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SUPREME COURT
STATE OF WASHINGTON
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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Petitioner,

v.

J.C. JOHNSON,

Respondent.

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR KING COUNTY

The Honorable Michael Heavey, Judge

SUPPLEMENTAL BRIEF OF RESPONDENT J.C. JOHNSON

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A. ISSUES

1. Whether defense counsel provided ineffective assistance in proposing a defective jury instruction that lowered the State's burden of proof?

2. Whether the information charging unlawful imprisonment was defective in failing to omit the element of knowledge that the restraint was unlawful?

B. STATEMENT OF THE CASE

Johnson and J.J. were married in 2007 after a whirlwind romance. 7RP 44-45, 47, 109, 115. J.J. claimed Johnson hit, strangled, threatened and prevented her from leaving the apartment without him during the three day charging period of May 4 through 6, 2009. 7RP 53, 65-70, 80-91; 8RP 9, 13-15, 35, 41-47. Injuries to her head, neck and other parts of her body were observed, photographed and examined. 6RP 20-23, 30, 69-71; 7RP 25-26, 96-101; 8RP 6-7, 24-25, 31, 86-91, 94, 104; 10RP 8, 18-33, 40-43, 52-55, 58-59. At trial, Johnson generally denied hitting, strangling or threatening J.J. during this time, and further denied not letting her leave without him. 10RP 93-102, 110-13, 117-19, 128-30; 11RP 24, 35, 47. He acknowledged that he pushed J.J. against the bed during the course of an argument on May 6. 10RP 133; 11RP 32, 34, 39, 56.

The State charged Johnson with five crimes, including second degree assault by intentionally assaulting another and thereby recklessly inflicting substantial bodily harm (count II) and unlawful imprisonment (count V). CP 15-19. Johnson's defense to count II was that he committed the lesser offense of third degree assault. CP 51-54; 12RP 53-54. The defense to count V was that the State could not prove the elements of unlawful imprisonment beyond a reasonable doubt. 12RP 60-61. The jury convicted on all counts. CP 132, 135, 138, 144, 149.

The Court of Appeals recognized the instruction defining "reckless" improperly lowered the State's burden of proof on the count II assault charge, but held counsel was not deficient in proposing it. State v. Johnson, 172 Wn. App. 112, 132-35, 297 P.3d 710 (2012). The Court of Appeals further held the information charging unlawful imprisonment omitted an essential element of the crime and reversed that conviction. Johnson, 172 Wn. App. at 136-40.

Johnson sought review of two issues: (1) whether trial counsel provided ineffective assistance in proposing a defective jury instruction that lowered the State's burden of proof; and (2) whether evidence of prior misconduct was inadmissible under ER 404(b). Johnson's Petition for Review at 1. The State sought review of two issues: (1) whether the jury instruction defining "reckless" was correct; and (2) whether the

information charging unlawful imprisonment was proper. State's Petition For Review at 1. This Court granted the State's petition for review "only on the defective information issue" and granted Johnson's petition "only on the ineffective assistance of counsel issue." See App. A.

C. ARGUMENT

1. DEFENSE COUNSEL PROVIDED INEFFECTIVE ASSISTANCE IN PROPOSING A JURY INSTRUCTION THAT LOWERED THE STATE'S BURDEN OF PROOF.

Defense counsel's mechanical reliance on a pattern jury instruction that was questioned at the time of trial does not insulate the resulting conviction from an ineffective assistance claim on appeal. Every criminal defendant is constitutionally guaranteed the right to the effective assistance of counsel. Strickland v. Washington, 466 U.S. 668, 685-86, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984); U.S. Const. amend. VI; Wash. Const. art. I, § 22. Defense counsel was ineffective in proposing a defective instruction on recklessness that relieved the State of its burden of proof.

Under RCW 9A.36.021(1)(a), a person commits second degree assault if he "[i]ntentionally assaults another and thereby recklessly inflicts substantial bodily harm." Defense counsel proposed a definition of "reckless" that defined that mental state as knowing a "wrongful act" may occur rather than knowing "substantial bodily harm" may occur as

required by the statute defining the crime. CP 101. Counsel's proposed instruction was given to the jury:

A person is reckless or acts recklessly when he or she knows of and disregards a substantial risk that *a wrongful act* may occur and this disregard is a gross deviation from conduct that a reasonable person would exercise in the same situation.

