

STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

(a) Statement Permitted. In a criminal case on direct appeal, the defendant may file a pro se statement of additional grounds for review to identify and discuss those matters related to the decision under review that the defendant believes have not been adequately addressed by the brief filed by the defendant's counsel.

(b) Length and Legibility. The statement may be submitted in handwriting so long as it is legible and can be reproduced by the clerk. The statement should comply with the formatting requirements and length limitations of RAP 18.17.

(c) Citations; Identification of Errors. Reference to the record and citation to authorities are not necessary or required, but the appellate court will not consider a defendant's statement of additional grounds for review if it does not inform the court of the nature and occurrence of alleged errors. Except as required in cases in which counsel files a motion to withdraw as set forth in RAP 18.3(a)(2), the appellate court is not obligated to search the record in support of claims made in a defendant's statement of additional grounds for review. Only documents that are contained in the record on review should be attached or referred to in the statement.

(d) Time for Filing. The statement of additional grounds for review should be filed within 35 days after the mailing of a notice from the clerk of the appellate court advising the defendant of the substance of this rule. If the defendant is represented by counsel, the clerk will mail the notice to the defendant's counsel, who should promptly forward the notice to the defendant with a copy of the opening brief. The clerk will advise all parties if the defendant files a statement of additional grounds for review.

(e) Report of Proceedings. If within 30 days after the mailing of the notice referenced in subsection (d) above, defendant requests a copy of the verbatim report of proceedings from defendant's counsel, counsel should promptly mail a copy of the verbatim report of proceedings to the defendant and should file in the appellate court a certificate of mailing, which need not state the address the report of proceedings was mailed to. The pro se statement of additional grounds for review should then be filed within 35 days after the certificate of mailing is filed. The cost for producing and mailing the verbatim report of proceedings for an indigent defendant will be reimbursed to counsel from the Office of Public Defense in accordance with Title 15 of these rules.

(f) Additional Briefing. The appellate court may, in the exercise of its discretion, request additional briefing from counsel to address issues raised in the defendant's pro se statement.

[Adopted effective December 24, 2002; Amended effective September 1, 2014; September 1, 2021; September 1, 2022.]