68158-3

68158-3

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

STATE OF WASHINGTON Respondent, v. Jeffery Kinzle (your name) Appellant.	)	No. 68158-3-1 STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

I, Jeffery Kinzle 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

Please See Atatched letters
AND Suporting info

Additional Ground 2

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

Date: 7-17-12 Signature: Jeffery Kinzle

6-28-12

ATTN: LINDSAY CALKINS

Dear Ms. Calkins MY Name is Jeffery Kinzle AND you Are Curently Working My Apeal So first off I would like to Say thank you AS your brief States MOST of my issues per taining to this case so I only have 3 other issues That I belie to be relevent in my Apeal so I will write one issue And list my reasons how I belive that it is a relavent issue so this following is my - statement of ADitional grounds. -

Now as I have NO real legal Knolage And have No Acess to law library or comprable Knolage AND my Hand writing is very poor I would ask you to please review the following for factual & legibility issues correct them if Nessesary then file this document. 6-28-12

Thank You for Your time. Jeffery Kinzle

ISSue #1
The DamageD bra as eviDence

on 3-13-11 MS. lucia Spoke To police & Made reports Mutipule times on That night also had 2 aditional contacts And wrote a formal State ment to MPD before officer Chasie met with MiS lucia on 3-21-11 So That is 4 police contacts And Two formal statements taken one written by MPD And one written by MS. lucia herself Plus 8 Days between 3-13 And 3-21- witch was the first Time MS. lucia Talked about having a Damaged Braw,

So My issue is I belive That The ValiDiDy of this bra as eviDence Should be questioned It is My beif that if This is alowed to be eviDence how can there Be A resonable Asumption that she was wearing this braw in

3-13 without having any
Way to verify that this bra
is Directly conected to The
Crime on 3-13 When even
after several police reports
& police contacts this bra
Was Not Mentioned until 8
Days later on 3-21 Then
even at that Was Not brou
To police until a Day later
on 3-22 witch is a total of
9 Days.

So without Trying to Spin out
a story here I belive it
could be a reasonable conclusion
That This evidence was Manufactu
by Ms. lucia or company When police
were Not shure - AS a reinforcement
that: A: This crime happened and B:
That it could be used as physical
evidence in a case where NO other
physical evidence existed.
So I belive That because of the
reasons ANY rational Mind would
Find it Nessesary TO AT least
investigate The Validity of this evidence.

Clairfication #3

Real quick The bra as evidence issue

ok SO to be considered evidence you Must conect one Idem - The braw - To a crime by a resonably Direct Maner

inother words I take issue with the fact that in 8 days Ms. lucia D.D Not tell anybody Not police & Not family Nobody about having a Damaged bra So if it was Not important enough To her to tell some one Why all Thesuden 8 days later she rember it

Just a Theroy: Sory Suposed to keep to fact/here So

So There is No one Who Can Say The bra is From 3-13 SO Why was My rite to have A fair Trial alowed to be Violated by The court and the State

Since a trial must be [illegible]

obviously False evidence & NOT even a cursory inquiere by The court

and as this is The ONLY "physical evidence" in this case TO show "force" where No other evidence of my aleged Crime exist it is logical to conclude this braw was used to Find Me guilty.

So long story short The court erored By NOT providing Do Diligence where it is NOT only A Comonly held Mindset That A Judge MUST make A Desision on evidence That May seem out of place as stated in The following underlined passages but it is also a Judges Moral Ethical and legal responsibility to Make sure by All Means Nesesary That Any And All evidence especialy any With a obvious questionability is thourowly questioned as to Acuracy & Truth of phisical evidence And relialibility & ADMISIBILITY of any and all evidence before it is to be entered into court to be seen by a Jury who has No legal knolage of past or present evidence laws & therefore would be unlikely to come to A Judicial Decision to [illegible] for trial without

Evidence (law)

From Wikipedia, the free encyclopedia

The law of **evidence** encompasses the rules and legal principles that govern the proof of facts in a legal proceeding. These rules determine what evidence can be considered by the trier of fact in reaching its decision and, sometimes, the weight that may be given to that evidence. The law of evidence is also concerned with the quantum (amount), quality, and type of proof needed to prevail in litigation.