When recklessness as to a particular fact or result is required to establish an element of a crime, the element is also established if a person acts intentionally or knowingly as to that fact or result.

CP 42 (Instruction 11) (emphasis added).

The "to convict" instruction for count II required the State to prove Johnson "intentionally assaulted [J.J.]" and "thereby recklessly inflicted substantial bodily harm on [J.J.]" CP 49 (Instruction 18).

The instruction stating "[a] person is reckless or acts recklessly when he or she knows of and disregards a substantial risk that *a wrongful act* may occur" is defective because the State must prove the person knew of and disregarded a substantial risk that a specific result would occur, i.e., substantial bodily harm, rather than simply proving a generic wrongful act. Johnson, 172 Wn. App. at 130-33 (citing State v. Harris, 164 Wn. App. 377, 387-88, 263 P.3d 1276 (2011)); State v. Peters, 163 Wn. App. 836, 849-50, 261 P.3d 199 (2011)).

The Court of Appeals found counsel performed competently in proposing the defective instruction because it was based on WPIC 10.03, while Peters and Harris had not yet been decided at the time of Johnson's trial. Johnson, 172 Wn. App. at 134. It quoted this Court's decision in State v. Studd that "counsel can hardly be faulted for requesting a jury instruction based upon a then-unquestioned WPIC." Johnson, 172 Wn. App. at 134 (quoting State v. Studd, 137 Wn.2d 533, 538, 973 P.2d 1049 (1999)).

The WPIC in Johnson's case, however, was not unquestioned as it was in Studd. At the time of Johnson's trial, the Comment to WPIC 10.03 cautioned practitioners regarding the use of the bracketed "wrongful act" language in light of State v. Gamble, 154 Wn.2d 457, 467-68, 114 P.3d 646 (2005). 11 Wash. Prac., Pattern Jury Instr. Crim. WPIC 10.03, Comment (3d ed.). Gamble held the definition of recklessness for second degree assault as a predicate to felony murder requires proof of disregarding a substantial risk that a death may occur, rather than simply a wrongful act. Gamble, 154 Wn.2d at 467-68.¹

¹ See also State v. R.H.S., 94 Wn. App. 844, 847-48, 974 P.2d 1253 (1999) (subjective component of recklessness for second degree assault under RCW 9A.36.021(1)(a) is actual knowledge of the likelihood of substantial bodily harm; case cited by Comment to WPIC 10.03); State v. Keend, 140 Wn. App. 858, 866, 166 P.3d 1268 (2007) ("the mens rea of intentionally relates to the act (assault), while the mens rea of recklessly

"Proposing a detrimental instruction, even when it is a WPIC, may constitute ineffective assistance of counsel." State v. Woods, 138 Wn. App. 191, 197-98, 156 P.3d 309 (2007). The right to effective assistance of counsel demands more than rote reliance on pattern instructions without regard to whether such instruction amounts to a misstatement of the law as applied to the particular facts of a client's case. Trial counsel failed to tailor the pattern instruction to the particular charge and facts of Johnson's case. The WPIC committee specifically cautions lawyers that pattern instructions "provide a neutral starting point for the preparation of instructions that are *individually tailored for a particular case*. We emphasize that they are a starting point, not an ending point. Trial judges and *attorneys must always consider appropriate modifications to fit the individual case*." 11 Wash. Prac., Pattern Jury Instr. Crim. WPIC 0.10 (3d ed.) (emphasis added).

This case-sensitive approach includes "substituting more specific language for the necessarily general language of a pattern instruction." Id. Bracketed language in a pattern instruction, such as the "wrongful act" language in WPIC 10.03, signifies "the enclosed language may or may not

relates to the result (substantial bodily harm)"; case cited by Comment to WPIC 10.03), review denied, 163 Wn.2d 1041, 187 P.3d 270 (2008).

be appropriate for a particular case." Id. Brackets "are inserted to alert the judge and attorneys that a choice in language needs to be made." Id.

Johnson's trial counsel did not heed the WPIC's warning. Reasonably competent counsel would know, at the time of Johnson's trial, that there was a need to fill in the bracketed "wrongful act" language of WPIC 10.03 with a more particular description of the act at issue for second degree assault. The statutory definition of the crime of second degree assault under RCW 9A.36.021(1)(a) requires that a person "recklessly inflicts substantial bodily harm," not recklessly inflicts a generic "wrongful act."

