

**FILED**  
KING COUNTY, WASHINGTON

MAR 22 2017

SUPERIOR COURT CLERK  
BY David Roberts  
DEPUTY

SUPERIOR COURT OF THE STATE OF WASHINGTON  
COUNTY OF KING

No. [REDACTED]

**DECISION ON RALJ APPEAL**

**CLERK'S ACTION REQUIRED**

*Reversing and Remanding  
Conviction + Case* 

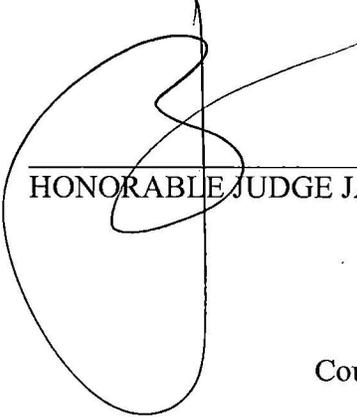
[REDACTED]  
Appellant,  
vs.  
CITY OF BELLEVUE,  
Respondent.

This appeal came on regularly for oral argument on March 13, 2017 pursuant to RALJ 8.3, before the undersigned judge of the above entitled court and after reviewing the record on appeal and considering the written and oral argument of the parties, the court holds the following:

The City of Bellevue Assistant Prosecuting Attorney's statement during the closing argument of the appellant's jury trial, "we don't need to prove that he intentionally assaulted her," was improper because it implied to the jury that the City did not have to prove the assault was intentional. The City of Bellevue Assistant Prosecuting Attorney's misconduct resulted in prejudice to the appellant that had a substantial likelihood of affecting the jury's verdict.

1 IT IS HEREBY ORDERED that the conviction and sentence related to the above cause and  
2 related to trial court cause number [REDACTED] is reversed and remanded to King County District  
3 Court – East Division, Bellevue Courthouse for further proceedings in accordance with the above  
4 decision and that the Superior Court clerk is directed to release any bonds to the Lower Court after  
5 assessing statutory Clerk’s fees and costs.  
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8 DATED this 22 day of March, 2017.

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13 HONORABLE JUDGE JAMES E. ROGERS  
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