

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

COURT OF APPEALS
DIVISION II

09 MAR 10 PM 1:02

STATE OF WASHINGTON)

Respondent,)

v.)

John A. Ford
(your name))

Appellant.)

3-7559-1
No. 06-1-04323-7

STATE OF WASHINGTON
BY [Signature]
DEPUTY

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, John A. Ford, 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

Defendants right under the Fifth amendment to the U.S. Constitution under Double Jeopardy were violated when the court used two (2) aggravating factors to enhance defendant sentence, when the two (2) aggravating factors were already considered in the First Degree Assault of a Child elements. See WPC 38.05; and State v. Brazzel, 2008.

Additional Ground 2

A court may not impose a sentence on a criminal offender in which the total time of confinement and supervision exceeds the statutory maximum for the offense. State v. Lincerud 147 WA App. at 944. Defendant's standard range was 36-41-months w/ 24-month enhancement for a total sentence of 65 months. Defendant's sentence clearly exceeds that which is statutorily permissible.

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

Date: 3-6-09

Signature: John Ford