

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

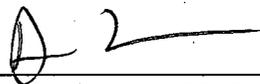
DEFENDANT'S REVISED
STATEMENT OF ADDITIONAL
AUTHORITY

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

United States v. Blanton, — F. 3d. —, 2007 WL 438900 (9th Cir, Feb. 12, 2007) (reasoning of Monge v. California, 524 U.S. 721, 118 S.Ct. 2246, 141 L. Ed. 2d 615 (1998) does not survive Apprendi v. New Jersey, 530 U.S. 466, 120 S.Ct. 2348, 147 L. Ed. 2d 435 (2000)).

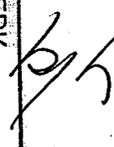
DATED this 20th day of February, 2007.

Respectfully submitted,



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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

02/20/07

Date



Rubén García Fernández