

SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,
Plaintiff/Appellee ,
vs.
GARY M. BENN,
Defendant/Appellant.

Supreme Court No. 78094-3
Court of Appeals No. 31122-4-II

DEFENDANT'S STATEMENT OF
ADDITIONAL AUTHORITY
(BRAZZEL)

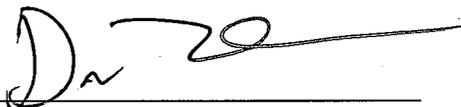
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STATE OF WASHINGTON
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Pursuant to RAP 10.8, Benn submits the following additional authority
his claim that retrial on the single act aggravating factor violated the double
jeopardy clause.

Brazzel v. Payne, — F. 3d. —, 2007 WL 1077180 (9th Cir, Apr. 12,
2007) (when a single count contains two alternative theories, and jury convicts on
first while remaining silent on second, double jeopardy bars retrial on second
alternative).

DATED this 19th day of April, 2007.

Respectfully submitted,



David B. Zuckerman WSBA #18221
Attorney for Gary M. Benn
1300 Hoge Building
705 Second Avenue
Seattle, WA 98104
Phone: (206) 623-1595

CERTIFICATE OF SERVICE

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:

Ms. Kathleen Proctor
Pierce County Deputy Prosecuting Attorney
946 County-City Building
930 Tacoma Avenue South
Tacoma, Washington 98402

Mr. Gary M. Benn #238345
MCC – Special Offender Unit
PO Box 514
Monroe, Washington 98272-0514

APRIL 19, 2007
Date


Christina Alburas