The quantum of evidence is the amount of evidence needed; the quality of proof is how reliable such evidence should be considered. This includes such concepts as hearsay, authentication, admissibility, reasonable doubt, and clear and convincing evidence.

There are several types of evidence, depending on the form or source. Evidence governs the use of testimony (e.g., oral or written statements, such as an affidavit), exhibits (e.g., physical objects), documentary material, or demonstrative evidence, which are admissible (i.e., allowed to be considered by the trier of fact, such as jury) in a judicial or administrative proceeding (e.g., a court of law).

When a dispute, whether relating to a civil or criminal matter, reaches the court there will always be a number of issues which one party will have to prove in order to persuade the court to find in his or her favour. The law must ensure certain guidelines are set out in order to ensure that evidence presented to the court can be regarded as trustworthy.

In Scots law the rule of corroboration in **criminal** cases, requires that there must be two pieces of evidence, to prove each **essential** fact. For example, DNA evidence could corroborate an eye witness testimony, proving person X committed a crime. This corroboration requirement no longer applies in **civil** cases, with the exception of some areas of family law, such as divorce, when another individual, not party to the marriage, must act as 'witness', however this is not referred to as corroboration.(See Douglas Chalmers, Evidence, Law Essentials).

:ATTN:
Please review
All underlined
Aries also Any
Paragraph with [ ]
And use These
reasonings And
common uses & Definings
of our evidence

Contents

Relevance and social policy

Legal scholars of the Anglo-American tradition, but not only that tradition, have long regarded evidence as being of central importance to the law.

In every jurisdiction based on the English common law tradition, evidence must conform to a number of rules and restrictions to be admissible. Evidence must be relevant – that is, it must be directed at proving or disproving a legal element.

However, the relevance of evidence is ordinarily a necessary condition but not a sufficient condition for the admissibility of evidence. For example, relevant evidence may be excluded if it is unfairly prejudicial, confusing, or the relevance or irrelevance of evidence cannot be determined by syllogistic reasoning – if/then logic – alone. There is also general agreement that assessment of relevance or irrelevance involves or requires judgements about probabilities or uncertainties. Beyond that, there is little agreement. Many legal scholars and judges agree that ordinary reasoning, or common sense reasoning, plays an important role. There is less agreement about whether or not judgements of relevance or irrelevance are defensible only if the reasoning that supports such judgements is made fully explicit. However, most trial judges would reject any such requirement and would say that some judgements can and must rest partly on unarticulated and unarticulable hunches and intuitions. However, there is general (though implicit) agreement that the relevance of at least some types of expert evidence – particularly evidence from the hard sciences – requires particularly rigorous, or in any event more arcane reasoning than is usually needed or expected. There is a general agreement that judgments of relevance are largely within the discretion of the trial court – although relevance rulings that lead to the exclusion of evidence are more likely to be reversed on appeal than are relevance rulings that lead to the admission of evidence.

According to Rule 401 of the Federal Rules of Evidence (FRE), evidence is relevant if it has the "tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence."

Federal Rule 403 allows relevant evidence to be excluded "if its probative value is substantially outweighed by the danger of unfair prejudice", if it leads to confusion of the issues, if it is misleading or if it is a waste of time. California Evidence Code section 352 also allows for exclusion to avoid "substantial danger of undue prejudice." For example, evidence that the victim of a car accident was apparently a "liar, cheater, womanizer, and a man of low morals" was unduly prejudicial and irrelevant to whether he had a valid product liability claim against the manufacturer of the tires on his van (which had rolled over resulting in severe brain damage).[1]

Presence or absence of a jury

The United States has a very complicated system of evidentiary rules; for example, John Wigmore's celebrated treatise on it filled ten volumes.[2] James Bradley Thayer reported in 1898 that even English lawyers were surprised by the complexity of American evidence law, such as its reliance on exceptions to preserve evidentiary objections for appeal.[3]

