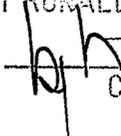


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2008 APR 30 P 3: 11

No. 79407-3

BY RONALD R. CARPENTER  
SUPREME COURT OF THE STATE OF WASHINGTON

  
CLERK

ALEXANDER NAM RIOFTA,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

---

**ADDITIONAL AUTHORITY OF PETITIONER RIOFTA**

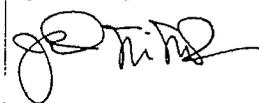
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Pursuant to RAP 10.8, Petitioner Alexander Riofta, submits the following supplemental, persuasive authority:

Osborne v. D.A. of Alaska, - F.3rd - (9th Cir. Slip Opinion filed 4/2/08) (holding that "the standard for materiality applicable to Osborne's claim for post-conviction access to [DNA] evidence is no higher than a reasonable probability that, if exculpatory evidence were disclosed to Osborne, he could prevail in an action for post-conviction relief.")

DATED this 30th day of April, 2008.

Respectfully submitted,



Professor Jacqueline McMurtrie  
Attorney for Petitioner Riofta  
Innocence Project Northwest Clinic  
University of Washington School of Law  
P.O. Box 85110  
Seattle, WA 98145-1110  
(206) 543-5780  
WSBA # 13587

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### CERTIFICATE OF SERVICE

I declare, under penalty of perjury, that on the 30th day of April, 2008, a true and correct copy of the foregoing Additional Authority of Petitioner was served upon the following, by depositing same with the United States Mail, first-class, postage pre-paid:

Alexander Nam Riofta  
DOC # 805644 / H-5-078U  
Stafford Creek Corrections Center  
191 Constantine Way  
Aberdeen, WA 98520

Suzanne Lee Elliott, WSBA #12634  
1300 Hoge Building  
705 Second Avenue  
Seattle, WA 98104  
(206) 623-0291

Michelle Luna-Green, Deputy Prosecuting Attorney  
Office of the Pierce County Prosecuting Attorney  
930 Tacoma Avenue S.  
County-City Building, Room 946  
Tacoma, WA 98402-2105

4/30  
2008, Seattle, Washington  
DATE and PLACE

Cynthia S. Fester  
CYNTHIA S. FESTER

FILED AS ATTACHMENT  
TO E-MAIL