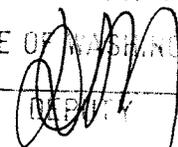


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DIVISION II

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STATE OF WASHINGTON  
BY 

IN THE COURT OF APPEALS  
FOR THE STATE OF WASHINGTON  
DIVISION-TWO

STATE OF WASHINGTON, )  
 )  
Respondent, ) NO. 36629-1-II  
 )  
v. ) STATEMENT OF ADDITIONAL  
 ) GROUNDS FOR REVIEW  
 )  
DANNY WAYNE EVANS, )  
 )  
Appellant. )  
\_\_\_\_\_ )

The appellant Mr. Danny Wayne Evans, contends he has received and reviewed the opening brief prepared by his attorney. The following are Additional Grounds he would like to raise for review that were not raised by the attorney in his brief. He understands the court will review this statement of additional grounds when my appeal is considered.

I. STATEMENT OF ADDITIONAL GROUND-ONE:  
MOTION TO DISMISS

Insufficient Evidence:

On or about July 3, 2007 trial counsel Mr. Blair brought Motion to Dismiss the single count of Manufacture of Methamphetamine, pointing out to the court that no one testified that what

had been presented was manufactured at any given specific time, that it could have been three or five years ago or more.

That no one testified it occurred at 1101/½ Cowlitz way or anywhere else in Cowlitz County or the State of Washington.

Mr. Blair pointed out, other than fingerprints on two pieces of glasswear in a cupboard, on property that Mr. Evans was renting to Mr. Stanz, nobody connected my client with that residence at anytime.

That no testimony glass containing Mr. Evans finger prints were used in any lab nor did the glassware contain any contaminants associated with meth lab, the glass was found in a cupboard.

Trial counsel Mr. Blair indicated, that reviewing the evidence most favorably to the state, that any jury could find beyond a reasonable doubt is guilty of anything that is prohibited by statute. RP 2, P. 333-36

STATEMENT OF ADDITIONAL GROUND-TWO:  
Sentencing Error

Incorrect Standard Range:

Here trial counsel Mr. Blair timely raised the issue regarding Mr. Evans correct sentencing range, advising the court that Evans sentencing range should be 12 to 14 months. And

appropriately requested the court to sentence Evans to the correct standard range.

That the original charge prior to new trial carried a sentencing range of 12-14 months, that the charges did not change prior to the new trial, that the original charge as the Court of Appeals has already indicated Mr. Evans standard range is 12 to 14 months. During the time period when Mr. Evans was charged and convicted, Division 2 found there was a distinction between methamphetamine base and methamphetamine hydrochloride and indicated the court could only impose the sentence with the lesser substance, which was hydrochloride.

Mr. Blair continued to point out to the trial court that the state lost its ability to ask for 51-68 months when they failed to ask for any special findings in the first trial. they now ask upon a second trial for a special finding, absence any new charging information.

The trial court indicated it agreed with defense argument. That in the meantime the state supreme court declared meth is meth, that because of that ruling the range is 51-68 months.

Mr. Evans contends that he should be sentenced to the standard range that was statutorily set at the time of the crime, that the laws in

effect during commission of a crime should stand and be imposed.

III. ADDITIONAL BRIEFING NEEDED:

Yes, Mr. Evans should be permitted/entitled to raise issues timely objected to by his trial attorney and argued repeatedly. Mr. Evans issues were properly preserved for appellate purposes and should not be dismissed based on time or resources (money).

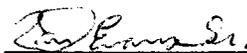
Mr. Evans respectfully requests a fair and impartial review of the additional grounds he raised to determine whether or not his issues have merit.

IV. CONCLUSION

In conclusion Mr. Evans contends his additional grounds have merit requiring additional briefing.

Respectfully Submitted

DATED this April 8, 2008.



DANNY EVANS

P.O. BOX 881000  
Steilacoom, WA 98388

DECLARATION OF SERVICE

I, DANNY EVANS, certify that I deposited today in the internal mail system of McNeil Island Correction Center a properly stamped and addressed envelope directed to:

1. JAMES SMITH  
Cowlitz Hall of Justice  
312 SW 1st Ave  
Kelso, WA 98626-1739
2. JOHN A. HAYS  
Attorney at Law  
1402 Broadway St  
Longview, WA 98632-3714

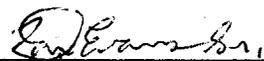
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BY 

Containing the following documents:

1. Plaintiff's Additional Grounds for Review.
2. Declaration of Service.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Submitted this 8, day of April, 2008, at McNeil Island Correction Center, Steilacoom, Washington.



DANNY EVANS  
McNeil Island Corrections  
P.O. BOX 881000  
Steilacoom, WA 98388