

Max Ortiz-Triana #346883
MCC/TRU
PO Box 888
Monroe, WA 98272

October 25, 2013

The Honorable Ronald R. Carpenter
Supreme Court Clerk
Washington State Supreme Court
Temple of Justice
PO Box 409292
Olympia, WA 98504-0929

13 NOV 12 PM 8:39
BY RONALD R. CARPENTER
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RE: Statement of Additional Authorities, RAP 10.8, for
State of Washington v. Max Ortiz-Triana, Supreme Court No.
88016-6; Court of Appeals No. 67039-5-I

Dear Honorable Ronald Carpenter:

Pursuant to RAP 10.8, I am submitting the following Statement of
Additional Authorities to be considered in this matter:

State v. Jeffrey Thomas Lynch, Supreme Court No. 87882-0 (filed
September 19, 2013) (majority opinion) (holding that a consent
instruction derived from WPIC 18.25 -- which instructed the jury
that the Defendant had the burden of proving consent by a
preponderance of the evidence -- violated the Defendant's Sixth
Amendment right to control his defense).

This is cited in support of my first issue presented for review in Part C of
my Petition for Review, pages 1-2, paragraphs 1-3, and pages 9-12.

State v. Jeffrey Thomas Lynch, Supreme Court No. 87882-0 (filed
September 19, 2013) (concurring opinion of Justice Gordon McCloud)
(showing that: (1) Washington's consent instruction -- WPIC 18.25
-- is unconstitutional because it violates due process by shifting
the burden of proof from the State to the Defendant, which also
violates In re Winick, 397 U.S. 358 (1970) ; (2) State v. Canara,
113 Wn.2d 631 (1989) and State v. Gregory, 155 Wn.2d 759 (2006)
are wrongly decided and contrary to statutory interpretation and
the legislative history of Washington's rape statutes; and (3)
Canara and Gregory are incorrect and harmful and should be
overturned).

This is cited in support of my first issue presented for review in Part C of
my Petition for Review, pages 1-2, paragraphs 1-3, and pages 9-12.

Smith v. United States, ___ U.S. ___, 133 S.Ct. 714, 184 L.Ed.2d 570 (2013) (clarifying that the prosecution must always bear the burden of disproving a defense that controverts an element of the charged crime).

This is cited in support of my first issue presented for review in Part C of my Petition for Review, pages 1-2, paragraphs 1 and 3, and pages 9-12.

Thank you.

Also, I am not sure if you are aware or not, but the Department of Corrections (DOC) is no longer providing paper to prisoners to prepare their legal pleadings. All prisoners must either purchase paper by having their families or friends send them money -- wherein the DOC can deduct up to 95% of all money sent to prisoners -- or, if a prisoner has a job, he can purchase paper (at an inflated price), or, prisoners can go into debt to obtain lined writing paper (typing paper is not available on the canteen's items list). The DOC also removed all typewriters from the law libraries, and, the next thing they are going to remove are all books that report cases. Indeed, the Lynch case I've cited is not even in the law library -- I had to purchase it from a company that assists prisoners (help from outside -- HFC), and the only reason I ever knew about lynn is because this Court gave me notice of it. I mention these things because they seem like important matters that this Court should be concerned with.

Again, thank you.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge and belief.

Dated this 25th day of October, 2013, in Monroe, Washington.

Sincerely and respectfully,



Max Ortiz-Triana

cc: Andrea Ruth Vitalich (King County Prosecutor's Office)
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