRUZ

State v. Gamboa (1984) 38 Wash. App 409, 685 P.2d 643.

UNDER "Complicity Rule" ANY PERSON who participates IN the COMMISHION IS guilty AND IS charged AS PRINCIPAL.

MR. MINES HAS tryed to present to the courts IN the best WAY of How the state failed to prove MR. MINES WAS guilty of 1° RAPE 1° KIDNAPPING 2° Assult w/deadly weapon. MR. MINES will continue to Help the court understand fully His postion IN the whole INCIDENT. MRS Robbison Stated MR. MINES HAD struck HER IN the face when she enterd into the VAN. MRS. Robbisons Reculections of the intire INCIDENT were unclear DUE to the fact she HAD Just woke up from a 12 hr. Drug induced Sleep. Where MRS. Robbison WAS At A local Known DRUG House with a uncountable amount of foot traffic. MRS Robbison Stated she was unclear of what MR. MINES WAS DOING DURING the Sexuall assutt but was sure who assulted HER sexually AND that MR. MINES was talking. MR. MINES would like the courts to look at the police report AND IN it you will find evidence that MRS Robbison's statement that MR. MINES DID NOT ingauge NOR participate will be backed up by statements MADE by MR. McKibben That IN fact MR. MINES DID NOT PARTICAPATE NOR engauge IN the "Act". MR. McKibben Stated that He MR. McKibben Acted AND DID this "Act" ON His own behalf AND MR. MINES DID NOT Help MR. McKibben fulfill this venture. MR. MINES infact Stop MR. McKibben from going further with this horrific "Act." MR. MINES belivies MR. McKibben's Actions were DUE to the fact MR. McKibben WAS INDUCED by Meth otherwise on the street Known as glass. Infact It wasn't Intel five DAYS after the INCIDENT MR. McKibben WAS APPREHENDED That MR. McKibben MADE these Statements that were not brought to the Attention of the Jury on MR.

tried to make Mr. Mines out to be the Attacker even though Mrs. Robbison testified that infact Mr. Mines did not insert any object in her orifices. Prosecutor Cruz misleaded the Jury by young Mr. Cramer testify that Mr. Mines did do the act. Mr Cramer had made a deal to testify because he was scared Mr. Cruz would without a doubt give Mr. Cramer 25 yrs. Mr Cramer did infact testify to a different encounter then the victim Mrs. Robbison. The Statements Mr. Cramer made were that Mr. Mines was the person that was inserting things into Mrs. Robbison. Mrs. Robbison stated differently she said 'different. Instead of listening to a victim the Jury listened to a witness because Mr Cramer's testamony was flawless due to the fact he was coached in his statement. The State was so sure Mr. Mines would beat the charges against him They added at the end of trial in the Jury Instructions That they must come back with the finding of guilty if they belivie Mr. Mines was a accompliss. The State explained that accompliss is somebody who was at the scene of the crime which is a misleading Statement. By The state doing this with misleading evidence The Jurys were obligated to follow the state's request for a finding of guilty.

Mr. Mines is providing case laws to the Definition of A "Accompliss."

State v. Jennings (1983) 35 Wash. App. 216. 666 P.2d 381 ✓

State v. Plakke (1982) 31 Wash. App 262, 639 P2d 796.

McKibben's own free will. Infact when asked who committed this Rape Mr. McKibben admitted to and took full responsibility for it. Mr. McKibben was asked if Mr. Mines assisted Mr. McKibben in this act Mr. McKibbens Response was no Mr. Mines did not infact assist Mr. McKibben. in this venture. In light of all Information Mr. Mines Has revealed to the court was either not revealed to the Jury or was over look due to Mr. Cramer Statements which were coached by the State. These things Mr. Mines Has revelied would Have been a big part in proving Mr. Mines' Innocence. In that Mr. Mines fills as though Information was held from the Jury and very Important Information Mr. Mines fils the State failed to show its burden of proof to the Jury and Recommends Mr. Mines be Remanded a new trial on the fact the state failed to Meet its burden of proof to the crime(s) charged.

State Washington v Mines, John E D.O.B. 6.4.81	Additional grounds #2 Inaffective assistance of counsel Pro se Brief.

: See Attached Documents

complaint:

Argument:

Complaint: To prove Ineffective Assistance of counsel a client must show a conflict of Interest.

