COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON Respondent, v. Mr. Robert Hill (your name) Appellant.	))))))))))	No. 50386-7(II) STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

FILED
COURT OF APPEALS
DIVISION II
2018 MAR -1 PM 1:12
STATE OF WASHINGTON
BY DEPUTY

I, Robert Hill, 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

SEE ATTACHED SHEET

Additional Ground 2

SEE ATTACHED SHEET

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

Date: FRIDAY February Twenty-third, A.D. 2018

Signature: ☆ M.R.H. ☆

Form 23

State v. Hill
50386-7 (II)

PRELIMINARY → There are two errors on page 20 of the Opening Brief:

A) Hill was not the "sole occupant" of the BMW that day. He specifically was only again near the construction site after escorting a woman three blocks — to the south side of the DOLLAR TREE store.

B) The BMW was registered "ACY 9088" on November 18, 2016 to the truck "The Committee To Support The Big Rig Brigade, I", formed earlier in the year [of 2016]. Prior to this, it was registered to Hill's mother, at least eight months.

Additional Ground #1 → Defense attorneys Alex MacDonald & Aaron Talney were incompetent by failing to include the lesser-included offense instruction of "Unlawful Display of a Weapon Apparently Capable of Causing Bodily Harm." (cited at R.C.W. 9.41.270, section 1.)

Defendant Hill has a right to an included offense, by the statute referred by RCW 10.61.006. Hill's actions warranted alarm by the officers; Hill possessed or displayed what they believed was a weapon; whether he "intended" to or not. (RCW 9A.08.110(1))

"Unlawful Display" is a gross misdemeanor. Defense counsel had no strategic reason to avoid giving the jury the option of finding Hill guilty of a non-felony, especially when they knew of his pre-existing charge in Thurston county of Assault 2°. SEE ALSO State v. Dustin Rose, Cause # 47989-3-II.

Additional Ground #2 → Defense attorneys were incompetent; in failing to provide a jury instruction on "Dominion and Control", regarding the drug-possession charge. If the deputies found a box in a box in the trunk... which they had to bust open with a crowbar because the key Hill had didn't work, counsel could clearly have emphasized this, prior, in closing statements; insisting on the instruction.