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COURT OF APPEALS
DIVISION II

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STATE OF WASHINGTON

Court of Appeals, Division II
State of Washington

BY [Signature]
DEPUTY

State of Washington,
Respondent,

Appeal No. 46093-9-11

vs.

(Pierce Co. Cause No. 13-1-02943-1)

Jason Hernandez,
Appellant

RAP
SAG 10.10/Declaration

Comes Now Appellant, Jason Hernandez, in pro se under RAP 10.10, and moves the Court for permission to file the foregoing Statement of Additional Grounds (SAG), with good cause appearing.

Appellant is without a legal library or legal assistance to help in research in this matter and is requesting the Court will interpret liberally to promote justice and equal protection of the law. See: RAP 1.2(c); *Haines v. Kerner*, 404 U.S. 579 (1972).

Ineffective Assistance of Counsel

Appellant declares that the elements in cause No. 13-1-02943-1 do not exist to support a conviction pursuant to RCW 9A.04.100 "Proof beyond a reasonable doubt, mandates as a matter of law: (1) every person charged with the commission of a crime is presumed

[Trial counsel failed to investigate the case.]

Trial Counsel failed to effectively defend Appellant during trial in cause No. 13-1-02943-1. innocent unless proved guilty. No Person may be convicted of a crime unless Each Element of such crime is proved by competent evidence beyond a reasonable doubt. (2) When a crime has been proven against a person, and there exists a reasonable doubt as to which of two or more degrees he is guilty, he shall be convicted only of the lowest degree. TMWOP, [?]

Appellant hereby incorporates Appellant's Opening Brief as if fully incorporated herein. Additionally, Appellant firmly contends that the Element of Knowingly Stated a motor vehicle never existed, and therefore could not have been proven during the trial. Appellant was simply receiving a ride, had No prior knowledge the vehicle was stolen, and the state has failed to prove otherwise. As such a manifest injustice exist, as a matter of law, and mandates that Appellant receive a new trial. Reversal is warranted.

Appellant does not dispute riding in the vehicle, he firmly argues he had no knowledge he was being picked up in a stolen vehicle by friends, the record shows. Moreover, at worst, Appellant could have been found guilty of RCW(?) "Taking a motor vehicle without the Owners permission", that carries a max range of 29 months, pursuant to RCW 9A.04.100, Id. Appellants due process under the 5th, 6th, and 14th Amend. U.S. Constitution have been violated. Appellant prays a new trial for his Constitutional relief.

Respectfully Submitted:

Dated: 11-16-2014

x Jason Glennard

cc: Jodi R. Backlund, Appellant Counsel
u.s. mail on 11-20-14

Addendum

Appellant declares that the motor vehicle in this matter did not have a damaged or tampered with ignition switch, the vehicle did in fact have the Original Key to it, and the keys to the vehicle were in fact in the police's ~~possession~~ possession at the time of Appellants arrest. As such, and based on all the other reviewable evidence by this court, the Court should conclude that the Jury should have included a lessor included Charge. For example: "Taking a motor vehicle without the Owners Permission". Here, the elements might exist.

Declaration

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge and understanding.

Dated this 16 day of November, 2014, and signed at Little Rock, Washington

Respectfully Submitted,
By: Jason Hernandez
Appellant/Declarant

Cc: Counsel

Pro SE RRP 10.10