


No. 67130-8-I, State of Washington v. Thomas Eugene Morgan

Ellington, J. (concurring in part and dissenting in part) — I concur in the majority's opinion that the information was sufficient and that the conviction should be affirmed.

I depart from the majority on the jury instruction issue, and adhere to the view expressed in State v. Ryan, 160 Wn. App. 944, 948, 252 P.3d 895 (2011) that State v. Bashaw, 169 Wn.2d 133, 234 P.3d 194 (2010), requires reversal of the sentence.

A handwritten signature in cursive script, reading "Ellington, J.", written over a horizontal line.