

COURT OF APPEALS  
DIVISION TWO  
OF THE STATE OF WASHINGTON

FILED  
COURT OF APPEALS  
DIVISION II  
2019 DEC 30 PM 1:14  
STATE OF WASHINGTON  
BY \_\_\_\_\_  
DEPUTY

STATE OF WASHINGTON )  
 )  
 Respondent, )  
 )  
 v. )  
 Matthew S Johnson )  
 (your name) )  
 )  
 Appellant. )

No. 53189-5-11

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

I, Matt Johnson, 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  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional Ground 2

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Date 12-20-19

Signature: Matt Johnson

Accident occurred, I called it in. The Troopers arrived shortly thereafter and I noticed that Trooper Rabe was there and not wanting to encounter him I went into the house letting my father, Mark Johnson, stand out in the rain and watch the situation. My brother Michael Johnson stayed with him.

A Trooper, gave my father a witness paper for me to fill out and he brought it to me in the house. The top half was already filled out and I was supposed to fill in the part of what I saw. See the paper numbered 1. Not wanting to add to the confusion I decided to mail it to him. I asked my father to find out where it was to mail because there is not an address on the form. He went out to ask the Trooper where and Trooper Rabe interrupted him. Trooper Rabe stated that "we've seen everything we need to see and we've talked to everyone and we are done here and they drove away.

So I never sent in a statement or never talked to anyone about the accident.

As to Marilyn Barnes/Trick Page 32

"He was standing back there by the gate or where the fence, I think it was"

As to this statement from Ms. Barnes, she never left her truck, due to the injuries sustained, until the ambulance arrived. I did not have a fence or gates on my property at the time of the accident. See the paper numbered 2.

As to statements Matthew Rabe/Trick page 40

"It just drops from 50 to 45 when you come around the corner westbound from LeMay's .....

It's got street lights. The trees have been removed from the shoulder.  
.....

The 45 mph starts about 800 ft past my driveway at Edgewood Drive. As to the street lights there's no lights in the area of the accident scene, There is lots of side view obstruction, such as laurel bushes, trying to

keep the noise down from the street. How dark it is especially when it is night and raining is described by my father arriving immediately after the accident, putting his car behind Ms Barnes car with his four ways on to alert traffic something was ahead because as you come around the corner at Aberdeen Lake Road at 50 mph paying attention ie looking forward thru windshield. Shortly thereafter the Troopers put their car behind his.

According to the internet sunset was at 6:44 pm on Friday Oct 6, 2017 and the accident occurred at 7:19 according to the WSP accident report. So it was getting dark, does not work. RCW 46'37.020 states that

“Every vehicle upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric condition, persons and vehicles on the highway are not clearly discernible at a distance of one thousand feet ahead shall display lighted headlights.....” See paper numbered 3.

This may be just hearsay but my father, Mark Johnson heard Trooper Rabe announced its the white car's fault before any investigation had occurred. This was written on my father statement but as I said before that the WA State Patrol refused and the prosecutor refused to accept our statements.

Trooper Rabe does not express in his testimony of who he talking to, just a Mr. Johnson. That night there was four ( 4) Mr Johnsons around and Matthew Johnson was in the house avoiding Trooper Rabe. Who did Trooper Rabe talk too.

#1

# COLLISION INVESTIGATION WITNESS/SUSPECT STATEMENT



WITNESS or  SUSPECT STATEMENT (Check One)

CASE NO. \_\_\_\_\_

WITNESS/SUSPECT NAME (Last, First, Middle) JOHNSON MATT			DATE OF BIRTH 1-20-83
ADDRESS 3714 OLYMPIC HWY			PRIMARY PHONE NO. ( )
CITY ABERDEEN	STATE WA	ZIP 98520	ALTERNATE PHONE NO. ( )
E-MAIL ADDRESS			DATE/TIME OF REPORT 10-6-17
COLLISION INVOLVED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		LOCATION	
TYPE: <input type="checkbox"/> NR <input type="checkbox"/> PD <input type="checkbox"/> INJ <input type="checkbox"/> F <input type="checkbox"/> H/R			

### ALL ITEMS IN THIS FORM REFER TO THE ABOVE-NAMED WITNESS/SUSPECT:

#### SUSPECT'S WARNINGS OF CONSTITUTIONAL RIGHTS

1. YOU HAVE THE RIGHT TO REMAIN SILENT.
2. YOU HAVE THE RIGHT AT THIS TIME TO AN ATTORNEY.
3. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
4. IF YOU ARE UNDER THE AGE OF 18, ANYTHING YOU SAY CAN BE USED AGAINST YOU IN A JUVENILE COURT PROSECUTION FOR A JUVENILE OFFENSE AND CAN ALSO BE USED AGAINST YOU IN AN ADULT COURT CRIMINAL PROSECUTION IF THE JUVENILE COURT DECIDES THAT YOU ARE TO BE TRIED AS AN ADULT.
5. YOU HAVE THE RIGHT TO TALK TO AN ATTORNEY BEFORE ANSWERING ANY QUESTIONS.
6. YOU HAVE THE RIGHT TO HAVE AN ATTORNEY PRESENT DURING THE QUESTIONING.
7. IF YOU CANNOT AFFORD AN ATTORNEY, ONE WILL BE APPOINTED FOR YOU WITHOUT COST, IF YOU SO DESIRE.
8. YOU CAN EXERCISE THESE RIGHTS AT ANY TIME.
9. DO YOU UNDERSTAND THESE RIGHTS?

I HAVE READ OR HAVE HAD READ TO ME THE ABOVE EXPLANATION OF MY CONSTITUTIONAL RIGHTS AND I UNDERSTAND THESE RIGHTS.

SUSPECT'S SIGNATURE \_\_\_\_\_

I UNDERSTAND MY CONSTITUTIONAL RIGHTS. I HAVE DECIDED NOT TO EXERCISE THESE RIGHTS AT THIS TIME. ANY STATEMENTS MADE BY ME ARE MADE FREELY, VOLUNTARILY, AND WITHOUT THREATS OR PROMISES OF ANY KIND.

WITNESS' SIGNATURE \_\_\_\_\_ SUSPECT'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ LOCATION \_\_\_\_\_

1. In what direction were you heading prior to the collision?  N  S  E  W
2. In what direction was the other vehicle heading prior to the collision?  N  S  E  W
3. If there was more than one lane in the direction you were going, which lane were you in?  
 Slow - Outside Lane  Fast - Inside Lane  Turn Lane  Other \_\_\_\_\_
4. What were the weather conditions? \_\_\_\_\_
5. What were the road conditions? \_\_\_\_\_
6. What was your speed prior to the collision? \_\_\_\_\_
7. What were your actions prior to the collision? \_\_\_\_\_
8. Did the other driver(s) and/or passenger(s) say anything to you about the collision? \_\_\_\_\_
9. Was there anything mechanically wrong with your vehicle prior to the collision? \_\_\_\_\_

(continue on next page)

STATEMENT TAKEN BY: \_\_\_\_\_ WITNESS/SUSPECT SIGNATURE: \_\_\_\_\_

#2

Google Maps



Image capture: Oct 2015 © 2015 Google

Street View

#3

