

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

FILED
COURT OF APPEALS
DIVISION II
2016 JAN -6 PM 1:00
STATE OF WASHINGTON
BY C. DEPUTY

STATE OF WASHINGTON)
)
 Respondent,)
)
 v.)
)
 SHANNON EDWARD Meyer)
 (your name))
)
 Appellant.)

No. 47676-2-II

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, SHANNON MEYER, 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

INSUFFICIENT EVIDENCE TO SUPPORT CONVICTION:
(SEE ATTACHED)

Additional Ground 2

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

Date: 12-27-15

Signature: Shannon Meyer

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DEPUTY

IN ADDITION, AND IN ACCORDANCE TO BRIEF
FILED BY COUNSEL, I FIND

ERROR:

1. THE TRIAL COURT ERRED IN FINDING SUFFICIENT EVIDENCE TO SUPPORT A CONVICTION FOR ATTEMPTED RAPE IN THE FIRST DEGREE.
2. THE TRIAL COURT ERRORED IN FINDING SUFFICIENT EVIDENCE TO SUPPORT A CONVICTION FOR ATTEMPTED RAPE IN THE SECOND DEGREE.

ARGUMENT:

THERE WAS INSUFFICIENT EVIDENCE TO SUPPORT A CONVICTION FOR ATTEMPTED RAPE OF A CHILD IN THE FIRST AND ATTEMPTED RAPE IN THE SECOND DEGREE.

A.

DUE PROCESS REQUIRES THE STATE TO PROVE BEYOND A REASONABLE DOUBT ALL THE NECESSARY FACTS OF THE CRIME CHARGED.

U.S. CONST. AMEND. 14 ; CONST. ART 1, § 3.

B.

THIS CASE FAILS TO PROVIDE RELIABLE EVIDENCE TO SATISFY THIS ELEMENT.

C.

EVIDENCE IN SAID CASE PROVES TO BE COARSE AND THEREFORE INSUFFICIENT.

D.

THE EVIDENCE PRESENTED IN THIS CASE OF ATTEMPTED RAPE OF A CHILD IN THE FIRST AND ATTEMPTED RAPE IN THE SECOND DEGREE, BASED ON THE RECORD BEFORE THIS COURT, CANNOT BE FOUND TO BE SUFFICIENT TO SUPPORT THE ARGUMENT THAT MEYER EITHER INTENDED OR COMMITTED THE OFFENCES FOR WHICH CONVICTED.

CONCLUSION:

BASED ON ABOVE, MEYER RESPECTFULLY REQUESTS THIS COURT TO FIND NO SUFFICIENCY IN EVIDENCE PRESENTED BY TRIAL COURT AND REVERSE AND DISMISS CHARGES IN THIS CASE.

DATED THIS 27TH, DAY OF DECEMBER, 2015.

SHANNON MEYER

APPELLANT

" A PERSON IS GUILTY OF AN ATTEMPT TO COMMIT A CRIME IF, WITH INTENT TO COMMIT A SPECIFIC CRIME, HE OR SHE DOES ANY ACT WHICH IS A SUBSTANTIAL STEP TWARD THE COMMISSION OF THAT CRIME." RCW 9A.28.020 (2).

WHILE THE UNDERLYING CRIME OF RAPE OF A CHILD REQUIRES NO PROOF OF INTENT, THERE IS AN INTENT ELEMENT IN ATTEMPTED RAPE OF A CHILD. STATE V. Chhom, 128 Wn. 2d 739, 743, 911 P. 2d 1014 (1996).

" WHEN COUPLED WITH THE ATTEMPT STATUTE, THE INTENT REQUIRED FOR ATTEMPTED RAPE OF A CHILD IS THE INTENT TO ACCOMPLISH THE CRIMINAL RESULT: TO HAVE SEXUAL INTERCOURSE." Chhom, 128 Wn. 2d 9T 743.