

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
7/24/2023 3:28 PM  
BY ERIN L. LENNON  
CLERK

NO. 102045-7  
SUPREME COURT OF THE  
STATE OF WASHINGTON

STATE OF WASHINGTON	)	COA No. 38471-3
Petitioner	)	
	)	STATE'S
v.	)	STATEMENT OF
	)	ADDITIONAL
ANTHONY R. VASQUEZ	)	AUTHORITY
Respondent	)	
_____	)	

Pursuant to RAP 10.8, Respondent, State of Washington, respectfully submits the following as additional authority. *State v. Dunbar*, \_\_ Wn.App. 2d \_\_, \_\_P.3d\_\_ (July 18, 2023)

In *Dunbar* Division III essentially published its holding in *Vasquez*, citing to the unpublished case as a comprehensive decision. *Dunbar*, slip op. at 6. Thus it

has become binding precedent on trial courts. While *Dunbar* correctly acknowledges that lower courts need guidance on resentencing and its scope, it fails to provide it, any more than *Vasquez* did. It simply says that resentencings are de novo, without explaining the scope of the rule, or what errors trigger these resentencings.

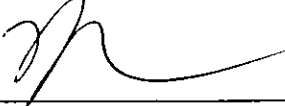
In *Dunbar* the Court stated “This reviewing court has been unfair to superior courts by failing to specify a court’s obligations at resentencing and failing to publish a decision that announces and adopts those duties.” Slip op at 1. It also noted that other Courts likely share the understanding of the trial court in both *Dunbar* and *Vasquez*. Particularly Division III did not explain why offender score errors require de novo resentencing, while other errors, such as community custody errors, do not. Nor did the Court distinguish *Kilgore* and *Barberio*. The Superior Courts and Courts of Appeal need guidance. However, Division III did not adequately provide it by

failing to address contrary Supreme Court case law. As *Dunbar* demonstrates, this is an issue of substantial public concern. *Vasquez* may be the first case in the pipeline. It is clearly not the last, as many more are pending. Review of this issue should be granted sooner rather than later so that lower courts have the guidance they need.

This document contains 304 words, excluding the parts of the document exempted from the word count by RAP 18.17.

Dated this 24<sup>th</sup> day of July 2023.

Respectfully submitted,  
Grant County Prosecuting  
Attorney's Office

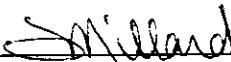
By:   
\_\_\_\_\_  
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CERTIFICATE OF SERVICE

On this day I served a copy of the State's Statement of Additional Authority in this matter by e-mail on the following parties, receipt confirmed, pursuant to the parties' agreement:

Kate R. Huber  
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Dated: July 24, 2023.

  
\_\_\_\_\_  
Janet Millard

**GRANT COUNTY PROSECUTOR'S OFFICE**

**July 24, 2023 - 3:28 PM**

**Transmittal Information**

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**Appellate Court Case Number:** 102,045-7  
**Appellate Court Case Title:** State of Washington v. Anthony Rene Vasquez  
**Superior Court Case Number:** 13-1-00599-1

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