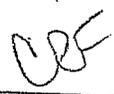


RECEIVED  
SUPREME COURT  
STATE OF WASHINGTON

2007 FEB -2 P 2:29

  
CLERK

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,  
Plaintiff/Appellee,

vs.

QUENTIN ERVIN,  
Defendant/Appellant.

No. 78062-5

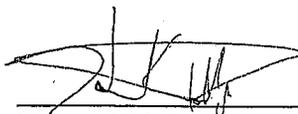
DEFENDANT'S STATEMENT  
OF ADDITIONAL AUTHORITY

Pursuant to RAP 10.8, Ervin submits the following additional authority on his claim that retrial on first-degree murder would violate the double jeopardy clause:

Price v. Georgia, 398 U.S. 323, 90 S. Ct. 1757, 26 L. Ed. 2d 300 (1970)  
(when defendant is convicted of lesser but not greater charge at first trial, and then sets aside lesser on appeal, double jeopardy prohibits retrial on greater).

DATED this 31<sup>st</sup> day of January, 2007.

Respectfully submitted,



Howard Phillips, WSBA #17937  
Attorney for Quentin Ervin

**CERTIFICATE OF SERVICE**

RECEIVED  
SUPREME COURT  
STATE OF WASHINGTON  
2007 FEB -2 P 2: 29

I hereby certify that on the date listed below, I served by United States

Mail a copy of Defendant's Statement of Additional Authority on the following

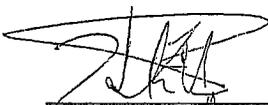
individuals:

King County Prosecuting Attorney  
W554 King County Courthouse  
516 Third Avenue  
Seattle, Washington 98104

CLERK

Mr. Quentin Ervin  
King County Adult Detention Facility  
500 Third Avenue  
Seattle, WA 98104

1/31/07  
Date

  
Howard Phillips