

08746-8

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COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON,)	CASE NO. 68746-8-I
)	
Respondent,)	STATEMENT OF
)	ADDITIONAL GROUNDS
vs.)	
)	PURSUANT TO RAP 10.10
ROBERT FREEDMAN,)	
)	
Appellant.)	

FILED
 COURT OF APPEALS DIV I
 STATE OF WASHINGTON
 2013 JAN - 7 PM 1:38

I, Robert Freedman, Appellant, pro se counsel, have received and reviewed the opening brief prepared by appellate counsel.

Summarized below are additional grounds for review that are additional grounds for review that are not addressed in appellate defense counsel brief.

It is the Appellant's understanding, that the appellate court will review this "Statement of Additional Grounds" for review when the appeal is considered on the merits. Per. RAP 10.10, and RAP 7.3.

ADDITIONAL GROUNDS-1

The trial counsel erred in failing in considering the trial court advice. When, the trial court noted, that defense counsel best defense for Mr. Freedman reputation for "Peacefulness", and the calling of witnesses. RP-1, at 16-17.

According to the Court:

THE COURT: Is there anything that the defenant I guess obviously, considering the nature of the charge is peacefulness, that certainly could be something that could be --RP-1, at 16-17.

MR. LAPIN: I don't intend to call any witnesses concerning his reputation for peacefulness. RP-1, at 17 For the court is aware it it is going to be undisputed that Mr. Freedman and Mr. Leman got into a physical altercation. This is not a situation where the defense is disputing, really, what happened in terms of whether or not he he assaulted Mr. Leman in

any way during their
interaction. RP-1, at
17.

Mr. Freedman believe that defense counsel action amounted to deficient performance, and led to, or aided in the finding of Mr. Freedman's guilty verdict.

**A. MR. FREEDMAN RECEIVED INEFFECTIVE
ASSISTANCE OF TRIAL COUNSEL**

Mr. Freedman contends here, that counsel actions constituted and resulted in ineffective assistance of counsel.

a.) Standard of Review

According to In re Riley, 122 Wn.2d 722, 863
P.2d 554 (1993):

"The sixth amendment to the United States Constitution guaranttees a criminal defendant the right to have assistance of counsel for his defense. U.S. Const. amend. 6. The right to counsel means the right to the effective assistance of counsel."

id at 779-80, (citing Strickland v. Washington, 466 U.S. 668,686, 80 L.Ed.2d 674, 104 S.Ct. 2052 (1984). Citing McMann v. Richardson, 397 U.S. 759, 771 n. 14, 25 L.Ed. 763, 90 S. Ct. 1441 (1970). See also, article one, section 22 of the Washington Constitution.

The Strickland test is set forth in State v. Thomas, 109 Wn.2d 222, 225-26, 743 P.2d 816 (1987). See PRP filed later.

Respectfully Submitted:

Dated: 1-3-13

ROBERT FREEDMAN, DOC #358484
WASHINGTON STATE PENITENTIARY
MINIMUM SECURITY UNIT-10, F-23
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WALLA WALLA, WA 99362

PROOF OF SERVICE BY US MAIL

I, ROBERT FREEDMAN, STATE UNDER THE PENALTY OF PERJURY OF THE LAW OF THE STATE OF WASHINGTON, THAT I PLACED IN THE INSTITUTIONAL ONE COPY OF THIS DOCUMENT, AND ONE ORIGINAL, POSTAGE PAID FIRST ADDRESSED TO THE INDIVIDUALS LISTED BELOW:

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Dated: 1-3-13

RMF
ROBERT FREEDMAN, PRO SE COUNSEL