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COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

FILED
COURT OF APPEALS
DIVISION II

09 FEB 10 PM 12:21

STATE OF WASHINGTON

STATE OF WASHINGTON

ORIGINAL

No. 38383-7-11BY cm
DEPUTY

Respondent,

v.

STATEMENT OF ADDITIONAL
GROUND FOR REVIEW

Beau E. Nugent
(your name)

Appellant.

I, Beau E. Nugent, 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

Miscalculation of offender score at sentencing. Guidelines say for the sentencing court to add one point if defendant was on "community custody". I was not on community custody. I was on "post release supervision". There for my standard range would have been less.

Additional Ground 2

Prosecution lied to jury to mislead them in closing. He took advantage of the fact that the jurors were not taking notes during testimony. During his closing argument he falsely quoted both my testimony and Robert McIntosh, saying "that defendant admitted that he escaped community custody." When in fact I specifically denied the charge. Also, Robert McIntosh never once testified that I was on community custody.

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

Date: 2-7-09

Signature: [Signature]