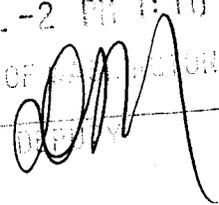


COURT OF APPEALS
DIVISION TWO
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STATE OF WASHINGTON
BY 

COURT OF APPEALS, DIVISION TWO
IN AND FOR THE STATE OF WASHINGTON

JOHNNY TWITTY
Appellant

v.

STATE OF WASHINGTON
Respondent

Cause No. 38539-2

STATEMENT OF ADDITIONAL
GROUNDS

I Johnny Twitty have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are addressed in that brief, but I feel needed further clarification. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

(1) ADDITIONAL GROUND

When the defendant presents evidence of self defense it is likely that one issue will be whether the defendant or the victim was the first aggressor. In this situation Rule 404 (a) (2) allows the defendant to show the victims reputation for quarrelsome or violent disposition the victims character need not have been known to the defendant to be admissible on the issue of who was the the first aggressor State v Adamo 120 wash 268, 207, p7 (1922)

On the related issue of whether the defendant had a reasonable apprehension of danger the victims reputation for using deadly weapons and for quarrelsome and violent disposition is likewise admissible State v ellis 30, wash 369.70 p 963 (1902)

IN order to be admissable on the issue of reasonable apprehension however the victims reputation must have been known to the defendant at all pertinent times. If the defendant knew nothing of the victims reputation then that reputation could not have contributed to the defendants apprehsion State v. Munguia 107 Wn App 328, 26 p3d 1017 (2001)

Done this 26 day of June, 2009.


Johnny Twitty
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