

**IN THE MUNICIPAL COURT OF THE CITY OF SEATTLE
KING COUNTY, WASHINGTON**

CITY OF SEATTLE,)	
Plaintiff,)	
)	No. 4240000362
vs.)	
)	PLAINTIFF'S REQUESTED
Hudson, Miles)	INSTRUCTIONS
Defendant.)	(without citations)
_____)	

Comes now the plaintiff, the City of Seattle, and
respectfully requests the Court to instruct the jury in writing as
follows.

ANN DAVISON
SEATTLE CITY ATTORNEY

Christopher T. Karr
Assistant City Prosecutor
WSBA # 44836

INSTRUCTION NO. _____

MEMBERS OF THE JURY:

The defendant is charged by complaint or citation with committing the crime of Reckless Driving, and with committing the crime of Reckless Driving Racing, alleged to have been committed in the City of Seattle Between the date of February 01, 2024 and February 24, 2024.

To these charges the defendant has entered a plea of not guilty, which places in issue each allegation of the charges.

INSTRUCTION NO. _____

It is your duty to decide the facts in this case based upon the evidence presented to you during this trial. It also is your duty to accept the law from my instructions, regardless of what you personally believe the law is or what you personally think it should be. You must apply the law from my instructions to the facts that you decide have been proved and in this way decide the case.

Keep in mind that a charge is only an accusation. The filing of a charge is not evidence that the charge is true. Your decision as jurors must be made solely upon the evidence presented during these proceedings.

The evidence that you are to consider during your deliberations consists of the testimony that you have heard from witnesses, stipulations and the exhibits that have been admitted during the trial. If evidence was not admitted or was stricken from the record, then you are not to consider it in reaching your verdict.

Exhibits may have been marked by the court clerk and given a number, but they do not go with you to the jury room during your deliberations unless they have been admitted into evidence. The exhibits that have been admitted will be available to you in the jury room.

One of my duties has been to rule on the admissibility of evidence. Do not be concerned during your deliberations about the reasons for my rulings on the evidence. If I have ruled that any evidence is inadmissible, or if I have asked you to disregard any evidence, then you must not discuss that evidence during your deliberations or consider it in reaching your verdict. Do not speculate whether the evidence would have favored one party or the other.

In order to decide whether any proposition has been proved, you must consider all of the evidence that I have admitted that relates to the proposition. Every party is entitled to the benefit of all of the evidence, whether or not that party introduced it.

You are the sole judges of the credibility of each witness. In assessing credibility, you must avoid bias, conscious or unconscious, including bias based on religion, ethnicity, race, sexual orientation, gender or disability. You are also the sole judge of the value or weight to be given to the testimony of each witness. In considering a witness's testimony, you may consider these things: the opportunity of the witness to observe or know the things he or she testifies about; the ability of the witness to observe accurately; the quality of a witness's memory while testifying; the manner of the witness while testifying; any personal interest that the witness might have in the outcome or

the issues; any bias or prejudice that the witness may have shown; the reasonableness of the witness's statements in the context of all of the other evidence; and any other factors that affect your evaluation or belief of a witness or your evaluation of his or her testimony.

The lawyers' remarks, statements and arguments are intended to help you understand the evidence and apply the law. It is important, however, for you to remember that the lawyers' statements are not evidence. The evidence is the testimony and the exhibits. The law is contained in my instructions to you. You must disregard any remark, statement or argument that is not supported by the evidence or the law in my instructions.

You may have heard objections made by the lawyers during trial. Each party has the right to object to questions asked by another lawyer, and may have the duty to do so. These objections should not influence you. Do not make any assumptions or draw any conclusions based on a lawyer's objections.

Our state constitution prohibits a trial judge from making a comment on the evidence. It would be improper for me to express, by words or conduct, my personal opinion about the value of testimony or other evidence. I have not intentionally done this. If it appeared to you that I have indicated my personal opinion in any way, either during trial or in giving these instructions, you must disregard this entirely.

You have nothing whatever to do with any punishment that may be imposed in case of a violation of the law. You may not consider the fact that punishment may follow conviction except insofar as it may tend to make you careful.

