

70519-9

70519-9

NO. 70519-9-1

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION ONE

---

---

STATE OF WASHINGTON,

Respondent,

v.

MARTENIS MINNIFIELD,

Appellant.

---

---

ON APPEAL FROM THE SUPERIOR COURT OF THE  
STATE OF WASHINGTON FOR KING COUNTY

The Honorable Ken Schubert, Judge

---

---

BRIEF OF APPELLANT

---

---

ERIC BROMAN  
Attorney for Appellant

NIELSEN, BROMAN & KOCH, PLLC  
1908 E Madison Street  
Seattle, WA 98122  
(206) 623-2373

RECEIVED  
SUPERIOR COURT  
CLERK OF COURT  
KIMBERLY A. BROWN  
JAN 11 2011

**TABLE OF CONTENTS**

	Page
A. <u>ASSIGNMENTS OF ERROR</u> .....	1
<u>Introduction and Issues Related to Assignments of Error</u> .....	1
B. <u>STATEMENT OF THE CASE</u> .....	2
1. <u>Incident, Charge, and Trial</u> .....	2
2. <u>Jury Instructions, Deliberations, and Verdicts</u> .....	3
3. <u>Sentencing</u> .....	7
C. <u>ARGUMENT</u> .....	8
1. THE COURT ERRED WHEN IT IMPOSED AN EXCEPTIONAL SENTENCE BASED ON AN AGGRAVATING FACTOR NOT ALLEGED FOR COUNT 1. ....	8
D. <u>CONCLUSION</u> .....	13

**TABLE OF AUTHORITIES**

Page

**WASHINGTON CASES**

State v. Nordby  
106 Wn. 2d 514, 723 P.2d 1117 (1986) ..... 9

State v. Schaffer  
120 Wash.2d 616, 845 P.2d 281 (1993) ..... 11

State v. Siers  
158 Wn. App. 686, 244 P.3d 15 (2010)..... 10, 11

State v. Siers  
174 Wn.2d 269, 274 P.3d 358 (2012) ..... 8, 10, 11

State v. Sims  
171 Wn.2d 436, 256 P.3d 285 (2011) ..... 9, 12

State v. Stubbs  
170 Wn.2d 117, 240 P.3d 143 (2010) ..... 9

State v. Suleiman  
158 Wn.2d 280, 143 P.3d 795 (2006) ..... 8

**FEDERAL CASES**

Blakely v. Washington  
542 U.S. 296, 124 S.Ct. 2531, 159 L.Ed.2d 403 (2004)..... 8

**RULES, STATUTES AND OTHER AUTHORITIES**

RCW 9.94A.535 ..... 3, 11

RCW 9.94A.537 ..... 8

RCW 9A.36.011 ..... 9

U.S. Const. Amend. VI ..... 8

**TABLE OF AUTHORITIES (CONT'D)**

	Page
Const. art. I, § 3.....	8
Const. art. I, § 22.....	8
WPIC 3.01.....	5

A. ASSIGNMENTS OF ERROR

1. The trial court erred in imposing an exceptional sentence of 48 months in custody. CP 215, 217, 219.

2. The trial court erred in finding that the jury found aggravating circumstances as to count 1. CP 215.

3. The trial court erred in concluding the aggravating circumstance justified an exceptional sentence on count 1. CP 215.

4. The trial court erred in imposing an exceptional period of community custody. CP 218-20.

Introduction and Issues Related to Assignments of Error

The state charged appellant with two counts of assault arising from the same factual occurrence. In count 1 the state charged first degree assault. In count 2 the state charged second degree assault, and alleged an aggravating circumstance, that the injury “substantially exceeded the level of bodily harm necessary to establish the elements of the crime.” CP 26.

The jury found appellant guilty of second degree assault as a lesser included offense of count 1. The jury did not find appellant guilty of count 2. But the jury found the aggravating factor alleged in count 2.

1. Did the trial court err in imposing an exceptional sentence for count 1 where no notice was provided that the state would seek an exceptional sentence on that count?

B. STATEMENT OF THE CASE

1. Incident, Charge, and Trial

On August 10, 2011, the King County prosecutor charged appellant Martenis Minnifield with first degree assault. The victim was Minnifield's cousin, Saul Collins. On August 5, Collins had been stabbed in the family apartment and suffered substantial blood loss and went through surgery to save his life. CP 1-7; RP 6-7, 33.

