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SERVICE	Jennifer L. Dobson Dana M. Nelson Nielsen, Broman & Koch, PLLC 1908 East Madison Street Seattle, WA 98122
	<p>A copy of this document was served via U.S. Mail as noted above. I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.</p> <p>DATED July 31, 2013 Port Angeles, WA <i>[Signature]</i></p> <p>Original filed electronically at the Court of Appeals Ste. 300, 950 Broadway Tacoma WA 98402-4454</p>

IN THE COURT OF APPEALS OF WASHINGTON
DIVISION II

THE STATE OF WASHINGTON,)	
)	No. 44278-7-II
Respondent,)	
)	STATE'S MOTION ON THE MERITS
v.)	
)	
AMEL DALLUGE,)	
)	
Appellant.)	
)	

I. IDENTITY OF MOVING PARTY

The Respondent, STATE OF WASHINGTON, asks this Court for the relief designated in Part II of this motion.

II. STATEMENT OF RELIEF SOUGHT

The State moves, pursuant to RAP 18.14(e), to affirm Amel Dalluge's conviction. The appeal contains a single issue, which (a) is clearly controlled by settled law, and (b) is factual and supported by the evidence. The definition of a "true threat"



1
2 and the test to determine the sender's subjective knowledge are well known. The trial
3 court's oral opinion and findings show the trial court applied the correct test.
4
5 Resolution of this issue will determine the appeal.

6 **III. FACTS RELEVANT TO MOTION**

7 The facts relevant to the State's motion are contained in the brief of respondent.
8

9 **IV. GROUNDS FOR RELIEF AND ARGUMENT**

10 Amul Dalluge's claim is wholly without merit for the reasons stated in
11 the brief of respondent, which is incorporated herein by reference.
12

13 DATED JULY 31, 2013.

14 DEBORAH KELLY,
15 PROSECUTING ATTORNEY

16 
17 LEWIS M. SCHRAWYER, #12202
18 Deputy Prosecuting Attorney



CLALLAM COUNTY PROSECUTOR

July 31, 2013 - 9:05 AM

Transmittal Letter

Document Uploaded: 442787-Motion on the Merits.pdf

Case Name: State v. Amel Dalluge

Court of Appeals Case Number: 44278-7

Is this a Personal Restraint Petition? Yes No

The document being Filed is:

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: Motion on the Merits

Answer/Reply to Motion: _____

Brief: _____

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: _____

Hearing Date(s): _____

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: _____

Comments:

No Comments were entered.

Sender Name: Lew M Schrawyer - Email: lschrawyer@co.clallam.wa.us