

FILED  
Court of Appeals  
Division III  
State of Washington  
4/20/2020 11:47 AM

No. 36758-4-III

IN THE COURT OF APPEALS  
OF WASHINGTON STATE  
DIVISION III

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STATE OF WASHINGTON, Respondent

v.

JASON DAVIS, Appellant

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BRIEF OF RESPONDENT

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Attorney for Respondent

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## **RESTATEMENT OF THE ISSUES**

1. Should Mr. Davis have been charged with one count of Assault in the Second Degree when the various assaults were one continuous assault?

## **BRIEF ANSWER**

1. Yes. The State agrees with the Appellant's brief

## **STATEMENT OF THE CASE**

For the limited purpose of this response, the State does not dispute the Appellant's statement of facts.

## **ARGUMENT**

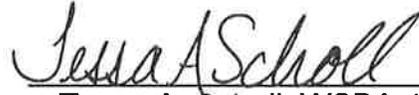
I. Mr. Davis should have only been charged with one count of Assault in the Second Degree as the assaults were all part of one continuous act.

After careful review of the record and case law, the State concedes that Mr. Davis should have been charged with one count of Assault in the Second Degree. Therefore, the trial court should vacate the conviction of Assault in the Fourth Degree.

## **CONCLUSION**

For the above reasons, the State respectfully acquiesces to the Appellants argument on issue number one.

Dated this 20<sup>th</sup> day of April, 2020.

Handwritten signature of Tessa A. Scholl in cursive script.

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**WHITMAN COUNTY PROSECUTOR'S OFFICE**

**April 20, 2020 - 11:47 AM**

**Transmittal Information**

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**Appellate Court Case Title:** State of Washington v. Jason Anthony Davis  
**Superior Court Case Number:** 19-1-00024-9

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