Minnifield was arrested and held in custody. Following initial evaluation he was found incompetent by order dated September 6, 2011, and committed for competency restoration. CP \_\_ (sub no. 6, Order and attached evaluation). After Minnifield's competency was restored, CP 8-15, the state amended the information to charge two counts. CP 25-26.

Count 1 charged Minnifield with first degree assault, asserting Minnifield assaulted Collins with a knife and intentionally inflicted great bodily harm. The state included special allegations that Minnifield used a deadly weapon and the crime involved domestic violence (DV). CP 25. Count 2 charged second degree assault,

alleging Minnifield intentionally assaulted Collins with a deadly weapon and recklessly inflicted substantial bodily harm. Count 2 also included deadly weapon and DV allegations. CP 26. Count 2 also alleged that Collins's injuries "substantially exceeded the level of bodily harm necessary to satisfy the elements of the crime, an aggravating factor under RCW 9.94A.535(3)(y)." CP 26.

The defense provided notice that it would present evidence showing Minnifield lacked the capacity to form the intent necessary to commit the charged offense. CP 16-21. The main issues at trial turned on whether the state could prove Minnifield intended to inflict great bodily harm, and whether Minnifield lacked the capacity to intend any assault at all. CP 193.

2. Jury Instructions, Deliberations, and Verdicts

Before the jury was instructed, the defense renewed its objection to the state's decision to charge one act in two different counts. CP 61-62. The court denied the defense motion to dismiss count 2. Supp. CP \_\_ (sub no. 90 A, Clerk's Minutes, page 25).

The instructions for count 1 allowed the jury to convict for first degree assault, or for lesser offenses of second or third degree assault. CP 170-176, 180-81. The jury also was instructed it could

find Minnifield guilty of second or third degree assault as charged in count 2. CP 177; see also CP 176, 178-81.

The court instructed the jury on special verdicts for the deadly weapon and domestic violence allegations. These special verdict forms specifically identified the count to which each form applied. CP 144-47.

The defense proposed an instruction that specifically tied the aggravating factor to count 2, which was the only count to which the aggravator applied. CP 25-26.<sup>1</sup> The court's instruction on the aggravating factor did not state that it only applied to count 2. CP 183. The state proposed a special verdict form that also did not limit the aggravating factor to count 2. Supp. CP \_\_\_ (sub no. 94, State's

---

<sup>1</sup> The proposed defense instruction reads:

If you find the defendant guilty of assault in the second degree as charged in count II, then you must determine if the following aggravating circumstances exist:

Whether the victim's injuries substantially exceeded the level of bodily harm necessary to constitute substantial bodily harm, as defined in these instructions. The victim's injuries substantially exceed the level of bodily harm necessary to constitute substantial bodily harm if the injuries constitute great bodily injury.

CP 123 (emphasis added).

Second Submission of Instructions to the Jury, Special Verdict Form

E).

The court also instructed the jury with the standard language from WPIC 3.01:

A separate crime is charged in each count. You must decide each count separately. Your verdict on one count should not control your verdict on any other count.

CP 156.

During deliberations the jury submitted two inquiries. The first asked:

Can we get clarification on the distinction between Count One and Count Two? Why are there two counts when there only seems to have been one alleged assault?

CP 135. The second inquiry asked:

1. Can a person be convicted of two crimes for one act?
2. Does [sic] count I and count II refer to two separate acts or injuries?

CP 137. The court responded to both inquiries by directing the jury to "re-read the instructions." CP 136, 138.

The state did not persuade the jury that Minnifield acted with the intent to inflict great bodily harm. CP 193. Instead, the jury found Minnifield guilty of second degree assault as a lesser of the offense

charged in "Count One." CP 140. The jury wrote "not used" across the verdict forms for first degree assault charged in count 1, and for second degree assault charged in count 2. CP 139, 142.

The jury answered "yes" to special verdicts finding Minnifield was armed with a deadly weapon at the time count 1 was committed, and that Minnifield and Collins were members of the same family or household prior to or at the time count 1 was committed. CP 144-45. The jury wrote "not used" on these special verdicts for count 2. CP 146-47.

