

Case # 311686

Supplemental
Statement of Additional Grounds
for Review

State of Washington
v.
Elvis Camillo Renteria Lopez

COPY



MAR 11 2014

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By 3-7-2014

Dear, Court of Appeals

I would like to know if I could get premission to add one more issue to my Statement of additional ground. Which would be my, "Additional Ground 7" I would like to argue that the court put me in Double Jeopardy when in the first trial the officer said in front of the Jury that I didn't want to go back to prison, which provoke a mistrial. The next day after the mistrial the prosecutor Amended a charge turning a fourth degree Assault to a robbery in the first degree. These actions show that the prosecutor was being vindictive, Retaliating and harrassing the defendant, these are of evil nature and would show why the prosecutor would provoke a mistrial.

See, In. U.S. v. Mondragon, 2013 WL 6726925 (C.A. 9 (wash) 2013) The rule that a declaration of mistrial at the behest or with the consent of the defendant stands as no obstacle to a new ~~trial~~ trial does not apply when the mistrial is caused by the misconduct of the prosecutor or Judge and that misconduct is motivated by an intent to subvert the protection afforded by the governmental conduct in question is intended to "goad" the defendant into moving for or consenting to a mistrial does double Jeopardy bar a second trial.
U.S.C.A. Const. Amend. 5.

See, In. U.S. v. Lopez-Avila 678, F.3d 955, (C.A. 9 (Aiz.) 2012) Double Jeopardy clause bar retrial after defendant requests mistrial only where governmental conduct in question is intended to goad defendant into moving for mistrial. U.S.C.A. Const. Amend. 5.

Also, see, In. U.S. v. Jamison, 505 F.2d 407 (C.A.D.C. 1974) A Judge or prosecutor is not free to have one ~~the~~ trial disbanded and another convened by intentionally committing errors so prejudicial to the defendant that he is forced to seek a mistrial, in such a case "Judicial or prosecutorial overreaching," reprosecution may well be barred.

Defendant respectfully ask the court to dismiss all charges against defendant Elvis Lopez with prejudice. For violating defendant Double Jeopardy clause of the Fifth Amendment constitution as applied to the States through the Fourteenth Amendment constitution Due Process Clause.

Please except this so the defendant doesn't have to waste the other court of appeals times. Defendant does strongly believe the evidence is on its face as well with the other issues that the defendant brought up in the Statement of Additional Grounds.

3-9-2014 ELVIS LOPEZ #813011
Elvis Lopez

CERTIFICATE OF SERVICE

I hereby certify that on March 9th 2014, I mailed the foregoing to the following:

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3-9-2014 Elvis Lopez #813011

Elvis Lopez