The order of these instructions has no significance as to their relative importance. They are all important. In closing argument, the lawyers may properly discuss specific instructions. During your deliberations, you must consider the instructions as a whole.

As jurors, you are officers of this court. You must not let your emotions overcome your rational thought process. You must reach your decision based on the facts proved to you and on the law given to you, not on sympathy, prejudice or personal preference. To assure that all parties receive a fair trial, you must act impartially with an earnest desire to reach a proper verdict.

INSTRUCTION NO. _____

A person commits the crime of Reckless Driving when he or she drives a vehicle in willful or wanton disregard for the safety of persons or property.

INSTRUCTION NO. _____

To convict the defendant of Reckless Driving, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That between the dates of February 01, 2024 and February 24, 2024, the defendant drove a vehicle;

(2) That the defendant drove the vehicle in willful or wanton disregard for the safety of persons or property; and

(3) That the driving occurred in the City of Seattle.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all of the evidence, you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty.

INSTRUCTION NO. _____

A person commits the crime of Reckless Driving- Racing, when he or she races a motor vehicle on any street, alley or way open to the public.

INSTRUCTION NO. _____

To convict the defendant of Reckless Driving, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That Between the dates of February 01, 2024 and February 24, 2024, the defendant drove a motor vehicle;

(2) That the defendant raced the motor vehicle on any street, alley or way open to the public; and

(3) That the driving occurred in the City of Seattle.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all of the evidence, you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty.

INSTRUCTION NO. _____

Racing is willfully comparing or contesting relative speeds by operation of one or more motor vehicles, whether or not the speed is in excess of the maximum speed prescribed by law. Any comparison or contest of the accuracy with which motor vehicles may be operated in terms of relative speeds not in excess of the posted maximum speed does not constitute racing.

INSTRUCTION NO. _____

Willful means acting intentionally and purposely, and not accidentally or inadvertently.

Wanton means acting intentionally in heedless disregard of the consequences and under such surrounding circumstances and conditions that a reasonable person would know or have reason to know that such conduct would, in a high degree of probability, harm a person or property.

INSTRUCTION NO. _____

The evidence that has been presented to you may be either direct or circumstantial. The term "direct evidence" refers to evidence that is given by a witness who has directly perceived something at issue in this case. The term "circumstantial evidence" refers to evidence from which, based on your common sense and experience, you may reasonably infer something that is at issue in this case.

The law does not distinguish between direct and circumstantial evidence in terms of their weight or value in finding the facts of this case. One is not necessarily more or less valuable than the other.

INSTRUCTION NO. _____

As jurors, you have a duty to discuss the case with one another and to deliberate in an effort to reach a unanimous verdict. Each of you must decide the case for yourself, but only after you consider the evidence impartially with your fellow jurors. During your deliberations, you should not hesitate to reexamine your own views and to change your opinion based upon further review of the evidence and these instructions. You should not, however, surrender your honest belief about the value or significance of evidence solely because of the opinions of your fellow jurors. Nor should you change your mind just for the purpose of reaching a verdict.

INSTRUCTION NO. _____

The defendant has entered a plea of not guilty. That plea puts in issue every element of the crime charged. The City of Seattle is the plaintiff and has the burden of proving each element of the crime beyond a reasonable doubt. The defendant has no burden of proving that a reasonable doubt exists as to these elements.

A defendant is presumed innocent. This presumption continues throughout the entire trial unless during your deliberations you find it has been overcome by the evidence beyond a reasonable doubt.

A reasonable doubt is one for which a reason exists and may arise from the evidence or lack of evidence. It is such a doubt as would exist in the mind of a reasonable person after fully, fairly and carefully considering all of the evidence or lack of evidence. If, from such consideration, you have an abiding belief in the truth of the charge, you are satisfied beyond a reasonable doubt.

INSTRUCTION NO. _____

When you begin deliberating, you should first select a presiding juror. The presiding juror's duty is to see that you discuss the issues in this case in an orderly and reasonable manner, that you discuss each issue submitted for your decision fully and fairly, and that each one of you has a chance to be heard on every question before you.

