

FORM STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

FILED  
COURT OF APPEALS  
DIVISION II  
2015 DEC 31 AM 10:42  
STATE OF WASHINGTON  
BY \_\_\_\_\_  
DEPUTY

STATE OF WASHINGTON )  
)  
Respondent, )  
)  
v. )  
)  
Audra Minier )  
(Your name) )  
)  
Appellant. )

No. 47610-0

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

I, Audra Minier, 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

Ms. Eaton states that she lost sight of Audra Minier for the entire time she was in the store. She only picked her back up as a suspect upon seeing her head to the front doors without going through a checkout stand. This is contrary to her official security policy which is to not approach any suspect unless they have been observed for the entire time since allegedly picking up the product and passing the point of last sale. Defendants counsel erred in not noting this.

Additional Ground 2

Ms. Eaton states that she could see the plastic bin in the cart from the side door of the store which is approximately 3 to 5 feet away from the location that Audra Minier was at the front door. This is contrary to previous statement that she had tried to conceal the merchandise. Defendants counsel erred in not noting this.

Additional Ground 3

Ms. Crawford states she did not get out to the parking lot until both Ms. Eaton and Audra Minier were struggling. This is contrary to the testimony of Ms. Eaton who states that both she and Ms. Crawford followed Audra Minier to the parking lot. Defendants counsel erred in not noting this.

Additional Ground 4

Ms. Eaton states that Audra Minier became very aggressive, using profanity and shoved her. According to the rules of her company at this time Ms. Eaton is required to remove herself from the situation, take down as much information as possible and immediately call the police. She is under no circumstances to engage a combative subject. Defendants counsel erred in not noting this.

Additional Ground 5

Ms. Eaton states that Audra Minier threw the baby quilt kit and fabric at her, however the fat quarter of fabric was found in an open pocket after Ms. Miner was in the ambulance and a search was conducted of the bag. The baby quilt kit and plastic container was originally discovered by Ms. Minier upon being confronted, at which point she apologized and sat the items on the hood of the truck for Ms. Eaton to retrieve while she checked for

anything else the baby may have put in the cart that she missed. At this point is when Ms. Eaton initiated physical contact and requested that Audra Minier follow her back into the store.

Ms. Eaton states that she grabbed Audra Minier's arm, braced her against the side of the truck and handcuffed her right wrist. The video taken by Audra Minier clearly shows her entire right arm and no handcuffs are seen on her wrist or anywhere on her arm or in the video. Ms. Eaton states that she then tried to wrap her arm around Audra Minier's chest, the video taken by Audra Minier clearly shows Ms. Eaton's arm around her neck in an attempted "rear naked choke" hold. Defendants counsel erred in not noting this.

#### Additional Ground 6

Ms. Eaton states that Audra Minier was struggling and on the stand testified that Audra Minier was swinging her right arm with the handcuff and using it as a weapon. This testimony is proven to be false via the video recorded by Audra Minier. Defendants counsel erred in not noting this.

#### Additional Ground 7

In order for her to record the video she needed to retrieve her phone from her left pocket, turn it on, enter her 4 digit code to unlock the phone, turn on the camera application, wait for it to load, change the settings to record from the front camera, wait for it to load, then begin recording.

Ms. Eaton would have us believe that a person swinging their arm and flailing about while fighting was able to perform all of these actions.

Defendants counsel erred in not noting that it would be impossible for a combative subject to perform these steps. Counsel further erred in not noting that Audra Minier was calmly speaking and requesting to be released and was not combative. Counsel further erred in not noting that Ms. Eaton was clearly the aggressor and initiated going to the ground.

#### Additional Ground 8

Ms. Eaton states that Audra Minier bit her arm and then threw herself to the ground. In the video you can clearly see that Audra Minier is grimacing with her teeth closed, lips pulled back and struggling to pull Ms. Eaton's arm away from her throat as she is having trouble breathing and beginning to feel light headed due to the location of Ms. Eaton's arm on her throat. Additionally you can hear Audra Minier making noises the entire time, noises which would have been muffled had she been biting and hanging on to her arm as Ms. Eaton testified in court.

Defendants counsel erred in not noting this and not having the video available for the court to see this on more than a small phone screen.

#### Additional Ground 9

While the sitting judge and counsel for the plaintiff both stated they had seen the images of the bite and had seen the scar, Audra Minier's lawyer (Erin MacAleer) did not request to see this evidence and move to exclude it from testimony as it had not been provided to the defendant's lawyer prior to trial. Defendants counsel erred in not requesting to exclude the evidence or request a mistrial when the judge was clearly biased.

#### Additional Ground 10

Audra Minier's Fiancée, James Henline, printed all of the images, and created all of the DVD's for the trial, Mr. MacAleer was negligent in creating these documents or checking that they worked with the courts systems causing the court to be unable to watch the video recorded by Audra Minier on a large screen.

Instead each person was individually shown the video on a small laptop screen which showed little detail and was not paused and scrutinized. The repeated playing of the video with audio clearly cause Audra Minier an undue amount of stress.

Defendants counsel showed clear and obvious disregard for the case by failing to create the needed documentation of evidence for the court instead relying on defendant's fiancée to create the items. Defendant's fiancée is not a legal professional.

**Additional Ground 11**

The paperwork states that Audra Minier was at the store with "Jennifer". Audra was at the store with a friend named "Jessica".

Defendants counsel erred in not pointing out that even things as simple as witness names were incorrect and not consistent with the facts of the day.

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

Date: 12/26/15

Signature: Audra Minier