64708-3

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STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

STATE OF WASHINGTON Respondent, v. Robert J Lumpkin (your name) Appellant.	))))))))))	No. 64708-3-1 STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

I, Robert Lumpkin 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

Additional Ground 2

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

Date: 9-25-10 Signature: Robert Lumpkin

COURT OF APPEALS NO. 64708-3-1
KING COUNTY SUPERIOR COURT
CAUSE NO. 09-1-03618-3 KNT

STATE OF WASHINGTON.
Respondent,
v.
Robert LUMPKIN
Appellant,

Motion to produce
Additional Grounds
for Review, for Appellant

Come now the Appellant, to produce Additional for Releif from Sentence br Violation of A NoContact Order-Domestic Violence.

Additional Ground #1

he reson why i Should Be Released from confinement because my due rocess was violated by King County Superior Court by Violation of my peedy trial rights. Superior Court Rule 3.3 says I have the right pursuant o Criminal Rule 3.3 to a trial within 60 days of the commencement if Im if iam in Jail on this case. I Never gave up My Rights to a speedy trial. I was Arrested June 11-09 I was not giveing a trial date to 8-8-09 119 days later which Violation of My due process Right to A speedy trial.

Additional Ground #2

Jury instuctions. the Judge Never instucted the Jury to find the Appellant guilty of Violation of, Domestic Violence Court order violation, he the udge Never put this in the Jury instuctions ELEMENTS. That on or about 11-09 the defendant [illegible]

That element was sopose to be proved beyond a reasonable doubt but that element was Never instucted to the Jury At my trial to the Jury

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Additional Ground #3

Read

Evidentiary issues State V Hill - State V Chapmen

My No Contact Order States that im sopose to Remain 1,000 feet from the Victim residence when i was Arrested on June 11 09, i was out Side the Prohibited Zone of the Victim residence witch is over a 1,000 feet, So i was not in Violation of a No contact order if i was not in the Prohibited ZONE. and No Crime Never happen in the Prohibited for to put me in Violation of a No Contact order-DV

Additional Ground #4

Priors Conviction that was use at trial for Evidence for a No contact on King County Superior Court CASE 08-1-00463-1KNT has NO Validity be Cause on 10-17-08 At My Sentence I ASK Judg Heavey can I have 3rd party Contact with MS FAgen and i was told yes. the court instructed the Jury as to the elements of the Crime Including that i Mr Lumpkin contact with the Victim was prohibite by a no contact order issued by King County Superior court which prohibited Robert Lumpkin from haveing any Contact with the Victim NAtash Fagen

Mr Lumpkin had ask Judge Heavey at Superior court can i have 3rd party Contact arranging Vistation. I Mr Lumpkin argues that. impermissibly commented on my assertion.

Mr Lumpkin did not object to instruction because a comment on the Vidence Violates the constitution. a Comment was made on the Vidence that was use at my trial telling me i can have 3rd party with the Victim and the trial court use to prove that i had priors to produce my Charg to a felony

A comment on the evidence violates the constitution State V. Becker 132 WN.2d 54, 64 935 P.2d 1321 (1997) Citing State V. Lampsher, 74 WN.2d 888, 893, 447 P.2d 727 (1968) Article 4 Section 16 of the Washington Constitution Provides Judges Shall not Charg Juries with respect to matters of fact nor comment thereon. but Shall declare the law an instuction that removes a disputed Issue of Fact from the Jury's Consideration is an impermissible Comment on the evidence witch Violates article 4 Section 16 the State have the burden of proving that I Mr Lumpkin was Subject to a Valid No Contact order under Superior Court case Number 08-1-00463-Knt. to prove at my trial that I had a Valid No Contact order out of King County Superior Court. Read court of Appeals of Washington Division 2 James B. Hill, Appellant

Additional Ground

Nos. 31055-4-11, 31225-5-11

Per Jury 5 By the State Witness Carey P. Smith and Danielle-Williams. By Comeing to Court and Testimony about and matter that could have not happen. They Claim they have Seen me two days Befor June 11-09 they could have not Seen me Because i was in Jail at that time Under the penalty of perJury they told the Court, that they have seen me breakin a No contact order 2 days Befor i was Arrested on June 11-09 That Could not have no Been Because i was in Jail. But the State witness Sade they se me. The State knew I was in Jail But they let the Jury here that testimoney. Perjury if the Citizen Answers the question the answer must be truthful United States V. Wong 431 U.S 174, 178 180 (1977)...

Additional Ground #6

Sixth Amendment Violation

denied right to counsel on all critical stages of the proceeding when this case was a city of Kent municipal court case State and Federal constitutions guarantee a right to counsel on all critical stages of the proceeding.
I was denied right to counsel. July-16-09 where I objected on Record

So my due process was violated for not having counsel on all critical stages of the proceedings

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due process violation Additional ground #7
Superior Court Rule 4.1 State that
I Should have been arraigned within 14 days of the date the information was filed case# 09-1-03618-3 KNT
my arraignment was actually 23 days after the case was filed

Additional #

Speedy trial Violation

Denial of motions to dismiss

Improper ordering of mistrial

Evidentiary issues

prosecutorial Misconduct

I here by Certify that on _____ I filed the foregoing document with the Clerk of the Court of Appeals DIVISION 1 600 UNIVERSITY St SEATTLE WASHINGTON 98101-4170

AND TO

Kristen de Turenne
King County prosecutor's office
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Seattle, WA 98104

And to Attorney for Appellant
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Nielsen, Broman + Koch
1908 E. Madison St
Seattle, WA 98122

Appellant
Robert Joseph Lumpkin
Robert Joseph Lumpkin

DATE