During your deliberations, you may discuss any notes that you have taken during the trial, if you wish. You have been allowed to take notes to assist you in remembering clearly, not to substitute for your memory or the memories or notes of other jurors. Do not assume, however, that your notes are more or less accurate than your memory.

You will need to rely on your notes and memory as to the testimony presented in this case. Testimony will rarely, if ever, be repeated for you during your deliberations.

If, after carefully reviewing the evidence and instructions you feel a need to ask the court a legal or procedural question that you have been unable to answer, write the question out simply and clearly. For this purpose, use the form provided in the jury room. In your question, do not state how the jury has voted. The presiding juror should sign and date the question

and give it to the bailiff. I will confer with the lawyers to determine what response, if any, can be given.

You will be given the exhibits admitted in evidence, these instructions and a verdict form for recording your verdict. Some exhibits and visual aids may have been used in court but will not go with you to the jury room. The exhibits that have been admitted into evidence will be available to you in the jury room.

You must fill in the blank provided in the verdict form the words "not guilty" or the word "guilty," according to the decision you reach.

Because this is a criminal case, each of you must agree for you to return a verdict. When all of you have so agreed, fill in the verdict form to express your decision. The presiding juror must sign the verdict form and notify the bailiff. The bailiff will bring you into court to declare your verdict.

INSTRUCTION NO. _____

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.

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PRESIDING JUROR

IN THE MUNICIPAL COURT OF THE CITY OF SEATTLE
KING COUNTY, WASHINGTON

CITY OF SEATTLE,)	
Plaintiff,)	No. 4240003662
)	
vs.)	VERDICT FORM
)	
Hudson, Miles)	
Defendant.)	
_____)	

We, the jury, find the defendant, Hudson, Miles
(defendant's name)

_____ of the crime of Reckless Driving Racing
(write in not guilty or guilty)

as charged.

PRESIDING JUROR

**IN THE MUNICIPAL COURT OF THE CITY OF SEATTLE
KING COUNTY, WASHINGTON**

CITY OF SEATTLE,)	
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)	No. 4240003662
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the issues; any bias or prejudice that the witness may have shown; the reasonableness of the witness's statements in the context of all of the other evidence; and any other factors that affect your evaluation or belief of a witness or your evaluation of his or her testimony.

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INSTRUCTION NO. _____

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SMC 11.56.120.A

WPIC 95.01

see also RCW 46.61.500

State v. Amurri, 51 Wn. App. 262, 266-67, 753 P.2d 540 (1988) (not necessary to show that other persons or property were endangered; proof that driver and his car were put at risk is sufficient to sustain conviction for Reckless Driving)

State v. Farr-Lenzini, 93 Wn. App. 453, 466-68, 970 P.2d 313 (1999) (Negligent Driving 2° is not a lesser included offense of Reckless Driving; no traffic infraction is a lesser included offense of a crime)

INSTRUCTION NO. _____

To convict the defendant of Reckless Driving, each of the following elements of the crime must be proved beyond a reasonable doubt:

- (1) That between the dates of February 01, 2024, and February 24, 2024, the defendant drove a vehicle;
- (2) That the defendant drove the vehicle in willful or wanton disregard for the safety of persons or property; and
- (3) That the driving occurred in the City of Seattle.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all of the evidence, you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty.

SMC 11.56.120.A

WPIC 95.02

see also RCW 46.61.500

State v. Amurri, 51 Wn. App. 262, 266-67, 753 P.2d 540 (1988) (not necessary to show that other persons or property were endangered; proof that driver and his car were put at risk is sufficient to sustain conviction for Reckless Driving)

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(1) That Between the dates of February 01, 2024 and February 24, 2024, the defendant drove a motor vehicle;

(2) That the defendant raced the motor vehicle on any street, alley or way open to the public; and

(3) That the driving occurred in the City of Seattle.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all of the evidence, you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty.

INSTRUCTION NO. _____

Willful means acting intentionally and purposely, and not accidentally or inadvertently.

Wanton means acting intentionally in heedless disregard of the consequences and under such surrounding circumstances and conditions that a reasonable person would know or have reason to know that such conduct would, in a high degree of probability, harm a person or property.

