

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

2015 JAN 13 11:37
COURT OF APPEALS DIV 1
STATE OF WASHINGTON

STATE OF WASHINGTON)
)
Respondent,)
)
v.)
Michael Helmer)
(your name))
)
Appellant.)

No. 71607-7-1
STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, Michael Helmer, 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

Insufficient evidence to support convictions surrounding Intent.

"State v. James Mitchell Byrd" 887 P2d 396 125 Wn.2d 707

Additional Ground 2

Findings of fact and conclusions not entered and still have not been entered and trial Judge cant enter them due to medical issues. Do I deserve a retrial? because successor Judge cant enter them.

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

Date: 1/8/15

Signature: Mike Helmer

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COURT OF APPEALS
STATE OF WASHINGTON

Your Honor,

This is one more statement that I would like to bring up on my appeal and that is, there is insufficient evidence to support my convictions on assaults surrounding "Intent."

That my "Intent" was not to assault anyone the night of the accident. The Prosecutor fails to prove that I Intended too, with "Criminal Intent" to assault the victims the night of August 19, 2012. Just because the gun was pulled and pointed does not mean my "Intent" was to assault anyone and "State v. James Mitchell Byrd 887 P2d 396 125 Wn.2d 707," clarifies that.

"It is not enough to instruct a Jury that an assault requires an intentional unlawful act because, given the circumstances, Byrd's act of drawing the gun could be found to be an unlawful

intentional act. Even where an act is done unlawfully and the result is reasonable apprehension in another, it still is not [125 Wn.2d 716] sufficient to convict because the act must be accompanied by an actual intent to cause that apprehension. This is the required element about which the Jury was never told."

So this case law argues issues surrounding intent, but it also touches base on Jury Instructions being insufficient which my attorney argues in his brief, so I don't think I need to add to much on that issues, but I would like to add this case law to his argument.

Conclusion

I believe, if not all conviction should be dismissed that at least convictions 3-5 should

be dismissed. But if you deny the dismissals, I really truly deserve a retrial to fix the issues in the Jury Instructions atleast. And not only I believe this but some of the Jurors believe this as well. As they have been in continuous contact with me since the trial and have repeatedly expressed their feelings and thoughts on the outcome of the trial, which they also say I need a retrial and deserve one.

Thank you for your time
your Honor.

Sincerely,
Michael Alan Helmer Jr.