Some legal experts, notably Stanford legal historian Lawrence Friedman, have argued that the complexity of American evidence law arises from two factors: (1) the right of American defendants to have findings of fact made by a jury in practically all criminal cases as well as many civil cases; and (2) the widespread consensus that tight limitations on the admissibility of evidence are necessary to prevent

a jury of untrained laypersons from being swayed by irrelevant distractions.[4] In Professor Friedman's words: "A trained judge would not need all these rules; and indeed, the law of evidence in systems that lack a jury is short, sweet, and clear."[5] However, Friedman's views are characteristic of an earlier generation of legal scholars. Many respected observers now reject the formerly-popular proposition that the institution of trial by jury is the main reason for the existence of rules of evidence even in countries such as the United States and Australia; they argue that other variables are at work.[6]

Exclusion of evidence

Unfairness

Under English and Welsh law, evidence that would otherwise be admissible at trial may be excluded at the discretion of the trial judge if it would be unfair to the defendant to admit it.

Evidence of a confession may be excluded because it was obtained by oppression or because the confession was made in consequence of anything said or done to the defendant that would be likely to make the confession unreliable. In these circumstances, it would be open to the trial judge to exclude the evidence of the confession under Section 78(1) of the Police and Criminal Evidence Act 1984 (PACE), or under Section 73 PACE, or under common law, although in practice the confession would be excluded under section 76 PACE.[7]

Other admissible evidence may be excluded, at the discretion of the trial judge under 78 PACE, or at common law, if the judge can be persuaded that having regard to all the circumstances including how the evidence was obtained "admission of the evidence would have such an adverse effect on the fairness of the proceedings that the court ought not to admit it."[8]

Authentication

Certain kinds of evidence, such as documentary evidence, are subject to the requirement that the offeror provide the trial judge with a certain amount of evidence (which need not be much and it need not be very strong) suggesting that the offered item of tangible evidence (e.g., a document, a gun) is what the offeror claims it is. This authentication requirement has import primarily in jury trials. If evidence of authenticity is lacking in a bench trial, the trial judge will simply dismiss the evidence as unpersuasive or irrelevant.

Witnesses

In systems of proof based on the English common law tradition, almost all evidence must be sponsored by a witness, who has sworn or solemnly affirmed to tell the truth. The bulk of the law of evidence regulates the types of evidence that may be sought from witnesses and the manner in which the interrogation of witnesses is conducted such as during direct examination and cross-examination of witnesses. Other types of evidentiary rules specify the standards of persuasion (e.g., proof beyond a reasonable doubt) that a trier of fact—whether judge or jury—must apply when it assesses evidence.

Today all persons are presumed to be qualified to serve as witnesses in trials and other legal proceedings, and all persons are also presumed to have a legal obligation to serve as witnesses if their testimony is sought. However, legal rules sometimes exempt people from the obligation to give evidence and legal rules disqualify people from serving as witnesses under some circumstances.

Privilege rules give the holder of the privilege a right to prevent a witness from giving testimony. These privileges are ordinarily (but not always) designed to protect socially valued types of confidential communications. Some of the privileges that are often recognized in various U.S. jurisdictions are spousal privilege, attorney–client privilege, doctor–patient privilege, state secrets privilege, and clergy–penitent privilege. A variety of additional privileges are recognized in different jurisdictions, but the list of recognized privileges varies from jurisdiction to jurisdiction; for example, some jurisdictions recognize a social worker–client privilege and other jurisdictions do not.

Witness competence rules are legal rules that specify circumstances under which persons are ineligible to serve as witnesses. For example, neither a judge nor a juror is competent to testify in a trial in which the judge or the juror serves in that capacity; and in jurisdictions with a dead man statute, a person is deemed not competent to testify as to statements of or transactions with a deceased opposing party.