Counsel has a duty to know the relevant law. State v. Kylo, 166 Wn.2d 856, 861, 866, 215 P.3d 177 (2009) (counsel deficient in proposing WPIC because there were several cases that should have indicated to counsel that the pattern instruction was flawed). Rather than apply the pattern instructions in a mechanical manner, competent counsel reviews the language of the statute defining the crime at issue to understand what the State needs to prove and then propose instruction in accordance with that burden of proof.

A reasonably competent attorney is sufficiently aware of relevant case law to propose a proper instruction applicable to the facts of a given case. State v. Thomas, 109 Wn.2d 222, 227, 743 P.2d 816 (1987). The

statute defining the crime of second degree assault, the WPIC general use instructions, the Comment to WPIC 10.03 and the cases cited therein should have alerted an attorney familiar with relevant law of the need to tailor the pattern instruction with the "substantial bodily harm" language as opposed to proposing the bracketed generic language of "wrongful act." Competent defense counsel did not need Harris or Peters to understand that the State needed to prove something more than a reckless "wrongful act" in order to convict Johnson of second degree assault under count II.

The instructional definition of "reckless" was intended to help jurors understand the "to convict" instruction. See State v. Laico, 97 Wn. App. 759, 764, 987 P.2d 638 (1999) (statutory definition of "great bodily harm" intended to help jury understand elements in "to convict" instruction for assault). But the instruction proposed by counsel misled the jury regarding how the State could prove the reckless element of the crime. Counsel was deficient in proposing an instruction that lowered the State's burden of proof.

Under the ineffective assistance standard, prejudice means a reasonable probability that, but for counsel's performance, the result would have been different. Thomas, 109 Wn.2d at 226. "A reasonable probability is a probability sufficient to undermine confidence in the outcome." Strickland, 466 U.S. at 694. By relieving the State of its

burden of proof on the recklessness element of the crime, the flawed instruction undermines confidence in the outcome. The defense to count II was that Johnson committed the lesser offense of third degree assault under RCW 9A.36.031(1)(f). CP 51-54; 12RP 53-54. Johnson committed third degree assault if he, under circumstances not amounting to assault in the second degree, "[w]ith criminal negligence, cause[d] bodily harm accompanied by substantial pain that extends for a period sufficient to cause considerable suffering[.]" RCW 9A.36.031(1)(f).

Under the facts of this case, the line between recklessness and negligence is a fine one. Reasonable minds could differ on which side Johnson's conduct fell. The evidentiary basis for the second degree assault charge under count II was Johnson's act of pushing J.J., which caused her to hit her head against the bed stand and pass out. 7RP 68, 86; 8RP 41-42; 12RP 31-33. Johnson testified that he pushed J.J. down and knew that he probably hurt her in so doing, but it was not his intent to cause injury. 10RP 133; 11RP 32, 34, 39, 56. A rational juror could find Johnson acted with negligence rather than recklessness as to the result.

There is no question that a "wrongful act" occurred here in some general sense. Any result from throwing or pushing a person to the ground could be considered wrong. Instruction 11 allowed the jury an easy way to find guilt based on Johnson knowing and disregarding a

substantial risk that a "wrongful act" may occur as opposed to holding the State to its more difficult burden of proving Johnson knew and disregarded a substantial risk that "substantial bodily harm" may occur. Reversal of count II is required because there is a reasonable probability the flawed instruction affected the verdict.

2. THE INFORMATION CHARGING UNLAWFUL IMPRISONMENT OMITTED THE MENS REA ELEMENT OF KNOWING THE RESTRAINT WAS UNLAWFUL.

The State cannot convict someone of the crime of unlawful imprisonment without proving the accused has actual knowledge that the restraint was unlawful. Knowledge that the restraint is without legal authority is a mens rea element of the crime of unlawful imprisonment. Its omission from the charging document requires reversal.

The State charged Johnson with the offense of "unlawful imprisonment" as follows: "That the defendant J.C. Johnson in King County, Washington, during a period of time intervening between May 4, 2009 through May 6, 2009, did knowingly restrain [J.J.], a human being; Contrary to RCW 9A.40.040, and against the peace and dignity of the State of Washington." CP 18.

