

## PREFACE TO 2025-2026 EDITION

This edition has expanded coverage of the crime of assault. There is now a separate section covering second degree assault (§ 1:12). The instructions in that section address the alternatives of inflicting substantial bodily harm, strangulation, and torture. There is also a new section covering third degree assault of a health care worker (§ 1:14).

In § 6:6, instructions on bail jumping from 2009 have been replaced with instructions from 2022. That section also contains significant instructions and commentary relating to two other crimes. First, the section discusses third degree assault in resistance to a lawful citizen's arrest. The instructions and Commentary address self-defense in that situation. Second, the section discusses residential burglary. The Commentary highlights the difference between a "dwelling" and a surrounding fenced area.

Two other sections have also been updated. In § 3:10, instructions on malicious mischief from 2009 have been replaced with instructions from 2020. In § 6:8, instructions from 2023 address both leading organized crime and money laundering. This replaces instructions from 2005 and 2008.

In the case covered by § 1:9, there has been a subsequent appellate decision. On post-conviction review, the Washington Court of Appeals vacated one of the convictions in that case. The Court's opinion rejects other challenges to the jury instructions. The section has been revised to reflect that decision.

In theft and robbery cases, there have been common errors surrounding the phrase "wrongfully obtained or exerted unauthorized control." Some cases have omitted any definition of this term of art. Others have defined "wrongfully obtained," but left "exerted unauthorized control" undefined. Commentary discussing this problem has been added to §§ 1:5, 1:15, 3:1, 3:4, 3:6, 3:8, 3:11, and 6:9.

Seth Fine  
Everett, Washington  
June, 2025