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SUPREME COURT  
STATE OF WASHINGTON  
May 25, 2011, 3:35 pm  
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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON, Respondent,	)	No. 84545-0
	)	
v.	)	STATEMENT OF
	)	ADDITIONAL
JOHN CHARLES FRANKLIN, Petitioner.	)	AUTHORITIES
	)	(RAP 10.8)

Pursuant to RAP 10.8, petitioner submits the following statement of additional authority for the consideration of the Court:

State v. Winkle, 159 Wn. App. 323, 329-30, 245 P.3d 249 (2011) (the Court of Appeals held that DOC has the authority under RCW 9.94A.729 to transfer offenders to community custody in lieu of earned early release).

RCW 9.94A.505(2)(a)(ii) (for felony sentences, "The court shall" impose community custody pursuant to RCW 9.94A.701 and 702).

Matter of Davis, 67 Wn. App. 1, 9, 834 P.2d 92 (1992) (Community placement [which includes community custody] can only be imposed by the sentencing court, not by DOC).

DATED this 25<sup>th</sup> day of May, 2011.

Respectfully submitted,

*Elizabeth Albertson*  
 ELIZABETH ALBERTSON (17071)  
 THOMAS KUMMEROW (21518)  
 Washington Appellate Project (91052)  
 Attorneys for Petitioner

Statement of Additional Authorities

Washington Appellate Project  
1511 Third Ave., Suite 701  
Seattle, WA 98101  
(206) 587-2711

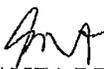
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**DECLARATION OF FILING AND MAILING OR DELIVERY**

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the below date, the original of the document to which this declaration is affixed/attached, was filed in the **Washington State Supreme Court** under **Case No. 84545-0**, and a true copy was mailed with first-class postage prepaid or otherwise caused to be delivered to the following attorney(s) or party/parties of record at their regular office or residence address as listed on ACORDS:

- respondent Dennis McCurdy, King County Prosecuting Attorney-Appellate Unit
- petitioner
- Attorney for other party

  
MARIA ARRANZA RILEY, Legal Assistant  
Washington Appellate Project

Date: May 25, 2011