In order to establish the crime of unlawful imprisonment, the State must prove the defendant "knowingly restrain[ed] another person." RCW

9A.40.040(1). "Restrain" means "to restrict a person's movements without consent and without legal authority in a manner which interferes substantially with his or her liberty." RCW 9A.40.010(6).

The court in State v. Warfield conducted a thorough analysis of legislative intent and concluded the statutory definition of unlawful imprisonment, to "knowingly restrain," causes the adverb "knowingly" to modify all components of the statutory definition of "restrain." State v. Warfield, 103 Wn. App. 152, 153-54, 157, 5 P.3d 1280 (2000). The unlawful imprisonment conviction in Warfield was reversed due to insufficient evidence where the State failed to prove the defendants knowingly restrained someone without lawful authority: "knowledge of the law is a statutory element of the crime of unlawful imprisonment, without proof of which, defendants' convictions cannot stand." Warfield, 103 Wn. App. at 159.

Relying on Warfield, the Court of Appeals recognized there is no way to reasonably conclude from the charging language that the restraint must be accomplished with knowledge that it was "without legal authority." Johnson, 172 Wn. App. at 139. That conclusion is sound.

A charging document is constitutionally defective if it fails to include all "essential elements" of the crime. State v. Vangerpen, 125 Wn.2d 782, 787, 888 P.2d 1177 (1995); Hamling v. United States, 418

U.S. 87, 117, 94 S. Ct. 2887, 41 L. Ed. 2d 590 (1974); U.S. Const. Amend. VI; Wash. Const. Art. I, § 22. "An 'essential element is one whose specification is necessary to establish the very illegality of the behavior' charged." State v. Zillyette, 178 Wn.2d 153, 158, 307 P.3d 712 (2013) (quoting State v. Ward, 148 Wn.2d 803, 811, 64 P.3d 640 (2003)). Stated another way, essential elements are those facts that must be proved beyond a reasonable doubt to convict a defendant of the charged crime. Zillyette, 178 Wn.2d at 158. "An information omitting essential elements charges no crime at all." State v. Sutherland, 104 Wn. App. 122, 130, 15 P.3d 1051 (2001).

If a person substantially restrains another but does not know the restraint was unlawful, then the crime of unlawful imprisonment has not been committed. The Court of Appeals correctly held knowledge that the restraint was without lawful authority is an essential element because it is one of the facts that the State must prove beyond a reasonable doubt to establish unlawful imprisonment. Johnson, 172 Wn. App. at 136, 139.

"[T]his court has specifically referred prosecutors to the criminal pattern instructions for the purpose of identifying, in many cases, the essential elements that must be included in a charging document." Studd, 137 Wn.2d at 554 (Madsen, J., concurring). The Court has thus counseled "[i]mposing the responsibility to include all essential elements of a crime

on the prosecution should not prove unduly burdensome since the 'to convict' instructions found in the Washington Pattern Jury Instructions—Criminal (WPIC) delineate the elements of the most common crimes." State v. Kjorsvik, 117 Wn.2d 93, 102 n.13, 812 P.2d 86 (1991).

Following Warfield, the WPIC "to convict" instruction for unlawful imprisonment recognizes the definition of "restrain" as modified by the adverb "knowingly" creates elements of the crime that need to be proved, including the element that the person know the restraint was without legal authority. WPIC 39.16. The State nonetheless failed to allege all of the essential elements in the charging document. CP 18.

A divided Division One panel in State v. Phuong reached a different conclusion, holding the information need not notify the accused that the State must prove the mens rea component of knowledge that the restraint was unlawful. State v. Phuong, 174 Wn. App. 494, 542-45, 299 P.3d 37 (2013).² The Phuong majority relied on State v. Allen, 176 Wn.2d 611, 294 P.3d 679 (2013) as "dispositive," characterizing the issue as whether the definition of an element of the offense must be alleged in the charging document. Phuong, 174 Wn. App. at 544-45. That

² Judge Becker dissented on this issue. Phuong, 174 Wn. App. at 551-52 (Becker, J., dissenting). This Court stayed consideration of the petition for review in Phuong pending its decision in Johnson.

characterization of the issue reveals a misunderstanding about the "essential elements" rule and its underlying purpose.