WPIC 95.10

State v. Amurri, 51 Wn. App. 262, 265, 753 P.2d 540 (1988) (mental state may be proven by inference from the defendant's conduct)
State v. Amurri, 51 Wn. App. 262, 265, 753 P.2d 540 (1988)
(alcohol consumption is relevant to prove this mental state)
State v. Treat, 109 Wn. App. 419, 427, 35 P.3d 1192 (2001) (wanton or willful does not require that the defendant's driving endangered anyone else or that a high probability of harm actually existed)

INSTRUCTION NO. _____

Racing is willfully comparing or contesting relative speeds by operation of one or more motor vehicles, whether or not the speed is in excess of the maximum speed prescribed by law. Any comparison or contest of the accuracy with which motor vehicles may be operated in terms of relative speeds not in excess of the posted maximum speed does not constitute racing.

SMC 11.56.120C

WPIC 95.04

Seattle v. Platt, 19 Wn. App. 904, 578 P.2d 873 (1978) (ordinance is not unconstitutionally vague).

INSTRUCTION NO. _____

The evidence that has been presented to you may be either direct or circumstantial. The term "direct evidence" refers to evidence that is given by a witness who has directly perceived something at issue in this case. The term "circumstantial evidence" refers to evidence from which, based on your common sense and experience, you may reasonably infer something that is at issue in this case.

The law does not distinguish between direct and circumstantial evidence in terms of their weight or value in finding the facts of this case. One is not necessarily more or less valuable than the other.

INSTRUCTION NO. _____

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The defendant has entered a plea of not guilty. That plea puts in issue every element of the crimes charged. The City of Seattle is the plaintiff and has the burden of proving each element of the crime beyond a reasonable doubt. The defendant has no burden of proving that a reasonable doubt exists as to these elements.

A defendant is presumed innocent. This presumption continues throughout the entire trial unless during your deliberations you find it has been overcome by the evidence beyond a reasonable doubt.

A reasonable doubt is one for which a reason exists and may arise from the evidence or lack of evidence. It is such a doubt as would exist in the mind of a reasonable person after fully, fairly and carefully considering all of the evidence or lack of evidence. If, from such consideration, you have an abiding belief in the truth of the charge, you are satisfied beyond a reasonable doubt.

WPIC 4.01

State v. Mabry, 51 Wn. App. 24, 25, 751 P.2d 882 (1988); *State v. Price*, 33 Wn. App. 472, 475-76, 655 P.2d 1191 (1982), review denied, 99 Wn.2d 1010 (1983) (approving "abiding belief" phrase) *Victor v. Nebraska*, 511 U.S. 1, 127 L.Ed.2d 583, 114 S.Ct. 1239, 1247-48 (1994) (approving instruction defining reasonable doubt as "not a mere possible doubt" and "that condition that [the jury]

cannot say they feel an abiding conviction, to a moral certainty, of the truth of the charge")
Victor v. Nebraska, 511 U.S. 1, 127 L.Ed.2d 583, 114 S.Ct. 1239, 1250-51 (1994) (approving instruction defining reasonable doubt as "an actual and substantial doubt . . . as distinguished from a doubt arising from mere possibility, from bare imagination or from fanciful conjecture")

INSTRUCTION NO. _____

When you begin deliberating, you should first select a presiding juror. The presiding juror's duty is to see that you discuss the issues in this case in an orderly and reasonable manner, that you discuss each issue submitted for your decision fully and fairly, and that each one of you has a chance to be heard on every question before you.

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INSTRUCTION NO. _____

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WPIC 3.01

CITY OF SEATTLE,)	
Plaintiff,)	No. 4240003662
)	
vs.)	VERDICT FORM
)	
Hudson, Miles)	
Defendant.)	
)	

PRESIDING JUROR

IN THE MUNICIPAL COURT OF THE CITY OF SEATTLE
KING COUNTY, WASHINGTON

CITY OF SEATTLE,
Plaintiff,

vs.

Hudson, Miles
Defendant.

)
)
)
)
)
)
)

No. 4240003662

VERDICT FORM

We, the jury, find the defendant, Hudson, Miles
(defendant's name)

_____ of the crime of Reckless Driving Racing
(write in not guilty or guilty)

as charged.

PRESIDING JUROR

WPIC 180.01