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SUPREME COURT
STATE OF WASHINGTON
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SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	
Respondent,)	No. 82175-5
)	
vs.)	
)	STATEMENT OF ADDITIONAL
VALENTIN SANDOVAL,)	AUTHORITIES BY AMICUS
)	WAPA
Appellant,)	
)	
)	
)	

Pursuant to RAP 10.8, amicus Washington Association of Prosecuting Attorneys respectfully cites the following as additional authority on whether prosecutors or courts have a **duty** in criminal cases to avoid immigration consequences, as argued in Petitioner's Answer to WAPA's Amicus Brief, at 7:

- 1) RCW 9.94A.340 ("The sentencing guidelines and prosecuting standards apply equally to offenders in all parts of the state, without discrimination as to any element that does not relate to the crime or the previous record of the defendant").
- 2) RCW 9.94A.411 (Recommended Charging and Prosecution Standards)
- 3) National District Attorneys Association, National Prosecution Standards, Std 5-1.4 (3rd ed. 2009) ("Uniform Plea Opportunities.

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Similarly situated defendants should be afforded substantially equal plea agreement opportunities. In considering whether to offer a plea agreement to a defendant, the prosecutor should not take into account the defendant's race, religion, sex, sexual orientation, national origin, or political association or belief, unless legally relevant to the criminal conduct charged").

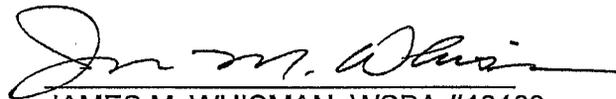
4) State v. Cortez, 73 Wn. App. 838, 871 P.2d 660 (1994) ("The role of the judiciary is limited to determining whether the procedures meet the essential standard of fairness under the Due Process Clause and does not extend to imposing procedures that merely displace congressional choices of policy"; *quoting Landon v. Plasencia*, 459 U.S. 21, 103 S.Ct. 321, 74 L.Ed.2d 21 (1982)).

5) United States v. Aleskerova, 300 F.3d 286, 299-301 (2d Cir. 2002) ("[effect of such a policy] would be to favor aliens with more lenient sentences than citizens of this country who commit the same crime and have the same criminal history").

6) United States v. Maung, 320 F.3d 1305 (11th Cir. 2003).

Dated this 3rd day of June, 2010.

DANIEL T. SATTERBERG
Prosecuting Attorney



JAMES M. WHISMAN, WSBA #19109
Senior Deputy Prosecuting Attorney
Counsel for Amicus WAPA

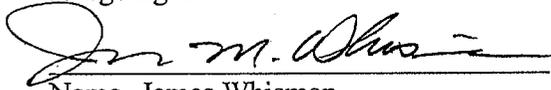
W554 King County Courthouse
Seattle, WA 98104
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Certificate of Service by Electronic Mail

Today I sent by electronic mail a copy of the MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF, in Personal Restraint Petition of Valentin Sandoval, Cause No. 82175-5, in the Washington State Supreme Court, directed to:

- Nancy Collins, Counsel for Sandoval, Washington Appellate Project
nancy@washapp.org
- Travis Stearns, Amicus Washington Defender Association
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- Ann Benson, Amicus Washington Defender Association
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- Sarah A. Dunne, Amicus American Civil Liberties Union of WA.
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- Douglas Mitchell, Grant County Prosecuting Attorney's Office
dmitchell@co.grant.wa.us

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



Name James Whisman
Done in Seattle, Washington

6/3/10
Date 6/3/10