

FILED
COURT OF APPEALS DIV. #1
STATE OF WASHINGTON
2007 DEC 24 PM 2:08

COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION I

STATE OF WASHINGTON,)
)
 Respondent,) No. 59536-9-1
)
 vs.)
) STATEMENT OF ADDITIONAL
 DONALD WILLIAMS,) AUTHORITIES
)
 Appellant,)
)

Pursuant to RAP 10.8, The State respectfully cites the
following as additional authority:

State v. Dixon, 78 Wn.2d 796, 804-06, 479 P.2d 931 (1971)
(internal citations omitted):

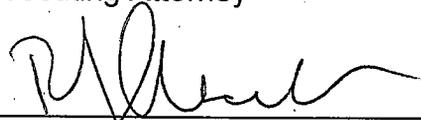
Acts of the legislature are presumed to be constitutional. If a statute is susceptible of two or more interpretations, some of which may render it unconstitutional, the court will, if possible, give it an interpretation which upholds its constitutionality. A statute or ordinance should not be declared unconstitutional unless it appears beyond reasonable doubt to be so

Although doubts in a criminal statute are to be construed in favor of the accused and against the state, this does not mean that the courts will seek an expanded interpretation rendering the act unconstitutional, but rather that the statute will be applied only to conduct clearly intended to fall within its terms. If men of ordinary intelligence can understand a penal statute, notwithstanding some possible areas of disagreement, it is not wanting in certainty. Thus, a statute making it unlawful to

coerce, compel or constrain a radio station to employ persons 'in excess of the number of employees needed' in conducting its business was not so vague, indefinite or uncertain as to violate the due process clause of the Fifth Amendment. Where a statute is specifically directed at a manifest evil and couched in language drawn from history and practice, courts should not "parse the statute as grammarians or treat it as an abstract exercise in lexicography." Courts are obliged to read the statute in what was there described as the "animating context of well-defined usage." Similarly, it was held in Heard v. Rizzo, 281 F.Supp. 720 (E.D.Pa.1968), aff'd per curiam, 392 U.S. 646 (1968), that the terms 'riot, unlawful assembly' were terms of quite precise definition at common law, and that a statute which declared 'whoever participates in any riot, rout, unlawful assembly or affray, is guilty of a misdemeanor' was not unconstitutionally vague. Federal courts are to apply to state statutes the construction given them by the state courts. Accordingly, a person of ordinary understanding, charged with assembling with others with intent to disturb the public peace, or to threaten a breach of the peace, should have little difficulty in understanding the statute. It is, we think, a sufficiently clear and precise legislative statement to be understood by a person of common understanding. Taken as a whole, the statute (RCW 9.27.060; Laws of 1909, ch. 249, s 298, p. 981) is not void for vagueness or uncertainty, and meets generally the constitutional standards of certainty.

Dated this 24 day of December, 2007.

DANIEL T. SATTERBERG
Prosecuting Attorney



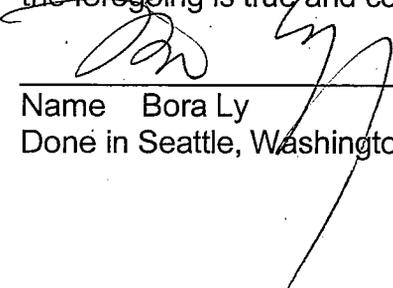
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Certificate of Service by Mail

Today I deposited in the mail of the United States of America, postage prepaid, a properly stamped and addressed envelope directed to Jennifer Sweigert and Christopher Gibson, the attorneys for the appellant, at Nielsen Broman & Koch, P.L.L.C., 1908 E. Madison Street, Seattle, WA 98122, containing a copy of Statement of Additional Authority, in STATE V. DONALD WILLIAMS, Cause No. 59536-9-1, in the Court of Appeals, Division I, for the State of Washington.

I certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.



Name Bora Ly
Done in Seattle, Washington

12-24-2007

Date