The special verdict form for the aggravating factor reads as follows:

We, the jury, having found the defendant guilty of Assault in the Second Degree, return a special verdict by answering as follows:

QUESTION: Did the victim's injuries substantially exceed the level of bodily harm necessary to constitute substantial bodily harm?

ANSWER: Yes.

CP 143.<sup>2</sup> The verdict did not identify the count to which it applied.

CP 143. As noted above, the state proposed this special verdict form.

---

<sup>2</sup> Copies of the relevant verdict forms are attached in appendix A.

### 3. Sentencing

The parties agreed the standard range for second degree assault was 6-12 months, with a 12-month enhancement for the deadly weapon special verdict. CP 191; RP 4-5.<sup>3</sup>

The defense pointed out there were substantial mitigating factors, including Minnifield's mental disorder and limited capacity. CP 193, 204-05; RP 14-15. Several family members, including Collins's mother, spoke for leniency. RP 21-29. Counsel recommended a 27-month sentence to allow the Department of Corrections time to prepare for Minnifield's supervision on community custody. CP 193-94; RP 30-31.

The state requested an exceptional sentence of 84 months plus the 12-month enhancement. RP 5, 13. The state agreed the sole aggravating factor was the one found by the jury. RP 9, 11-12.

The court imposed an exceptional sentence of 48 months in prison, plus a 12-month deadly weapon enhancement. The court also imposed an exceptional term of 60 months of community custody. The sole reason for the exceptional sentence was the aggravating

---

<sup>3</sup> The sentencing transcript is the only transcript authorized by the order of indigency signed by the trial court. Because Minnifield does not challenge his conviction, other transcripts are not necessary to litigate this sentencing appeal.

circumstance alleged solely as to count 2. CP 215, 217-20; RP 32-37, 42-43.

The judgment correctly found the jury convicted Minnifield of second degree assault on count 1, not on count 2. RP 214. But the judgment and sentence erroneously states the jury found aggravating circumstances as to count 1. CP 215.

C. ARGUMENT

1. THE COURT ERRED WHEN IT IMPOSED AN EXCEPTIONAL SENTENCE BASED ON AN AGGRAVATING FACTOR NOT ALLEGED FOR COUNT 1.

As a matter of constitutional and statutory law, the state must provide notice that an aggravating factor is alleged, and must prove the aggravating factor to the jury beyond a reasonable doubt. Notice must be adequate to apprise the accused that the state seeks an exceptional sentence on the charged offense. U.S. Const. Amend. 6, 14; Const. art. 1, §§ 3, 22; Blakely v. Washington, 542 U.S. 296, 124 S.Ct. 2531, 159 L.Ed.2d 403 (2004); State v. Siers, 174 Wn.2d 269, 277-78, 274 P.3d 358 (2012); RCW 9.94A.537(1), (3). The jury must find beyond a reasonable doubt that there is a factual basis for an aggravated sentence. RCW 9.94A.537(6); State v. Suleiman, 158 Wn.2d 280, 292, 143 P.3d 795 (2006). An unlawful sentence may be

challenged for the first time on appeal. State v. Sims, 171 Wn.2d 436, 256 P.3d 285 (2011)

When applied here, these rules show the trial court erred in imposing an exceptional sentence for count 1. The information notified Minnifield of the state's intent to seek an exceptional sentence solely on count 2, based on the greater level of bodily injury. Any reasonable person reading the state's notice would conclude the state provided notice for count 2, and expressly declined to provide notice for count 1. CP 25-26.

This reasonable conclusion is further supported by the fact the state could not seek an exceptional sentence for count 1, because count 1 charged first degree assault based on the infliction of great bodily harm. CP 25; RCW 9A.36.011(1)(a), (c). The "excess bodily harm" aggravating factor alleged in count 2 could not apply to count 1. Washington courts have long held that an exceptional sentence cannot be based on an aggravating factor that inheres in the charged offense. In other words, facts already considered by the Legislature in setting the standard range cannot also justify an exceptional sentence. State v. Stubbs, 170 Wn.2d 117, 240 P.3d 143, 146 (2010) (citing, inter alia, State v. Nordby, 106 Wn. 2d 514, 517-18, 723 P.2d 1117 (1986)).

In addition, the jury was instructed that counts 1 and 2 were separate crimes. CP 156. That is the law of this case. In short, the state provided no notice that it would seek an exceptional sentence on count 1.