Hearsay

Main article: Hearsay

Hearsay is one of the largest and most complex areas of the law of evidence in common-law jurisdictions. The default rule is that hearsay evidence is inadmissible. Hearsay is an out of court statement offered to prove the truth of the matter asserted. A party is offering a statement to prove the truth of the matter asserted if the party is trying to prove that the assertion made by the declarant (the maker of the pretrial statement) is true. For example, prior to trial Bob says, "Jane went to the store." If the party offering this statement as evidence at trial is trying to prove that Jane actually went to the store, the statement is being offered to prove the truth of the matter asserted. However, at both common law and under evidence codifications such as the Federal Rules of Evidence, there are dozens of exemptions from and exceptions to the hearsay rule.

Circumstantial evidence

Circumstantial evidence is indirect evidence that implies the existence of the main fact in question, but does not in itself prove it. The existence of the main fact is deduced from the indirect or circumstantial evidence by a process of probable reasoning. The introduction of a defendant's fingerprints or DNA sample are examples of circumstantial evidence. The fact that a defendant had a motive to commit a crime is also circumstantial evidence. In an important sense, however, all evidence is merely circumstantial because no evidence can prove a fact in the absence of one or more inferences.

In Scots law, the rule against hearsay in civil cases was abolished by the Civil Evidence (Scotland) Act 1988 s.2. The purpose of this legislation was to promote the inclusion of all relevant pieces of evidence, and in effect reduce the number of exclusionary rules that previously had prevented the court from even considering evidence that might in fact be of value in reaching a decision.

Evidence that the defendant lied

Main article: Lies (evidence)

Lies, on their own, **are not** sufficient evidence of a crime. However, lies may indicate that the defendant knows he is guilty, and the prosecution may rely on the fact that the defendant has lied alongside other evidence.

ISSue #2

FBI investigator AS A Juror

During Jury Selection Against My my will My Aterney Alowed a Man Who is a current FBI investigator Who even stated To The court That he is usualy The first To be rejected Because of The Strong possibility of bias Against a Defendant Witch is one part of my issue here

So part #1 with all Due respect to law enforcement And I Do Not Say That All lawenforcement has these views but I belive it has been shown in Various forms wether it has to Do with courts, police, or Acused people That it is More likely than not for Some one of a law enforcement background To hold an imediate Predgious Tword a person Who is acused of a crime by other lawenforcement officals as The Most likely conclusion for than To reach That A person would not

Be held acused and Taken to trial by law enforcement if they were Not guilty as it is comonly held - Regardless of the facts - that our legal system is always rite & if at all rarly has the wrong person as suspect.

So #2 of This is That I belive That As Being a FBI investagator The rest of the Jury would Probably hold him in high regard Due To his knolage, experience & Posision As an expert in sutch maters And rely helvaly upon his opinions And Dessons of guilty or Not where by it would be a resonable conclution That if Above Mentioned Pregidious - witch is also a logical conclution - it could Very well Tainted The Jury bolth by there Mind set, Rational, and final Decision.

clairification #2

This has to Do with the issue of having an FBI investigator on my Jury witch is so blatent A violation once Again of my constitutional rite to have a fair trial <u>by a Jury of my piers</u>

and as an FbI or law enforcement of ANY kind would #1 have reason And easy Acess to And cuase to know my criminal backround - witch is suposed to be kept from Jury members to Assure No bias is formed by that Juror - so Then as #2 of this is also that once again as a member of The FbI would have resonable asumption of bias Due To my criminal Standing both past and present.

So I contend in this that The court errored by allowing my constitutional rite to a fair trial by a Jury of my peers + as I explained in my other letter That it would be a resonable asumption The

of the Jurrory Due to his profetion
would have his views & opinion held
n a high standard & There by swaying
he Whole Jury Vote regardless of
What the actule evidence shows.

ISSue #3

- Pergery -

very shortly I would please ASK For you to rieview of MS. lucias. testamoney And also that of Nathan wood as you Do you will find That ON seivera instances There Testamoney Directly conflicts The other - where MR. wood Was During first incident - Where the first and Secont incidents happened - if MS. lucia left the store - and last What cloths I was wering - plus in the MPD police reports on 3-13 MS. lucia very admit and very Spificly TOLD police grey North face fleece - then at trial repiedly I Dentified a Diferent Jacket of solid Dark brown.

