

FILED
SUPREME COURT
STATE OF WASHINGTON
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NO. 97283-4

SUPREME COURT
STATE OF WASHINGTON

STATE OF WASHINGTON,

Plaintiff/Appellant,

V.

JULIA ELIZABETH TUCKER,

Defendant/Respondent.

RESPONDENT'S SUPPLEMENTAL BRIEF

Dennis W. Morgan WSBA #5286
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ARGUMENT

The State filed its Supplemental Brief on December 5, 2019. The State appears to reply upon **LAWS OF WASHINGTON 2007**, Ch. 199 in support of its claim that a snowmobile constitutes a motor vehicle for the crime of theft of a motor vehicle as defined in RCW 9A.56.065.

Ch. 199's introduction provides it is: "AN ACT Relating to auto theft..."

Sec. 29 of Ch. 199 states: "This act shall be known as the Elizabeth Nowak- Washington auto theft prevention act."

Ch. 199 uses the term "auto theft." **Sec. 1** deals with "automobiles." It also uses the term "auto theft."

Ch. 199 does not define the word "motor vehicle."

Ch. 199, in sections 3, 4, 6, and 7 clearly references the definition of a "firearm as defined in RCW 9.41.010."

The Legislature did not incorporate the definition of a motor vehicle from Title 46 RCW.

Sections 19, 20, 21, 22, 23, 24, 25, 26, and 27 all reference the "Washington auto theft prevention authority."

It is obvious from the language used in the enactment that the crime of theft of a motor vehicle is limited to automobiles, pickup trucks, motorcycles, and those other vehicles that daily travel on the highways in the State of Washington.

The State's argument that a snowmobile can be a weapon has no bearing whatsoever on the issue before the Court. Any object can be a weapon. A weapon does not have to have a motor. A weapon can be as simple a thing as a pencil. *See: State v. Barragan*, 102 Wn. App. 754, 760-61, 9 P.3d 942 (2000).

Ms. Tucker otherwise relies upon the argument contained in her original response brief.

DATED this 9th day of December, 2019.

Respectfully submitted,

s/ Dennis W. Morgan

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NO. 97283-4

SUPREME COURT

STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	KITTITAS COUNTY
Plaintiff,)	NO. 16 1 00082 6
Appellant,)	
)	
v.)	CERTIFICATE OF SERVICE
)	
JULIA ELIZABETH TUCKER,)	
)	
Defendant,)	
Respondent.)	
_____)	

I certify under penalty of perjury under the laws of the State of Washington that on this 9th day of December, 2019, I caused a true and correct copy of the *Respondent's Supplemental Brief* and to be served on:

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