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Court of Appeals
Division II
State of Washington
8/2/2019 12:38 PM

Court of Appeals
Division Two
Of The State of Washington

State of Washington Respondent	/	No. 53025-2-II
	/	Statement Of
v.	/	Additional Grounds
Jace Hambrick	/	For Review
Appellant	/	

I, Jace Hambrick, 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
-Insufficent Evidence-

The Fourteenth Amendment of the United States Constitution guarantees the right to due process, and the United States Supreme Court has held that as a part of that due process, no person shall be made to suffer the onus of a criminal conviction except upon sufficient proof defined

as evidence necessary to convince a trier of fact beyond a reasonable doubt of the existence of every element of the offense.
(State v. Taylor, 157 Idaho 186, 190, 335 P.3d 31, 35)

The relevant inquiry is not whether this Court would find the defendant to be guilty beyond a reasonable doubt, but whether after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.
State v. Adamcik, 152 Idaho 445 (2014)
(Quoting Jackson v. Virginia, 443 U.S. 307, 319 (1979))

RCW 9A.44.030(2) provides in part that it is a defense in any prosecution under RCW Chapter 9A.44 that at the time of the offense, the defendant reasonably believed the alleged victim to be a specified age based upon declarations as to the age by the alleged victim.

Additional Ground 2

-Communication with a Minor For Immoral Purposes-

-Essential Elements-

While the Court has stated the defenses intent to communicate with a minor based on the text

messages, they neglected to include all of the essential elements.

(1) That the defendant communicated with the knowledge that Craigslist Casual Encounters is an 18+ site, requiring verification and protected by Craigslist Terms of Use Agreement.

(2) That after being told the age of thirteen the defendant request a photograph and was sent the photograph of twenty-four year old Heather Janisch.

(3) That while it's true the defendant acknowledged that it is impossible to tell age exactly from a photograph, the defendant's belief that it was an adult is supported by two facts.

(3a) One, that the woman had previously stated that she was at least eighteen years old by accessing Craigslist and confirming it with Craigslist TOU.

(3b) Two, that the female is in fact portraying herself as a minor when in fact she stated in court that she was twenty-four years of age at the time the photograph was taken.

(4) That the rest of the communications where sent on the belief that the defendant was communicating with an adult posing as a minor, or 'Roleplaying'.

With the following facts supporting the defendant's belief that he was engaged in a roleplaying scenario, the tone of the communications takes a different light.

RCW 9A.44.030 (2)

An information omitting essential elements charges no crime at all. (State v. Sutherland)

A charging document is ineffective if it fails to include all of the essential elements of the crime. (State v. Vangerpen) (Hamling v. United States)

An essential element is one whose specification is necessary to establish the very legality of the behavior charged. (State v. Zillyette)

This defines Communication with a minor for Immoral Purposes is guilty of a class C felony... if the person communicates with a minor or with someone the person believes to be a minor for immoral purposes, including the purchase or sale of commercial sex acts and sex trafficking, through the sending of an electronic communication.
(RCW 9.68a.090 (2))

Statutorial language does not require the person intend that the communication reach a minor. Courts however may find non-statutorial elements.
<State v. Miller>

Essential elements may derive from constitutional requirements or common law. To be constitutionally valid the information must include all essential elements both statutory and non-statutory.
<State v. McCarty>

State must prove that the defendant intended that the communication reach a child.
<State v. Hosier>

This limits the breadth of the statute and allows adults who do not intend to communicate with children to engage without fear of prosecution.
<State v. Aljutily>

The information omitted the essential element that 'he' intended for the communication to reach a minor.
<State v. Ward>

The absence of child pornography was crucial to the central contention of 'his' defense that

he had no lustful or sexual interest in children and... the evidence was also essential to corroborate 'his' testimony because his credibility was under attack. Corroborating evidence is justified when there is an attack, 'however slight' on the witnesses credibility. <State v. Petrich>

Additional Ground 3

-Attempted Rape of a Minor-Essential Elements-

While the court does not have to include all the elements of the case, the court is required to include all essential elements.

The court failed to take into account the following essential elements.

(1) That the defendant was on Craigslist looking for a concenting adult.

(2) That craigslist Casual Encounters is an 18+ Section of Craigslist that requires verification.

(3) That the fact is, in order to post on Craigslist Casual Encounters the woman had to confirm that she was at least eighteen years of age.

(4) That the defendant, via text messages, and the fact she had confirmed she was at least eighteen plus prior to the conversation, was under the assumption that he was engaged in a roleplay scenario, and was communicating

with a concenting adult at the time of the offense.

(5) That the fact that the defendants phone contained no child pornography supports the lack of lustful or sexual interest in a minor.

Absent a compelling state interest, the Constitution guarantees an accused person the right to present all relevant evidence. The court abused its discretion in excluding essential defense evidence.

RCW 9A.44.030 (2)
State v. Sutherland
State v. Vangerpen
Hamling v. United States
State v. Zillyette
RCW 9.68a.090(2)
State v. Miller
State v. McCarty
State v. Hosier
State v. Aljutily
State v. Ward
State v. Petrich

Additional Ground 4
- Police Corruption -

The Internet Crimes Against Children or ICAC unit Manual states that the officers cannot break any laws. Violating Craigslist's Terms of Use is breaking the law and may be punishable in a civil court, as defind within Craigslist's TOU.

Written procedures from the Attorney General must be followed. The agency performing the procedure does not have the right to translate or alter the published instructions.
(Shaughnessy v. Accardi (1955)

Concerning wire fraud, US 1030 disallows fraud to be used to gain anything of value from another, including the police, not withstanding emergency situations.

In this case the police commited wire fraud the moment they accepted Craigslist's TOU under false pretenses. Any information after that point leading to the arrest of the defendant was of value to the police and thus violates US 1030.

Closing Statement

Throughout the offense the police were in violation of both the ICAC Manual and US 1030, and all subsequent information was illegally obtained.

In addition, Throughout the offense and case it ~~wase~~ was the defendant's belief that he was actively engaged with a consenting adult and participating in a roleplay scenario. The court in it's conviction failed to include all essential elements for both count one, Communication with a Minor for Imoral Purposes and Count two, Attempted Rape of a Minor.

For the reasons stated, Hambrick's conviction must be reversed and dismissed. Alternatively, Hambrick's conviction should be reversed and his case remanded for a new trial.

Date: 29 July 2019 Signature: Jace Hambrick

LAW OFFICE OF SKYLAR BRETT

August 02, 2019 - 12:38 PM

Transmittal Information

Filed with Court:	Court of Appeals Division II
Appellate Court Case Number:	53025-2
Appellate Court Case Title:	State of Washington, Respondent v. Jace Thomas Hambrick, Appellant
Superior Court Case Number:	17-1-00384-1

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