"More than merely listing the elements, the information must allege the particular facts supporting them." Zillyette, 178 Wn.2d at 162 (information merely set forth the language of RCW 69.50.415(1) and failed to allege the facts necessary to charge a person with controlled substances homicide) (quoting State v. Nonog, 169 Wn.2d 220, 226, 237 P.3d 250 (2010)). This is a requirement of the essential elements rule. State v. Simms, 171 Wn.2d 244, 250, 250 P.3d 107 (2011).

The information in Johnson's case is deficient under the established standard for what constitutes an essential element of a crime that must be contained in the information. The State was required to prove knowledge that the restraint was unlawful in order to convict Johnson of unlawful imprisonment. Warfield, 103 Wn. App. at 159; Johnson, 172 Wn. App. at 139-40. The Phuong majority's attempt to draw an absolute line between a "definition" and an essential element makes no sense when applied here. Its analysis gives short shrift to the purpose behind the essential elements rule. The rationale behind the requirement that all "essential elements" be included in the information is to give proper notice of the nature of the crime so that the accused can prepare an adequate defense. Kjorsvik, 117 Wn.2d at 101; State v. Leach, 113 Wn.2d 679, 695, 782 P.2d 552 (1989).

With that goal in mind, it becomes clear that an essential element of unlawful imprisonment is that the accused not only knowingly restrained someone, but also that he knowingly violated the law in so doing. Warfield, which involved bounty hunters that restrained a man on an outstanding arrest warrant and checked with local police before returning him to jail, illustrates the kind of case where knowledge of the law obviously makes a difference in terms of defending against the charge. Warfield, 103 Wn. App. at 153-54. Unlawful imprisonment is one of the few crimes that require the State to prove the offender knew his conduct was without authority of law. Id. at 159. The charging language here failed to apprise Johnson of that element of the State's case.

The Phuong majority's reliance on Allen is misplaced. In Allen, the Court held a "true threat" is not an essential element of the crime of harassment that must be included in the information. Allen, 176 Wn.2d at 628-30. The Court relied on State v. Tellez for the proposition that the constitutional concept of true threat "merely defines and limits the scope of the essential threat element" in the harassment statute and "is not itself an essential element of the crime." Allen, 176 Wn.2d at 629-30 (quoting State v. Tellez, 141 Wn. App. 479, 484, 170 P.3d 75 (2007)).

The "true threat" cases are special because they arise out of the First Amendment overbreadth concern that such statutes could be

interpreted to encompass a substantial amount of protected speech. Allen, 176 Wn.2d at 626. In light of that constitutional concern, threat-based statutes are construed to be limited to "true threats." Id. The "true threat" requirement is a limitation on the essential "threat" element. Id.

An unlawful imprisonment charge, on the other hand, does not implicate First Amendment concerns because it does not criminalize speech. Unlike First Amendment cases where the "true threat" definition limits the scope of the threat element, the knowledge requirement attached to restraint, included the requirement that the accused knew the restraint was unlawful, does not *limit* the scope of the restraint element. As construed in Warfield, the restraint definition, when coupled with the definition of the crime, *expands* the mens rea requirement of what the accused must know in order to be convicted.

The Court in Allen also recognized the charging language of "knowingly threaten," left to its ordinary meaning, satisfied the mens rea element as to the result encompassed within the meaning of "true threat." Allen, 176 Wn.2d at 629 n.11 (citing State v. Schaler, 169 Wn.2d 274, 287-88, 236 P.3d 858 (2010)). The "knowingly restrains" language of the unlawful imprisonment charge, left to its ordinary meaning, does not set forth all of the specific mens rea requirements of restraint.

In arguing to the contrary, the State cites cases where the definition of an element did not need to be included in a particular jury instruction. State's Petition for Review at 14-15. Those cases are not illuminating because "[j]ury instructions and charging documents serve different functions." Vangerpen, 125 Wn.2d at 788. Jury instructions are to help the jury apply the law to the facts and in that way decide the case. CP 29 (Instruction 1). The purpose of the charging document is to give notice of what the State is required to prove, thereby allowing the accused to prepare a defense. Kjorsvik, 117 Wn.2d at 101.

