

**Case # 322688**

**Statement of Additional Grounds  
for Review**

**State of Washington**

**v.**

**Eric Marcel Harris**

*ORIGINAL*

**FILED**

SEP 22 2014

COURT OF APPEALS  
DIVISION III  
STATE OF WASHINGTON  
By \_\_\_\_\_

COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION III

STATE OF WASHINGTON,  
Respondent,

V.

Case No. 32268-8-III

ERIC MARCEL HARRIS,  
Appellant,

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW  
(Pursuant RAP 10.10)

I, Pro Se Appellant, Eric M. Harris, 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

"Ineffective Assistance of Counsel"

ADDITIONAL GROUND 2

"Prosecutorial Misconduct"

ADDITIONAL GROUND 3

"Judicial Prejudice"

ADDITIONAL GROUND 4

"Unlawful Arrest"

ADDITIONAL GROUND 5

"Unlawful Substantive & Procedural Execution of a Warrant"

ADDITIONAL GROUND 6

"Amendment V - due process violations"

ADDITIONAL GROUND 7

"Amendment V - double jeopardy violation"

ADDITIONAL GROUND 8

"Amendment VIII - cruel & unusual punishment violation"

ADDITIONAL GROUND 9

"Refusal of change of venue impeded fair trial/impartial jury"

ADDITIONAL GROUND 10

"self defense / Necessity defense"

FACTS IN SUPPORT OF ADDITIONAL GROUNDS

1. Conviction is unlawful because at most, Eric Harris should have only been arrested, charged, and tried for manslaughter in the second degree (RCW 9A.32.070), by exact definition and interpretation of the actualities of the instant case.
2. Sentence is unlawful because Eric Harris only has a criminal history that consists of non-violent crimes, and the standard range should at most be 36 - 48 months + 9 - 12 months consecutive nowhere near the 154 - 254 months + 60 months + 9 - 12 months Appellant did receive.

3. An arrest, charge, and conviction of "with a firearm special allegation" & "unlawful possession of a firearm in the second degree" is being raised by Pro Se Appellant, Eric Harris as double jeopardy.
4. Eric Harris is raising the right to challenge any future Legal Financial Obligation(s) pursuant Jamie Ann Harris "civil action reversed".
5. The deceased, Larch Harris had a history of domestic violence with and without weapons constantly bullying Eric Harris. Two days before lethal incident, police warned Larch Harris not to return to the property of Eric Harris whereof Larch Harris ignored police instructions, trespassed & attacked Eric Harris causing Appellant to protect himself under duress, thus "justifiable manslaughter" should have been the only response by police with no prosecution.
6. Bird shot fired out of a shotgun cannot be construed as pre-meditation to murder a person whereof in the instant case, a single pellet pierced the heart of Larch Harris accidentally with no such intentions from Eric Harris to end the life of his brother.
7. The search warrant secured by Detective Dwayne Ford lacks standing pursuant being executed with substantive errors whereof Detective Ford is clearly experienced in how to manipulate & abridge the procedural rights of a warrantee, notwithstanding the official challenge of the expired date of said warrant being raised in 1st filing on Appeal.
8. Eric Harris confirms (3) issues raised by Appellant Counsel are valid and Appellant however would have liked to add recent case Law from 9th Cir.

9. Detective Dwayne Ford coerced false statement from eye witness Thomas Harris who is handicapped with a hearing deficiency whereas said witness confused his being on the property of Eric Harris with Larch Harris there illegally for reasons of property with the real conversation that took place that was about the extra-marital affairs of his mother Jamie Ann Harris, wife of Larch Harris.
  
10. Both Judges in the instant case were served with an Affidavit of Prejudice and "change of venue" should have been granted because "appearance of impropriety" was more than clearly evident.
  
11. Real facts of self defense ignored violated more than several doctrines that moreover should have been well documented to protect the rights of accused.
  
12. Self defense & necessity defense witness list herein are a matter of absolute fact:
  - (a) Thomas Harris (coerced witness)
  - (b) Gerald Curl (extra-marital affair with Jamie Harris)
  - (c) Eric Trussler (wasn't allowed to testify)
  - (d) Jamie Harris (adulterous wife didn't get put on stand)
  - (e) Jenny Mainer (wasn't allowed to testify about adulterous wife)
  - (f) Staci Vollendorf (wasn't allowed to testify main defense)
  - (g) Thomas Evje (wasn't allowed to testify as eye witness)
  - (h) Derek ? (not on list / extra-marital affair with Jamie Harris)

13. Manipulative prejudicial abuse of power of public officials is overwhelming and acts of unfavorable conduct by assigned counsel, prosecutor, and Judges should be seriously considered in this Courts review of instant case.
14. Eric Harris moreover challenges State's claim the Appellant was in no imminent danger thus needing a shotgun for protection on property of which he officially resided.
15. Trial Motion for downward sentence should be reconsidered with material weight in favor of Eric Harris pursuant this Court's decision[s].
- 16.3.5 Hearing revealed that Detective Gilmore recognized the voice of Eric Harris who asked if his brother was dead -- not knowing -- that supports no premeditated intent whereupon both interrogation & hearing callously left out a murder suspects testimony because it contained complete regret & remorse of Eric Harris killing his brother that would have completely excluded police & prosecutor case of murder.
17. Judge & prosecutor with no objection by assigned counsel allowed "impact statements" full of hate filled conjecture & speculation and excluded the letter by Jamie Harris who did reveal that her husband Larch Harris was seriously violent and Eric Harris did in fact regret what he did.
18. Pro Se Appellant, Eric Harris believes that if he simply translated page & line errors of his jury trial would only insult the intelligence of this Court, only adding injury to previous injustices.

AFFIDAVIT CONCLUSION

Before trial, original assigned counsel was fired by Appellant. The new assigned counsel, Eric Christianson, before trial said, "you do know that the State is paying my fee" when Eric Harris wanted assigned counsel to fully vindicate Appellant of all crimes against him excluding possession of a weapon unlawfully. At trial, assigned counsel, Eric Christianson, did in fact inform Eric Harris to not interfere with his trial strategy and just "sit there and look like O.J. Simpson." Thus procedural errors in the instant case should be viewed skeptically as three friends and a stranger being the victim of a tough on crime agenda that violated more than several of Pro Se Appellant Eric Harris's Constitutional Rights.

RELIEF SOUGHT OF APPELLANT

Pro Se Appellant, Eric Harris, respectfully requests this Honorable Court reach a decision of either "remand for a new change of venue trial" or "reverse and dismiss with prejudice".

Signed Eric Harris and dated this 19 day of September 2014.

[Signature]

NOTARY PUBLIC in and for the State of Washington  
Residing at: CONNELL, WA  
My appointment expires: April 30 2018