In response, the state may contend that an aggravating factor need not be charged in the information, so long as sufficient notice is provided to the accused that the state will seek an exceptional sentence, citing Siers. But Siers is inapposite.

The state charged Siers with two counts of assault on two different people. Count I charged Siers with assaulting Hoover in a bar fight. Count II charged Siers with assaulting Witten, who had intervened to try to break up the fight between Siers and Hoover. The state theorized that Hoover was a “good Samaritan” and gave notice to Siers that the state would seek an exceptional sentence on count II. Siers, 174 Wn.2d at 272-73; see also Siers, 158 Wn. App. 686, 689-90, 244 P.3d 15 (2010) (stating the facts).

The trial court did not impose an exceptional sentence. Despite that, and despite the state’s notice, Siers argued on appeal that the information was deficient to charge second degree assault because it did not include the “good Samaritan” aggravating factor.

The Court of Appeals agreed, but the Supreme Court reversed. Cf. Siers, 174 Wn.2d at 276-83; with Siers, 158 Wn. App. at 694-703.

The Supreme Court held that the “good Samaritan” aggravating factor was not an essential element of count 2, which charged the assault against Witten. For that reason it did not need to be included in the information. Siers, 174 Wn.2d at 282-83. But the court also took care to confirm this bedrock principle:

to allow the defendant to “mount an adequate defense” against an aggravating circumstance listed in RCW 9.94A.535(3), the defendant must receive notice prior to the proceeding in which the State seeks to prove those circumstances to a jury. State v. Schaffer, 120 Wash.2d 616, 620, 845 P.2d 281 (1993).

Siers, 174 Wn.2d at 277. Relying on the specific facts of that case, the court then held:

Siers’s attorney acknowledged that the State provided notice to Siers prior to trial that it intended to prove an aggravator that could result in an exceptional sentence. In our judgment, this prior notice satisfied state and federal constitutional notice requirements.

Siers, 174 Wn.2d at 277.

The state will likely cite Siers for the proposition that the information need not notify Minnifield of the aggravating factor for count 1. But the problem is that the state only gave notice of its intent to seek an exceptional sentence on count 2. The record provides no

notice of any state intent to seek an exceptional sentence on count 1. Whatever else may be said of the different facts in Siers, they have no analog here.

The state may also contend that Minnifield seeks review of an instructional error, rather than a sentencing error. This is inaccurate. Minnifield challenges the erroneous sentence, and he does not seek a new trial as a remedy for any alleged instructional error.<sup>4</sup>

To the extent there might also be an instructional error, it is an error of the state's creation. Minnifield objected to the state's odd decision to charge one act in two different counts. CP 61-63. Minnifield proposed an instruction that specifically linked the aggravating factor to count 2. CP 123. Any other instructional error the state might now seek to identify was a result of the state's own charging decision and proposed instructions.<sup>5</sup>

---

<sup>4</sup> This is an important distinction, because the jury did not return a verdict on first degree assault. If there is a retrial, Minnifield might again face jeopardy for that more serious offense. This is why he expressly does not raise any claim of instructional error. Nor has the state filed a cross-appeal to seek affirmative relief. A new trial is not an available remedy. See State v. Sims, 171 Wn.2d 436, 256 P.3d 285 (2011).

<sup>5</sup> Supp. CP \_\_ (sub no. 94, State's Second Submission of Instructions), (sub no. 89, State's Proposed Instructions).

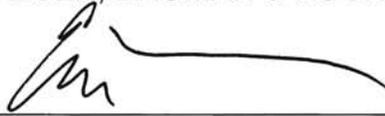
D. CONCLUSION

The trial court's exceptional sentence should be vacated. This Court should remand for imposition of a standard range sentence.

DATED this 11 day of September, 2014.

Respectfully Submitted,

NIELSEN, BROMAN & KOCH, PLLC.



