

SCANNED

No. 96599-4

NO. 77930-3-I

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

STATE OF WASHINGTON

Respondent,

v.

ROBERT DAVIS,

Appellant,

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR KITSAP COUNTY

The Honorable Jennifer A. Forbes, Judge

PRO SE SUPPLEMENTAL
REPLY BRIEF OF APPELLANT

ROBERT DAVIS
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FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2018 FEB 15 PM 12:00

ISSUES PRESENTED

1. Did the state conceal "Brady" exculpatory material from Davis?
2. Did the state use that material improperly to obtain a Warrant of Probable Cause for the arrest of Davis?
3. Did the state improperly join Davis to the murder defendants in this case?
4. Should the State be compelled to address the issues in Davis's Pro Se Supplemental Submissions?

ARGUMENT

1. THE STATE IMPERMISSIBLY CONCEALED EXCULPATORY EVIDENCE DIRECTLY CONTRADICTING THE TESTIMONY OF THEIR KEY WITNESS AGAINST DAVIS.

During trial testimony while Davis was reviewing

The exhibits associated with the witness, the lead detective in the case, Davis noticed a listing for a digital video record. Davis was not in possession of this recording. Counsel requested a side bar, said side bar resulted in the jury being removed so that the court could investigate this matter.

When questioned, the prosecution stated they had no knowledge of the D.V.D., and further, they had no need of it in their case. Yet, their witness had just stated in open court that he provided the D.V.D. to the prosecution.

That D.V.D. directly rebutted the testimony of the State's key witness against Davis. Her testimony was the basis for his arrest. Davis has still not been provided a copy of

that digital recording.

The materials on this D.V.D. refute the direct testimony, discredit the veracity of the witness, and negate any involvement by Davis in any of the crimes he allegedly committed. Had Davis had this material to present to the jury he believes he would have been cleared of all involvement in this matter.

Further, the prosecution propounded perjury in this instance by using the direct testimony of the witness whose credibility and statements were rebutted by the video evidence that they concealed from Davis.

2. THE STATE USED PERJURED TESTIMONY
OF THEIR KEY WITNESS TO ESTABLISH PROBABLE CAUSE
TO ARREST AND CHARGE DAVIS IN THIS MATTER.

The key witness, Ocean Wilson (Wilson), testified that Davis drove them to a residence across the street from the victim's house and dropped them off there.

The detectives in this case had already attempted to obtain an arrest warrant for Davis in this case but were denied. Based on Wilson's testimony, they reapplied and were granted a warrant.

During the course of their investigation, detectives went to the residence where Wilson swore that Davis dropped them off. It has a very distinct driveway with large pillars and security gates. It also has a private security system which included video monitoring and recording of the street entrance and access point to the driveway and gate zone.

Detectives obtained a copy of the video surveillance footage for the date in question. After review of this material they were unable to locate either Davis or his vehicle, a Ford Excursion anywhere on the video, even though Wilson states emphatically and unequivocally that Davis dropped them off at that location the day of the crime.

Her statement as an eyewitness was the only addition to the Application for Probable Cause for Arrest on the second application. This statement was presumed by the court to be true. Video evidence that the detectives had reviewed clearly showed that Wilson was lying. Yet based on this lie, the court granted the request.

3. THE STATE IMPERMISSIBLY JOINED DAVIS TO A MURDER TRIAL WHICH THEIR OWN EVIDENCE SHOWED HE HAD NO INVOLVEMENT IN.

The state joined Davis to a murder trial in which they not only lacked inculpatory evidence of his involvement, but actually possessed exculpatory evidence before the charges were filed in this matter. Yet, even with the exculpatory evidence in their possession, and knowledge that the exculpatory evidence directly refuted the testimony of Ms. Wilson, their key witness they charged Davis with murder anyway, based not only on refuted testimony, but based their charges on known perjury.

4. THE STATE SHOULD BE COMPELLED TO RESPOND TO DAVIS'S PRO SE SUPPLEMENTAL ISSUES SUBMITTED IN THIS MATTER.

Davis has submitted several Pro Se issues in this matter which he believes are meritorious and as such requests

that the State address and respond to the issues he has raised.

Should the court decline to do so, Davis requests that this court consider the silence by the state on the issues as a concession to the validity of Davis' arguments.

Should the court decline either of those options, Davis requests the court enter a ruling on the merits on his pro se issues.

CONCLUSION

Davis concurs with Ms. Winkler in this matter and requests that his identity theft conviction should be reversed.

Dated this 9 of February 2018

A handwritten signature in cursive script, appearing to read "Robert Davis", is written over a horizontal line.

Robert Davis, Pro Se

GR 3.1 CERTIFICATION

I Robert Davis, do hereby declare that on the date noted below I placed in the inter-institution Legal Mail system the Pro Se Supplemental Reply Brief of Appellant; postage prepaid addressed as follows.

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Signed and dated this 9 date of February 2018



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