So with all That by There own Sworn Testamoney either Nathen wood or MS lucid is guilty of purgery
Now that Said one or the others Testamony should be Deamed Not credible.

Showing of factual
Argument to my #
statement

Statement of Apeal

The base Argument is the court
And the state failed to Act
on There sworn Duty There
Moral & legal obligation To
prevent crime or to put a
stop to it imedtly As soon
as this crime is in front of
There knolage
Now The way we can acurtly
& legaly call These Testamonies
of one whitness or other is
by #1
upon entering the stand the Whitness
Are sworn in by stating "Do
You solomly swear to tell the
Truth The whole Truth &
Nuthing but the Truth So help
you god" then They say I DO
or NOT but in this case both
partys said I DO Then both
partys proceeded to tell A story
with several conflicting facts
Now I will Draw your Attention
back to the oath it uses
verry cristal clear language
Nuthing can be subject to
an interpritation other than
tell only the truth
are in surgery

#8 Statement of Apeal

so NO Where in there Dose it say
it is OK as long as its only a
little lie NO it Dose NOT NORE DOSE
it Say you can lie this Mutch Nore
Dose it Say if you cant rember
its OK to Make up a lie to
Suit the ocaison Nore Dose it
Say if you Are confused you can
make something up NO it plainly
states you tell the truth or you
Dont speak until what you will
say is full truth. The end No
interpretations.

#2.

What is pergery? Real simple
once Again plain language pergery
is Defined explicitly AS "Making falce
Statements to the law"
once Again real Simple Nuthing can
be Mis interpered in This.

#3

and I quote MR hunter While explaining
the Jury instructions And legal Definition
of what Washington State law and
Statute along With federal laws And
rites say about What is Nesesary
To find a person guitty of a crime
"Knowing is Defined as you half to know
the fact is ocuring" and also

#3 Statement of Apeal

"And what bolth Definitions Knowing And intent say is you. Dont half to know its a crime or you. Dont half to intend it to be a crime you only half to know the Act is ocuring".

SO All of that said No where Dose The law give an excuse or an ability to The party who was without a Doubt Clearly and legaly guilty of the Crime of pergery Due to the legal Definitions and laws write above

and as There was No legal excuse for this crime of Dishonest to ocure in The first place. There was an even grater intustic Done when The Judge - Whos Manditor Duty in a trial in part is to Make Sure all laws are being followed in The court And to guarentee that No Violation of rites is allowed by either side - in essence it is The Courts ethical and legal obligation to be cognazent of The going's on in his court.

And in This case And Due to The Actions Described above

Jeff Kinne

Statement of Apeal

I hold That Bolth the Judge and The State - MR hunter - shieked There ethical legal and moral obligations by knowingly Allowing This grave injustice To go on in That court There by violating My rites by knowingly And blatently Showing a prejiduce of that court against My rite to a fair Trial by knowingly letting purgered testamony be heard by the court and therefore knowingly letting the Jury use said purgered testamony & consider it as acurate evidence to find a guilty or not guilty verdict.

because it would be not only resonably expected by A Jury that if people were breaking the law During a trial that the Judge would legaly ethicly and moraly have a Duty as a Judge to put a stop to Anyone who was breaking laws or violating rites of Someone going through trial so therefore if they would resonably expect a Judge to Act on that premis then the Jury would odviously have No thought about what they heard because the court didn't stop it so it must be True right and legal

clareification #1

For My issue of Pergery

ONe other Thing I would like to be looked at here on this issue So A Big issue here is in the States closing Argument MR. Matt hunter a prosicutor And repersentive of the state and by extention The repersentive of the laws and statutes and the legal viewpoints of the State of Washington's legal system

So having said that in MR hunters closing arguments in his own word explaining to the Jury about proving elements in the crime states

"And what bolth knowing And intent say is that you Dont half Know it is a crime or you Dont half to intend it to be a crime you only half to know The Act is oGoing"

