

IN THE SUPREME COURT OF THE STATE OF
WASHINGTON

STATE OF WASHINGTON,)	No. 1017189
Respondent)	
)	STATEMENT OF
v.)	ADDITIONAL
)	AUTHORITIES
ELIJAH ROWLEY,)	(RAP 10.8)
Petitioner.)	

Pursuant to RAP 10.8, Mr. Rowley respectfully cites the following as additional authority in support of his petition for review:

State v. Rivera, No. 38654-6-III (unpublished, filed 3/16/23). In *Rivera*, the court rejected an argument that the imposition of the Victim Penalty Assessment violated the Excessive Fines Clause, and the majority cited the court's opinion in Mr. Rowley's case among other opinions. Judge Fearing dissented, stating, "I would declare the penalty assessment unconstitutional as applied to Rivera as

explained in my dissenting opinion in *State v. Rowley*,
38281-8-III.”

Because the Court of Appeals is now relying on the
Rowley opinion to support both majority and dissenting
opinions, this Court should grant review in *Rowley* to
resolve the issue.

I declare that this statement is in 14-point font and is
approximately 118 words.

DATED this 20th day of March, 2023.

Respectfully submitted,



Lila J. Silverstein – WSBA 38394
Washington Appellate Project
Attorney for Appellant

DECLARATION OF FILING AND MAILING OR DELIVERY

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the below date, the original of the document to which this declaration is affixed/attached, was filed in the **Washington State Supreme Court** under **Case No. 101718-9**, and a true copy was mailed with first-class postage prepaid or otherwise caused to be delivered to the following attorney(s) or party/parties of record at their regular office or residence address as listed on ACORDS:

- respondent David Wall, DPA
[davidw@klickitatcounty.org]
Klickitat County Prosecutor's Office
- petitioner
- Attorney for other party



MARIA ANA ARRANZA RILEY, Paralegal
Washington Appellate Project

Date: March 20, 2023

WASHINGTON APPELLATE PROJECT

March 20, 2023 - 4:32 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 101,718-9
Appellate Court Case Title: State of Washington v. Elijah E. Rowley
Superior Court Case Number: 21-1-00013-2

The following documents have been uploaded:

- 1017189_Briefs_20230320163149SC156839_7456.pdf
This File Contains:
Briefs - Petitioners Additional Authorities
The Original File Name was washapp.032023-20.pdf

A copy of the uploaded files will be sent to:

- davidq@klickitatcounty.org
- davidw@klickitatcounty.org
- paappeals@klickitatcounty.org

Comments:

Sender Name: MARIA RILEY - Email: maria@washapp.org

Filing on Behalf of: Lila Jane Silverstein - Email: lila@washapp.org (Alternate Email: wapofficemail@washapp.org)

Address:
1511 3RD AVE STE 610
SEATTLE, WA, 98101
Phone: (206) 587-2711

Note: The Filing Id is 20230320163149SC156839