Argument: Mr. Mines is going to explain by Argument that infact Mr. Mines and Mr. Krizminski had conflict of Interest. During the course of the case Mr. Mines and Mr. Krizminski couldn't come to a Half way point to Determine what Things could and could not be Argued as Addmissible in court. Mr. Krizminski was in total disregard of all Mr. Mines' Ideas.

Argument: Mr. Mines asked the courts to Relieve Mr. Krizminski of His position. Mr. Mines was not Able to get Mr. Krizminski Replaced due to Mr. Mines' Reasons for Replacement. Mr. Mines did not understand the law and was unsure of the proper Reason for Replacement. Mr. Mines knew Mr. Krizminski had Different Interest and when Mr. Mines asked the court for Mr. Krizminski to be replaced The court advised Mr. Mines That The court would not Replace Mr. Krizminski with Nobody except Mr. Mines Himself pro se. Due to the Seriousness of the crime(s) Mr. Mines felt as if Mr. Mines was forced to against Mr. Mines Will. to Allow Mr. Krizminski to continue as Mr. Mines' lawyer. Due to The conflict of interest and The fact Mr. Krizminski felt Disrespected by the fact Mr. Mines wanted Mr. Krizminski Replaced. That Reason, Alone could Have caused a Hidden Agenda which is a conflict of Interest.

Argument: Mr. Mines wants to show somethings by explanation. Mr. Krizminski was asked by Mr. Mines to Argue in the Addmissability of the police Report and the testamony of Mr. Mckibben. Mr. Mckibben would Have testified to his statement

That Mr. McKibben stated to the Det. Hamviand. Mr. McKibbon made a statement that cleared Mr. Mines of the accomplissness to the crime(s) committed. Mr. Krizminski cross examined Mrs Robbison but did not try to verify her statements Mr. Mines explained to Mr. Krizminski That infact Mrs. Robbison testified that Mr. Mines did not request any objects in her offices. Mr. Krizminski told Mr. Mines that infact Mr Krizminski also heard Mrs. Robbison state it and would say something in Mr. Krizminski's close. which Mr. Krizminski failed to do. Mr. Mines tryed to explain the importance of the statement but Mr. Krizminski acted as though Mr. Mines was not educated in law and took everything into Mr. Krizminski's own hands. Which would be a conflict of Interest due to the fact Mr. Mines was not allowed to make any Important Desions in Mr. Mines case(s)

Argument. Mr. Mines belives and is sure all a lawyer is suppose to do is assist his client in the case. Making continuences with out client ok or. Not taking into consideration that the client was at the Incident and knows what happend should play a part as something a lawyer should take into consideration and listen to His client.

State	Additional grounds # 3
V.	Accompliss Liability
Mines, John E D.O.B 6.4.81	Pro se Brief:

Complant: The State Has to Show its burden of proof in this particular case to find a person guilty of being a accompliss. The State Has to Show that infact a defendent assited in the act, participated, engauged in the act as something a Defendent wish to bring about and by his actions make it succeed.

Elements: "Accompliss" is one who could be indicated for the same crime for which the principal is being tried for and Associates him, herself with the venture and participates in it as Something He, She wants to bring about and by His, Her actions make it succeed.
State v. Jennings (1983) 35 Wash. App. 216. 666 P.2d 381.

Argument: Mr. Mines will show the court by argument that infact Mr. Mines did not engauge nor participate in the crime which he was found guilty of by a misleading Jury instruction that indicated Mr. Mines as a accompliss which infact was not determand by evidence provided by the state. Mr. Mines was denied the chance to put a defence to a charge of accompliss. Do to the fact the State

WAITED INTEL THE TIME of DELIBERATION. WHICH GAVE MR. MINES NO TIME to put together A DEFENCE to show MR. MINES' INNOCENCE to A CRIME brought to the SURFACE AT THE END of TRIAL. MR. MINES would HAVE HAD THE police report which IN THE REPORT THERE WAS EVIDENCE that INFACT MR. MINES WAS Not A ACCOMPLISS. IN THE REPORT MR. McKIBBEN STATED MR. MINES DID NOT ASSIST MR. McKIBBEN IN MR. McKIBBEN'S VENTURE. MR. MINES FILLS AS though THE EVIDENCE of MR. McKIBBEN'S STATEMENT WOULD HAVE BEEN ADMITTED AS EVIDENCE Although MR. KRIZMINSKI DISREGARDED MR. MINES' REQUEST to HAVE THE EVIDENCE ADMITTED DUE to its IMPORTANCE. MR. MINES REQUESTED MR. KRIZMINSKI to HAVE MR. McKIBBEN testafy to back up the RECULECTION of MRS. ROBBISON'S testamony. MR. MINES WAS CLEARED by Not only MRS. ROBBISON the victim but Also by the ASSAILANT MR. McKIBBEN. MR. MINES BELIVIES THE STATE should HAVE MADE the DEFENCE AWARE of this ACCUSATION. If INFACT MR. MINES KNEW the STATE would HAVE BEEN INSTRUCTING the JURY for ACCOMPLISS the DEFENCE would HAVE put together A DEFENCE to the ACCOMPLISS ACCUSATION MR. MINES could HAVE CLEARED HIS NAME to the ACCUSATION. MR MINES BELIVIES That the court should REMAND MR. MINES back to court for A NEW TRIAL DUE to the fact MR. MINES' TRIAL WAS UNFAIR AND PREJADICAL.

