

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

FILED
COURT OF APPEALS
DIVISION II

2018 JAN 18 AM 10:34

STATE OF WASHINGTON

No. 50449-9-II AP
DEPUTY

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

STATE OF WASHINGTON)
)
Respondent,)
)
v.)
)
Marvin Branham)
(your name))
)
Appellant.)

I, Marvin Branham, 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

P/M: 1/16/18

To establish probable cause, the affidavit must set forth sufficient facts to convince a reasonable person of the probability the defendant is engaged in criminal activity and that evidence of criminal activity can be found at the place to be searched. State v. Spencer 9 Wn. App. 95, 97, 510 P.2d 833 (1973) It was testified that the defendant never allegedly sold drugs at work and that his truck had been stolen. The Cadillac was only borrowed so the defendant could travel to and from work and that was the only activity also witnessed by the detectives watching him. He had the Cadillac less than two days and it was borrowed and did not belong to the defendant. Therefore no probable cause was established to issue a warrant for the Cadillac that no alleged activities were ever witnessed happening from.

Additional Ground 2

I am currently under a Prison-based Dosa and am currently in prison. I have no financial ways to pay and remain poor. Therefore, if I do not prevail on appeal I ask that no cost of appeal be authorized under title 14 RAP (See State v. Sinclair 192 Wn. App. 380, 389-390, 367 P.3d 612 instructing defendants on appeal to make this argument in their opening briefs) review denied, 185 Wn. 2d 1034, 377 P.3d 733 (2016) RCW 10.73.160(1) states the court of appeals may require an adult to pay appellate cost. The word "may" has a permissive or discretionary meaning" Staats v. Brown 139 Wn.2d 757, 789, 991 P.2d 615 (2000) Thus, this court has ample discretion to deny the States request for cost. Thus the results of this case concerning the cost of this appeal is discretionary and should be waived.

Date: 1-15-2018

Signature: Marvin Branham