---

ERIC BROMAN, WSBA 18487  
OID No. 91051  
Attorneys for Appellant

# APPENDIX A

No. 28

If you find the defendant guilty of Assault in the Second Degree, then you must determine if the following aggravating circumstances exist:

Whether the victim's injuries substantially exceeded the level of bodily harm necessary to constitute substantial bodily harm, as defined in these instructions. The victim's injuries substantially exceeded the level of bodily harm necessary to constitute substantial bodily harm if the injuries constitute great bodily harm.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

Not used

STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 )  
 )  
 Defendant. )

No. 11-1-07369-2 SEA  
VERDICT FORM E

FILED

APR 05 2013

SUPERIOR COURT CL.  
BY Susan Bot.  
DEPUTY

We, the jury, having found the defendant MARTENIS DEMORREO MINNIFIELD not guilty of the crime of Assault in the Second Degree in Count Two as charged, or being unable to unanimously agree as to that charge, find the defendant \_\_\_\_\_ (write in "not guilty" or "guilty") of the crime of Assault in the Third Degree for Count Two.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Presiding Juror

107  
49

**FILED**  
KING COUNTY JUDICIAL SYSTEM

APR 05 2013

SUPERIOR COURT CLERK  
BY Susan Bone  
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF  
WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 MARTENIS DEMORREO )  
 MINNIFIELD, )  
 )  
 Defendant. )

No. 11-1-07369-2 SEA  
SPECIAL VERDICT FORM D

*NOT  
USED*

This special verdict is to be answered only if the jury finds the defendant guilty of count II or of lesser crimes for count II.

We, the jury, answer the question(s) submitted by the court as follows:

AS TO COUNT 2:

QUESTION: Were Martenis Minnifield and Saul Collins members of the same family or household prior to or at the time the crime was committed?

ANSWER: \_\_\_\_\_ (Write "yes" or "no")

*106*  
*157*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Presiding Juror

**FILED**  
KING COUNTY WASH. SUPERIOR COURT

APR 05 2013

SUPERIOR COURT CLERK  
BY Susan Bone  
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF  
WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 MARTENIS DEMORREO )  
 MINNIFIELD, )  
 )  
 Defendant. )

No. 11-1-07369-2 SEA  
SPECIAL VERDICT FORM C

*NOT USED*

This special verdict is to be answered only if the jury finds the defendant guilty of count II or of lesser crimes for count II.

We, the jury, return a special verdict by answering as follows:

QUESTION: Was the defendant Martenis Minnifield armed with a deadly weapon at the time of the commission of the crime in Count II?

ANSWER: \_\_\_\_\_ (Write "yes" or "no")

\_\_\_\_\_  
Date Presiding Juror

*105*  
*MB*

**FILED**  
KING COUNTY WASHINGTON

APR 05 2013

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY  
SUPERIOR COURT CLERK  
BY Susan Bone  
DEPUTY

STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 MARTENIS DEMORREO )  
 MINNIFIELD, )  
 )  
 Defendant. )

No. 11-1-07369-2 SEA  
SPECIAL VERDICT FORM B

This special verdict is to be answered only if the jury finds the defendant guilty of count I or of lesser crimes for count I.

We, the jury, answer the question submitted by the court as follows:

AS TO COUNT 1:

QUESTION: Were Martenis Minnifield and Saul Collins members of the same family or household prior to or at the time the crime was committed?

ANSWER: YES (Write "yes" or "no")

4-4-13  
Date

Susan L. Bone  
Presiding Juror

104

**FILED**  
KING COUNTY WA #1230701

IN THE SUPERIOR COURT OF THE STATE OF  
WASHINGTON FOR KING COUNTY

APR 05 2013

SUPERIOR COURT CLERK  
BY Susan Bone  
DEPUTY

STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 MARTENIS DEMORREO )  
 MINNIFIELD, )  
 )  
 Defendant. )

No. 11-1-07369-2 SEA  
SPECIAL VERDICT FORM A

This special verdict is to be answered only if the jury finds the defendant guilty of count I or of lesser crimes for count I.

We, the jury, return a special verdict by answering as follows:

QUESTION: Was the defendant Martenis Minnifield armed with a deadly weapon at the time of the commission of the crime in Count I?

ANSWER: YES (Write "yes" or "no")

4-4-13  
Date

Susan L. Hogg  
Presiding Juror

103  
44

**FILED**  
KING COUNTY WASHINGTON

APR 05 2013

IN THE SUPERIOR COURT OF THE STATE OF  
WASHINGTON FOR KING COUNTY

SUPERIOR COURT CLERK  
BY Susan Bone  
DEPUTY

STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 vs. )  
 )  
 MARTENIS DEMORREO )  
 MINNIFIELD, )  
 )  
 Defendant. )

No. 11-1-07369-2 SEA  
SPECIAL VERDICT FORM E

We, the jury, having found the defendant guilty of Assault in the Second Degree, return a special verdict by answering as follows:

QUESTION: Did the victim's injuries substantially exceed the level of bodily harm necessary to constitute substantial bodily harm?