So by using MR hunters own words The words of A repersentive of The laws, statutes, and viewpoints I say That Due To The Magerly conflicting Testamony of The night of march 13 and by Ms. lucia and MR wood I State That bolth stories cannot be true And as they are bolth Duly sworn by The cort To tell the truth under penalty of pergery & So by MR. hunters own words even if Niether Ms. lucia or MR wood Ment to perger Themselfs They DID comit pergery AND AS bolth testamony's would be used to get a guilty or not guilty verdict

I See That The court Definitly erore by Alowing pergerd Testamony To Stand & be presented To the Jury witch violates among other things my constitutional rite to a fair Trial

So it is with these 3 aditional issues along with The brief prieviously filed by MS. Lindsay calkins who is repersenting me in this Matter That I ask you to consider please bear in Mind I am Mentaly Chalenged with seler learning Disibilities So I DoNT know A lot of The legal knolage and langage so it Might NOT look legal but I Do have good comrion sence so all of what is written is of common Sence issues And bear adiquit investagation after that I belive you will esily come to The same conclutions

So I ASK After your review please overturn My conviction

Thank you for your Time

Jeffery Kinzle
6-28-12

Lindsay

To MR or MS. Lallsins
Sorry I Dont Know if this is the rite Name or Not Sno Co. Jail gave me a Diferent name

Please include this or make sure this is include as My statement to the court I am sorry I Didnt send this orig ionally but I have so hard a time trying to explain my train of what I m saying Pam also easily confused by issues requiring Memory or comprihension.
So I think this one will show exactly step by step how this is a factule argument and Not Just my opinion.

So I also Need to get from you All of the writen case law & the local & federal laws governin evedently issue Spisicl: those about evidence being or having a probable link to a crime ie- No corobera tion or [illegible] and the [illegible]

Left margin

MS lucia together on 3-13-11 until
3-21-11

I also Need to get all the
Writen statements of all the MPD
officers and MS. lucia That were
in my original police reports &
Discovery — they were Not in my
transcripts and I need them to furth
Show the court of More purgered
testamony and more clearly show
The court how My rites were
Violated by them. when the
Time comes.

Thank you Jeffery Kinzie
7-4-12

p.s. please write back ASAP
To let me Know you have recieved
my 3 letters & filed them
all 3 as My Statement to the
court.
I would also aprieciate a copy of
all 3 letters I have sent you this
week so My statement is desible
to me for further referencet.

7-2-12

RE: Additional info of Statement of Additional grounds

To Ms. Lindsay Calkins

From Jeffery Kinzle

I am writing in hopes it is NOT to late to ADD the following clarefications in Regards to the 3 issues I had written in my Statement of Additional grounds last week for consideration of my Apeal Review so please ADD this to my Statement of Additional grounds or file this with the court if at all posible Thank you. Jeffery Kinzle

So MS Calkins I would really apriec,ate if you would add These to my other letter to send to the court I also would like to ADD for the record That on 3-13-11 when MPD came to my house they imeiediety arested me then started to ask me question I told them I wanted a layer I was told I didnt need one They spent about another 20 munits questioning me & as I kept repetly asking for a layer They finly stoped & brought me to the store before letting me go but they never read me my rites and also refused me a lawer & kept questioning me

So MPD violated my rites And I just wanted to let you know about it.

Thank you

Jimmy Kinsey

To Lindsay Sellers
From Sidney M. Kinsie

RECEIVED
JUL 12 2012
Washington Appellate Project

I Just received your letter saying to send my letter to the city today Tues -7-10-12 but there is NO Adress to send it to All I Said is Seattle WA 98101 but there is NO Actual Numerical Street Adress so I Need that from you please so I can send this Correct in on time.

also I Need copies of all 3 letters I Sent you to give to the court
But I Need Both sides of my statements copied
The ones you sent me only 1 side got copied And AS I can not remember what I wrote I Need both sides of All 3 letters ASAP please & thank you

Sidney Kinsie