

COURT OF APPEALS  
DIVISION TWO  
OF THE STATE OF WASHINGTON

FILED  
COURT OF APPEALS  
DIVISION II

2017 SEP -7 PM 1:37

STATE OF WASHINGTON  
BY [Signature]  
DEPUTY

STATE OF WASHINGTON )  
)  
Respondent, )  
)  
v. )  
TREVEN ALAN PERRY )  
(your name) )  
)  
Appellant. )

No. 49913-4-II

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

I, TREVEN PERRY, 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

CONSIDERRING THE COURT'S VIOLATION OF ITS STATUTORILY AUTHORIZED ROLE DEFINED BY THE SRA IN MAKING ADDITIONAL FINDINGS OF FACT NOT RELATED TO THE JURYS FINDINGS OR THE PURPOSES OF THE SRA, IMPLICATION ARISES AS TO WHAT MOTIVATED THE EDUCATED, AND TRAINED COURT TO MAKE FINDINGS OF FACT OF MY PERSONAL CHARACTER BASED ON UNFOUNDED CONSCIOUSNESS OF GUILT AND TO MAKE FINDINGS OF FACT CONSIDERRING AN UNRELATED, LOW-POINT CRIMINAL HISTORY TO HAVE MERIT IN ESTABSHING AN EXCEPTIONAL SENTENCE. COULD THERE BE BIAS BY THE COURT?

Additional Ground 2

THERE IS NOT ROOM FOR THIS ADDITIONAL GROUND. I HAVE ATTACHED IT ON ADDITIONAL PAPER. I HAVE WRITTEN IT AS IF IT WERE AN AMMENDMENT TO THE BRIEF OF APPELLANT TO BE ADDED IN AS INDICATED BY SECTION HEADINGS. I ATTEMPTED TO FOLLOW THE BRIEF'S FORMAT TO BE AS CLEAR AS I KNOW HOW TO MAKE IT. PLEASE EXCUSE ANY GARORS. SEE ATTACHED.

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

Date: 09-01-2017

Signature: [Signature]

## A. ASSIGNMENTS OF ERROR

3. THE JURY'S FINDINGS OF A GUILTY VERDICT OF THE HIT AND RUN (INJURY ACCIDENT) ARE INVALID, BECAUSE THE TO CONVICT INSTRUCTIONS WERE NOT CONSISTANT WITH THE HIT AND RUN (INJURY ACCIDENT) STATUTE.

### ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

3. THE STATE CHARGED APPELLANT WITH HIT AND RUN (INJURY ACCIDENT) AND GAVE TO CONVICT INSTRUCTIONS TO THE JURY. WHERE THESE INSTRUCTIONS ARE INCONSISTENT WITH THE HIT AND RUN (INJURY ACCIDENT) STATUTE BY CREATING TWO FACTORS WHERE THERE IS ONLY ONE, MUST THE GUILTY VERDICT BE VACATED ?

## C. ARGUMENT

3. THE JURY'S FINDINGS OF A GUILTY VERDICT OF THE HIT AND RUN (INJURY ACCIDENT) ARE INVALID, BECAUSE THE TO CONVICT INSTRUCTIONS WERE NOT CONSISTANT WITH THE HIT AND RUN (INJURY ACCIDENT) STATUTE.

HIT AND RUN (INJURY ACCIDENT) DOES NOT INCLUDE THE ELEMENT DESCRIBED IN THE TO CONVICT INSTRUCTIONS

AS "(2) THAT THE DEFENDANT'S VEHICLE WAS INVOLVED IN AN ACCIDENT RESULTING IN INJURY TO ANY PERSON;" AS A SEPERATE ELEMENT FROM THE FOLLOWING ELEMENT DESCRIBED IN THE TO CONVICT INSTRUCTIONS AS "(3) THAT THE DEFENDANT KNEW THAT HE HAD BEEN INVOLVED IN AN ACCIDENT;" AS AN ELEMENT OF THE OFFENSE AS THE STATUTE IS WRITTEN. THE STATUTE SETS OUT THE DUTY IMPOSED ON THE OPERATOR OF A VEHICLE THAT HAS KNOWINGLY BEEN INVOLVED IN AN ACCIDENT THAT RESULTED IN INJURY OR DEATH, AND IT SETS THE PENALTY FOR FAILURE TO CARRY OUT THOSE DUTIES WHEN HAVING BEEN KNOWINGLY INVOLVED IN AN ACCIDENT THAT RESULTED IN INJURY OR DEATH. BY ITS PURPOSE, THE STATUTE FACILITATES THE INVESTIGATION OF ACCIDENTS AND PUNISHES MOTORISTS WHO FAIL TO STOP AND RENDER ASSISTANCE. *VEGA*, 100 W.N.2D AT 641. A MOTORIST CANNOT REASONABLY BE EXPECTED TO STOP TO RENDER ASSISTANCE WITHOUT KNOWLEDGE THAT ASSISTANCE MAY BE NEEDED.

THE LEGISLATURE'S INTENT IN THE USE OF THE STATUTE'S SYNTAX IS TO ESTABLISH THE KNOWLEDGE OF BEING INVOLVED IN AN ACCIDENT THAT RESULTED IN INJURY OR DEATH AS AN ELEMENT OF HIT AND RUN (INJURY ACCIDENT). THERE IS NO RATIONAL SITUATION IN WHICH THE ELEMENT OF KNOWLEDGE OF THE ACCIDENT, SEPERATE FROM THE KNOWLEDGE OF THE INJURY CAUSED FROM THE

ACCIDENT WOULD BE A MITIGATING FACTOR OF GUILT OF HIT AND RUN (INJURY ACCIDENT). TO DEPART FROM THE NEED TO PROVE KNOWLEDGE OF THE INJURY IS TO DEPART FROM THE STATUTE'S SYNTAX. BY REPLACING THIS ELEMENT WITH TWO SIMPLER ELEMENTS, THE COURT DEPARTED FROM THE MEANING OF THE STATUTE'S SYNTAX AND THEREBY DEPARTED FROM THE CHARGES OF HIT AND RUN (INJURY ACCIDENT). IN ORDER TO PROVE THE KNOWLEDGE ELEMENT BEYOND A REASONABLE DOUBT, THE STATE IS GIVEN THE LIBERTY TO USE EVIDENCE OF GUILT. THERE WAS NO EVIDENCE OF GUILT PRESENTED BY THE STATE TO INDICATE THAT PERRY HAD ANY KNOWLEDGE OF THE INJURY. THE COURT GIVING TO CONVICT INSTRUCTIONS THAT ARE INCONSIST WITH THE STATUTE'S SYNTAX VIOLATES PERRY'S CONSTITUTIONAL RIGHT TO A JURY TRIAL.

PERRY WAS NOT TRIED FOR HIT AND RUN (INJURY ACCIDENT) AS DEFINED BY THE STATUTE'S SYNTAX. PERRY'S HIT AND RUN (INJURY ACCIDENT) GUILTY CONVICTION MUST BE VACATED.

## D. CONCLUSION

FOR THE REASONS ADDRESSED ABOVE, THE GUILTY CONVICTION MUST BE VACATED.