

COURT OF APPEALS  
DIVISION TWO  
OF THE STATE OF WASHINGTON

FILED  
COURT OF APPEALS  
DIVISION II

2012 JUN 13 AM 11:46

STATE OF WASHINGTON

DEPUTY

STATE OF WASHINGTON )

Respondent, )

v. )

Mullally, Ronnie  
(your name)

Appellant. )

No. 42939-0-1BY

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

I, Ron Mullally, 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

I believe that court erred on sentencing me to 63 mo on assault 3 on a Washington statute. Maximum sentence for class C felony is 5 years 63 mo is beyond 5 year maximum limit.

Additional Ground 2

I also believe that court erred by convicting me of both robbery and assault 3 on basis of Washington practice criminal law book. It states that § 305 Merger doctrine on assault, assault is frequently committed as part of the commission of some other crime, in such case the defendant can not be convicted of both assault and other crime.

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

Date: 6-1-12

Signature: RJ Mullally

I am adding an ineffective assistance of counsel to my additional grounds. The errors my counsel made at my trial was crucial to my case I have asked many times to have the video tape to be examen by an expert so they can be a witness to my case. this was crucial to self defense theory. on the record, target security, Seth kelton announced him self as target security. He told that story with two different versions, because he told a lie in order save his job. The video tape would have approved this point. If it was viewed by a lip reader, and testify to that matter. Also my attorney was improperly prepared for the trial he did not provide any jury instructions, it was all done by prosecuting attorney and the judge. 3<sup>rd</sup> degree theft should have been added as lesser included offense. The law book states that 3<sup>rd</sup> degree theft is always lesser included offence to a robbery.

The conviction of robbery is an error for additional grounds. In order to be a robbery the act must be accomplished by use of threaten use of immediate force, violence of fear or injury to the person or property of any one. the force of fear must be used either to obtain or retain passion of property or to prevent or overcome resistance to the tacking. Since I did not do any of these outlined and I relinquished the property then took off is not a robbery.



6-1-12