To be convicted of unlawful imprisonment, one must knowingly do a number of things. One of those things is to "knowingly restrain" someone. But there are also other knowledge requirements, including knowledge of the law. This Court's precedent recognizes that even when knowledge as to some aspect of an offense is alleged, an information is still deficient if it fails to include knowledge as to another aspect of the offense that must be proven beyond a reasonable doubt. See State v. Simon, 120 Wn.2d 196, 197-99, 840 P.2d 172 (1992) (information charged that Simon "did knowingly advance and profit by compelling Bobbie J. Bartol by threat and force to engage in prostitution; and did advance and profit from the prostitution of Bobbie Bartol, a person who was less than 18 years old" was constitutionally inadequate because "[n]o

one of common understanding reading the information would know that knowledge of age is an element of the charge of promoting prostitution of a person under 18.").

Ignorance of the law is usually no excuse. Warfield, 103 Wn. App. at 159. The proposition is so basic as to be commonly understood. Indeed, the rule has been described as "universal." Leschner v. Dep't of Labor & Indus., 27 Wn.2d 911, 926, 185 P.2d 113 (1947). Unlawful imprisonment is one of the few crimes that require the State to prove the offender knew his conduct was without authority of law: "knowledge of the law is a statutory element of the crime of unlawful imprisonment, without proof of which, defendants' convictions cannot stand." Warfield, 103 Wn. App. at 159. That is not a commonly understood proposition and the charging language here failed to apprise Johnson of that element of the State's case.

Knowledge of the law is a constituent part of the crime of unlawful imprisonment. The Phuong majority's reasoning is an illustration of the discredited reasoning found in cases like State v. Smith, which held the information need not contain knowledge as an element of possession of stolen property because the knowledge requirement was contained in a definitional statute. State v. Smith, 49 Wn. App. 596, 599-600, 744 P.2d 1096 (1987), review denied, 110 Wn.2d 1007 (1988), overruled by State v. Moavenzadeh, 135 Wn.2d 359, 956 P.2d 1097 (1998). The Supreme

Court later held the knowledge requirement is an essential element that must be set forth in the information. State v. Moavenzadeh, 135 Wn.2d 359, 361-64, 956 P.2d 1097 (1998). The restraint definition at issue here is akin to the statutory definition found to contain an essential knowledge element in Moavenzadeh. Moavenzadeh, 135 Wn.2d at 361-64.

The Court of Appeals' citation to State v. Borrero, 147 Wn.2d 353, 359, 58 P.3d 245 (2002) is also apt. Johnson, 172 Wn. App. at 138. In Borrero, the information failed to include the statutory definition of "attempt," which incorporated the term "substantial step," as part of the charge of attempted first degree murder. Borrero, 147 Wn.2d at 359. The Court held the information sufficiently set forth all the essential elements of the crime because the language of "attempt" used in the information adequately conveyed the "substantial step" element found in the definition statute (RCW 9A.28.020(1)). Id. at 362-63. Under the State's logic, the Court in Borrero should have held "substantial step" is not an essential element at all because it is merely definitional. The Court did not see it that way.

Johnson's unlawful imprisonment conviction must be reversed because prejudice is presumed when the necessary elements are neither found nor fairly implied in the charging document. State v. Brown, 169 Wn.2d 195, 198, 234 P.3d 212 (2010).

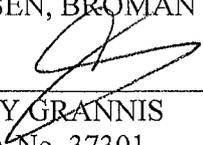
D. CONCLUSION

For the reasons stated, Johnson respectfully requests that this Court
(1) hold counsel was ineffective and reverse the assault under count II and
(2) affirm the Court of Appeals by holding the information charging
unlawful imprisonment was defective.

DATED this 14 day of November 2013

Respectfully Submitted,

NIELSEN, BROMAN & KOCH, PLLC.



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APPENDIX A

OFFICE RECEPTIONIST, CLERK

From: OFFICE RECEPTIONIST, CLERK
Sent: Monday, November 04, 2013 2:57 PM
To: 'Patrick Mayovsky'
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Rec'd 11-4-13

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From: Patrick Mayovsky [mailto:MayovskyP@nwattorney.net]
Sent: Monday, November 04, 2013 2:53 PM
To: OFFICE RECEPTIONIST, CLERK
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Subject: State of Washington v. J.C. Johnson / No. 88683-1

Attached for filing today is the supplemental brief of respondent for the case referenced below.

State v. J.C. Johnson

No. 88683-1

Supplemental Brief of Respondent

Filed By:
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