ANSWER: YES (Write "yes" or "no")

4-4-13  
Date

*Susan L. Higgins*  
Presiding Juror

102  
43

**FILED**  
KING COUNTY

APR 05 2013

IN THE SUPERIOR COURT OF THE STATE OF  
WASHINGTON FOR KING COUNTY

SUPERIOR COURT CLERK  
BY Susan Bond  
DEPUTY

STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 MARTENIS DEMORREO )  
 MINNIFIELD, )  
 )  
 Defendant. )

No. 11-1-07369-2 SEA

VERDICT FORM D

*not U*

We, the jury, find the defendant MARTENIS DEMORREO  
MINNIFIELD \_\_\_\_\_ (write in "not guilty" or  
"guilty") of the crime of Assault in the Second Degree as charged  
in Count Two.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Presiding Juror

**FILED**  
KING COUNTY

APR 05 2013

SUPERIOR COURT CLERK  
BY Susan Bone  
DEPUTY

*not used*

IN THE SUPERIOR COURT OF THE STATE OF  
WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

Defendant.

)  
) No. 11-1-07369-2 SEA  
)  
) VERDICT FORM C  
)  
)  
)  
)  
)  
)

We, the jury, having found the defendant MARTENIS DEMORREO MINNIFIELD not guilty of the crime of Assault in the Second Degree in Count One, or being unable to unanimously agree as to that charge, find the defendant \_\_\_\_\_ (write in "not guilty" or "guilty") of the crime of Assault in the Third Degree for Count One.

Date

Presiding Juror

*107*

**FILED**  
KING COUNTY

APR 05 2013

SUPERIOR COURT CLERK  
BY Susan Bone  
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF  
WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,	)	
	)	No. 11-1-07369-2 SEA
Plaintiff,	)	
	)	VERDICT FORM B
vs.	)	
	)	
	)	
Defendant.	)	

We, the jury, having found the defendant MARTENIS DEMORREO MINNIFIELD not guilty of the crime of Assault in the First Degree in Count One as charged, or being unable to unanimously agree as to that charge, find the defendant GUILTY (write in "not guilty" or "guilty") of the crime of Assault in the Second Degree for Count One.

4-4-13  
Date

*Mrs. L. Hagg*  
Presiding Juror

**FILED**  
KING COUNTY WASHINGTON

APR 05 2013

SUPERIOR COURT CLERK  
BY Susan Bone  
DEPUTY

*Not used*

IN THE SUPERIOR COURT OF THE STATE OF  
WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 MARTENIS DEMORREO )  
 MINNIFIELD, )  
 )  
 Defendant. )

No. 11-1-07369-2 SEA

VERDICT FORM A

We, the jury, find the defendant MARTENIS DEMORREO  
MINNIFIELD \_\_\_\_\_ (write in "not guilty" or  
"guilty") of the crime of Assault in the First Degree as charged  
in Count One.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Presiding Juror

*gd*

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION ONE

STATE OF WASHINGTON

Respondent,

v.

MARTENIS MINNIFIED,

Appellant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

COA NO. 70519-9-1

**DECLARATION OF SERVICE**

I, PATRICK MAYOVSKY, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOLLOWING IS TRUE AND CORRECT:

THAT ON THE 11<sup>TH</sup> DAY OF SEPTEMBER 2014 I CAUSED A TRUE AND CORRECT COPY OF THE **BRIEF OF APPELLANT** TO BE SERVED ON THE PARTY / PARTIES DESIGNATED BELOW BY EMAIL AND/OR DEPOSITING SAID DOCUMENT IN THE UNITED STATES MAIL.

[X] MARTENIS MINNIFIED  
DOC NO. 835199  
MONROE CORRECTIONS CENTER  
P.O. BOX 777  
MONROE, WA 98272

SIGNED IN SEATTLE WASHINGTON, THIS 11<sup>TH</sup> DAY OF SEPTEMBER 2014.

X Patrick Mayovsky

COPIES OF DEEDS  
STAFF  
2014 SEP 11 PM 4:16