COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

FILED
COURT OF APPEALS
DIVISION II
2019 JAN 28 PM 1:15
STATE OF WASHINGTON
DEPUTY

STATE OF WASHINGTON Respondent, v. Jerry Stock (your name) Appellant.	))))))))))	No. 52179-2-II STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

I, Jerry Stock, 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

Are community custody conditions 6 and 16 crime-related? There must be some evidence supporting a nexus between the crime and condition. State v. O'Cain, 144 Wn. App 772, 775, 184 P.3d 1262 (2008). In State v. Kinzle, 181 Wn.2d 1019, 337 P.3d 325, the State conceded that community custody condition ordering Kinzle not to possess sexually explicit material or frequeting establishments selling sexually explicit materials must be stricken because no evidence suggested that such materials were related to or contributed to his crime. See State v. O'Cain.

Additional Ground 2

Did the State violate the Federal Constitution's First Amendment's Free Speech clause by imposing community custody condition 15? The U.S. Supreme Court ruled in favor of Packingham v. North Carolina, 137 S. Ct. 1730, and reversed N.C. Gen. Stat. §14.202.5, which made it a felony for convicted sex offenders to access social media websites. By imposing community custody condition 15, the State is trying to circumvent the constitution.

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

Date: 1/24/19 Signature: J Stock

Form 23

Additional Ground 3

Is community custody condition 15 unconstitutionally vague? In Packingham v. North Carolina, 137 S. Ct. 1730, it was shown that websites like Amazon, The Washington Post, and WebMD met the criteria to be considered social media. "Laws must both (1) provide ordinary people with fair warning of proscribed conduct and (2) have standards that are definite enough to protect against arbitrary enforcement." State v. Irwin, 191 Wn. App 644, 652-53, 364 P.3d 830 (2015) (quoting Bahl, 164 Wn.2d at 752-53).

Additional Ground 4

Is community custody condition 9 unconstitutionally vague? In Norris, 1 Wn. App. 2d 87 (2017), the State conceded that by striking 'and or places' the condition is not unconstitutionally vague. Similarily, by striking 'included but not limited to' and 'etc.' The Fourteenth Amendment to the U.S. Constitution as well as article 1, Section 3 of the Washington State Constitution require that citizens be afforded fair warning of proscribed conduct. State v. Nguyen, 191 Wn.2d 671, 678, 425 P.3d 847 (2018).

Additional Ground 5

Should the State award Appellate costs? Appellate costs are generally awarded to the substantially prevailing party. I ask the State not to award costs even if the State is the substantially prevailing party. Under RAP 14.2 when the trial court makes a finding of indigency, that finding remains throughout review unless a commissioner or clerk determines by a perponderance of the evidence that an offender's financial circumstances have significantly improved since the last determination of indigency.