

NO. 94591-8

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Washington State
Supreme Court

SUPREME COURT OF THE
STATE OF WASHINGTON

In Re The Personal Restraint Petition Of:

WILLIAM SCHORR,
Petitioner,

Pierce County Superior Court Cause

No. 04-1-010118-9

REPLY TO STATES RESPONSE
TO MOTION FOR DISCRETIONARY REVIEW

WILLIAM SCHORR
DEFENDANT/PETITIONER

By

REGINALD BELL, SR.,
Inbare Legal Advisor

A. IDENTITY OF REPLYING PARTY

The Defendant, William Schorr, replies to Respondents Response to his Motion for Discretionary Review.

B. ARGUMENT

In Reply to the Respondents Response, Willam Schorr, rests on his original motion filed in this court. In addition he makes the following argument.

The State attempts to distinguish the Robbery and Felony Murder convictions based on Mr. Schorr's admission he committed each crime separately. Response. This contention admits, however, Mr. Schorr was convicted of both the lesser and greater offenses of the felony murder statute. RCW 9A.32.030(1)(c). The State does not dispute the first degree robbery is a predicate offense of the felony murder nor does it dispute that the homicide was committed in connection with the perpetration of the robbery.

The documents it included to establish a factual basis for the separate conviction serves to support that the homicide was in "close

proximity in terms of time and distance between the Robbery and the homicide and there was no break in the chain of events from the inception of the robbery to the time of the homicide. Fn.1

Mr. Schorr admitted his intent was to deprive his victim of property which was required proven by the State. *State v. Byers*, 136 Wash 620, 241 P.9 (1925). This admission merely forms the factual basis for the plea of guilty to the felony murder conviction. RCW 9A.32.030(1)(c) First degree felony murder has two elements: (1) a homicide: (2) committed "in the course of or in furtherance of . . . or in immediate flight" from a robbery.

The State has failed to establish Schorr's conviction do not violate double jeopardy.

Dated this 26 day of October, 2017.


WILLIAM SCHORR
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FN1: "a homicide is committed in connection with the perpetration of a felony if it is in close proximity in terms of time and distance between the felony and the homicide and there is no break in the chain of events from the inception of the felony to the time of the homicide." Charles E. Torcia, 2 Wharton's Criminal Law 150 at 312-14 (15th ed. 1994) (footnotes omitted).