

**FILED**  
OCT 10 2017  
WASHINGTON STATE  
SUPREME COURT

**FILED**  
10/6/2017 10:54 AM  
Court of Appeals  
Division I  
SUPREME COURT NO. State of Washington

95082.2

NO. 76732-1-I

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON,

Respondent,

v.

AARON TROTTER,

Appellant/Petitioner.

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ON APPEAL FROM THE SUPERIOR COURT OF THE  
STATE OF WASHINGTON FOR COWLITZ COUNTY

The Honorable Michael Evans, Judge

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PETITION FOR REVIEW

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AARON TROTTER  
Appellant/Petitioner

**Jared Steed**

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**From:** gramma <mamabear555@comcast.net>  
**Sent:** Thursday, October 05, 2017 4:48 PM  
**To:** Jared Steed  
**Subject:** Dear Supreme Court

Dear Supreme Court,

I am writing this letter with no help from my attorney or advice. My main concerns are the way I've been represented by court appointed attorneys through my three trials, appeal, and also Revised Codes of Washington state law.

I went to trial three times on this case with a court appointed attorney not being able to afford one myself. The first trial I was acquitted of one charge and due to the plaintiff getting caught in multiple lies a hung jury on the second charge.

The second trial was a mistrial due to prosecutor misconduct not caught by my attorney but called out by the judge.

The third trial my main witness who was at my house at the time of the home invasion was not subpoenaed although he was subpoenaed to the first and second trial. My attorney refused to subpoena my main witness and also bring in the testimony from that witness, when asked to do these two things my attorney told me to sit down, shut up, and let him do his job. The trial was five hours shorter than the other two and I was found guilty. My jury instructions were less than clear and very vague, they included self defense outlines but no RCW's and little detail about the laws that are supposed to protect me such as RCW 9A.16.110 (1) and RCW 9A.16.020.

Part of my confusion is under RCW 9A.16.110 (1) which states "no person in the state shall be placed in legal jeopardy of any kind whatsoever for protecting by any reasonable means necessary, himself or herself, his or her family, or his or her real or personal property, or for coming to the aid of another who is in imminent danger of or the victim of assault, robbery, kidnapping, arson, burglary, rape, murder, or any other violent crime as defined in RCW 9.94A.030."

RCW 9A.16.020 states "a person can use force in certain situations such as when someone is getting ready to injure you – or when you believe they are, to prevent a malicious trespass or "other malicious interference with real or personal property" and also to detain someone who wrongfully came on your property."

I was in my own domicile when the plaintiff who admitted they were drunk and high on record at the time decided to break in my domicile from outside my house and come after me. I ran to my bedroom and locked the door but that didn't stop the plaintiff. The plaintiff broke down my door, forced entry and then bull charged me and threatened my life verbally and physically. I had a loaded pistol under my bed that the plaintiff knew was there and they tried to fight for it. After the plaintiff forced entry into my room I had no choice but to defend my life by choosing to push the plaintiff off me using the butt stock of my gun. The only other option was to shoot the plaintiff and live with that the rest of my life and I didn't want to do that.

And in protecting my life, family and property now I am being threatened with erroneous charges and prison time.

Here are the reasons I should be acquitted on my charges and or a new trial so I can be fully and rightfully represented.

RCW 9A.16.110 (1)

RCW 9A.16.020

Sixth and Fourteenth amendment- right to be fairly represented by attorney.

Thank you for your time and consideration on this case  
Sincerely

Aaron Trotter  
3232 Rose Valley Rd.  
Kelso, WA 98626  
(480)544-5735

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**NIELSEN, BROMAN & KOCH P.L.L.C.**

**October 06, 2017 - 10:54 AM**

**Transmittal Information**

**Filed with Court:** Court of Appeals Division I  
**Appellate Court Case Number:** 76732-1  
**Appellate Court Case Title:** State of Washington, Respondent v. Aaron W. Trotter, Appellant  
**Superior Court Case Number:** 15-1-00616-6

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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION ONE

STATE OF WASHINGTON,  
Respondent,  
v.  
AARON WALLACE TROTTER,  
Appellant.

No. 76732-1-1

UNPUBLISHED OPINION

FILED: July 31, 2017

FILED  
COURT OF APPEALS DIV 1  
STATE OF WASHINGTON  
2017 JUL 31 AM 9:25

VERELLEN, C.J. — A jury convicted Aaron Trotter of assault with a deadly weapon in the second degree. Trotter seeks reversal of his conviction, arguing that the jury instruction provided at his trial unconstitutionally defined “reasonable doubt.” The trial court instructed the jury using the Washington pattern jury instruction on reasonable doubt, WPIC 4.01, stating in part,

A reasonable doubt is one for which a reason exists and may arise from the evidence or lack of evidence. It is such a doubt as would exist in the mind of a reasonable person after fully, fairly, and carefully considering all of the evidence or lack of evidence. If, from such consideration, you have an abiding belief in the truth of the charge, you are satisfied beyond a reasonable doubt.<sup>1</sup>

Trotter claims that defining a reasonable doubt as “one for which a reason exists” erroneously tells jurors that they must be able to articulate a reason for any

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<sup>1</sup> 11 WASHINGTON PRACTICE: WASHINGTON PATTERN JURY INSTRUCTIONS: CRIMINAL, 4.01 at 93 (4th ed. 2016) (WPIC); Clerk’s Papers at 46.

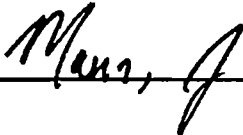
doubt. He thus argues WPIC 4.01 unconstitutionally undermines the presumption of innocence and shifts the burden of proof to the defendant.

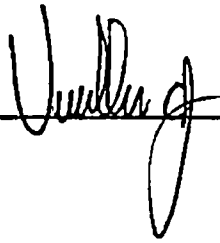

Our Supreme Court has mandated that an instruction in the words of WPIC 4.01 be given in all cases<sup>2</sup> and recently reaffirmed the constitutionality of the challenged instruction.<sup>3</sup> We have recognized this controlling authority.<sup>4</sup> The trial court did not err by doing the same.

In any event, WPIC 4.01 does not require jurors to articulate a reason. “[A] doubt for which a reason exists” is not the same as “a doubt for which a reason can be given.”<sup>5</sup> None of Trotter’s arguments are persuasive.

We affirm.<sup>6</sup>

WE CONCUR:

  
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<sup>2</sup> State v. Bennett, 161 Wn.2d 303, 318, 165 P.3d 1241 (2007).

<sup>3</sup> State v. Kalebaugh, 183 Wn.2d 578, 586-87, 355 P.3d 253 (2015).

<sup>4</sup> State v. Lizarraga, 191 Wn. App. 530, 567, 364 P.3d 810 (2015), review denied, 185 Wn.2d 1022 (2016).

<sup>5</sup> Kalebaugh, 183 Wn.2d at 584.

<sup>6</sup> Because Trotter fails to “inform the court of the nature and occurrence of [the] alleged errors” in his vague and general statement of additional grounds, we refrain from addressing those arguments. RAP 10.10(c).