State of Washington	Additional grounds # 4
V.	Prosecutor Misconduct
Mines, John E D.O.B. 6.4.81	Pro. Se Brief

Complaint: A Defendent must show that infact a prosecutor. did infact do delibrate disregard to a defendant or the court.

Argument: During Mr. Mines' trial prosecutor. Cruz knowing knew That infact there was evidence that Mr. Mines did not commit the crime(s) of 1° Rape 1 Kidnapping 2° Assult w/ deadly weapon.

Mr. Cruz had Statements by Mr. McKibben that infact Mr. Mines did not assist nor engauge in the venture. Mr. Mines did not participate with the venture to help make it succeed. Mr. Cruz which is the prosecutor of the state of Washington. With the information Mr. Cruz had from Mr. McKibben still offerd Mr. Mines a deal for 120 Months and plead to 1° Rape 1° Kidnapping and Drop The assult w/ deadly weapon. Mr. Cruz offer Mr. McKibben a deal for 72 months and plead to 2° solicitation to Rape and Kidnapping. Although Mr. Cruz knew Mr. McKibben admitted to and told Det. Mr. Mines did not help him. and still Mr. Cruz would still try to

be prejudical to Mr. Mines. Mr. Mines believes that by the prosecutor with holding evidence from the Jury that Mr. McKibben admitted and cleared Mr. Mines as a accomplice should have been evidence that the jury should have heard. This information should have been heard do the fact that Mr. McKibben was a co-defendent and any thing that was said by Mr. McKibben should have been introduced as evidence in Mr. Mines' trial. Due to this evidence of prosecutor misconduct and prejudical misconduct. Mr. Mines should be remanded back to court due to the fact Mr. Cruz with held information from the Jury.

State of Washington V. Mines, John E Dob. 6.4.81	Additional Grounds # 5 Insufficient Evidence Pro Se Brief:

Complaint: Insufficient evidence could cause a whole trial to slide in a unfair trial.

Argument: Mr. Mines was tried in a case with evidence that the State did not have. Testamony from the victim and witness said that it was a 2-Liter. The state presented a 20oz bottle that had DNA on the cap and neck. There was testamony from a DNA specialist that testafied that there was no feses or Blood. If infact this particular bottle was indeed the weapon it would have had feses or Blood. When Mrs Robbison made statements to the Det. Mrs. Robbison stated that Mrs. Robbison purchased a 20oz Mt. Dew. During Cross examination on the D.N.A Specialist Mr. Krizminski ask if there was any fingerprints. The D.N.A Speal. testafied there was only fingerprints from Mrs. Robbison. Mr. Mines' fingerprints were not on the bottle that was used as evidence used against Mr. Mines. Mr. Mines was also charged for 2° assult w/deadly weapon the charge of 2° assult w/deadly weapon was due to the fact that there was testamony that there could have been a screwdriver. The state had Mr. Cramers statement that

There could Have been a screwdriver but Mr. Cramer did not produce a screwdriver that Mr. Cramer told the state that was at Mr. Cramers Dad House. The State showed no proof that infact the evidence that was used against Mr. Mines was indeed the weapon that was used in the trial. The State Had no weapon to even show the Jury. The state showed pictures of a 20°z bottle that was said to be the weapon used. The testamony that was given on trial did not match to the evidence that was used as testamony. The State used Insufficient evidence on Mr. Mines' trial. If the court Had a bottle that was Alleged to be used as the weapon it would Have Had, fingerprints, feces, Blood, Urine, Not just possible perspiration. Due to the things Mr. Mines Has presented to the courts Mr. Mines believes the state used Insufficient evidence to present to a jury and should be remanded back to court for a new trial for use of Insufficient evidence.