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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re the Personal Restraint of	)	
	)	NO. 87654-1
RUSSELL McNEIL,	)	PETITIONER'S THIRD STATEMENT
	)	OF ADDITIONAL AUTHORITIES
	)	
Petitioner.	)	

Pursuant to RAP 10.8, Petitioner respectfully submits the following additional authorities in support of his Petition on the following issues.

Issue: Remedy when applying Miller v. Alabama to cases already final: Hill v. Snyder, No. 10-14568 (E.D. Mich.), Order Requiring Immediate Compliance with Miller (11/26/2013) (copy attached).

(Petitioner previously cited this case in Petitioner's Supplemental Brief at 7, 11, 18, and 30.)

Respectfully submitted this 26<sup>th</sup> day of November, 2013,

  
LENELL NUSSBAUM  
WSBA No. 11140  
Attorney for Mr. McNeil

 ORIGINAL

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

HENRY HILL, *et al.*,

Plaintiffs,

Case No. 10-14568

v.

Hon. John Corbett O'Meara

RICK SNYDER, *et al.*,

Defendants.

---

**ORDER REQUIRING IMMEDIATE COMPLIANCE WITH MILLER**

Graham and Miller together declared that convicts sentenced to life imprisonment without parole for crimes committed as juveniles violated the Eighth Amendment by imposing cruel and unusual punishment. This Order addresses and corrects such sentences in a manner consistent with the Opinions in those cases. To date, the defendants have not understood these decisions to require the effective actions described below.

The defendants will, by the end of the day, December 31, 2013:

1. Create an administrative structure for the purpose of processing and determining the appropriateness of paroles for prisoners sentenced to life without parole for crimes committed as juveniles.
2. Give notice to all such persons who have completed 10 years of imprisonment that their eligibility for parole will be considered in a meaningful and realistic manner.

3. Schedule, on a fair and reasonable basis, proceedings including a public hearing for each of the eligible prisoners making application for consideration.
4. Put in place a process for preliminary determination of appropriateness of submission of each eligible prisoner's application for parole to the entire Parole Board.
5. The proceedings, from an initial determination of eligibility will be fair, meaningful, and realistic.
6. The Parole Board will, in each case, issue its decision and explain its decision determining the appropriateness vel non of parole. It will not issue a "no interest" Order or anything materially like a "no interest" Order.
7. There will be no vetoes by the sentencing Judge or anyone else.
8. As of the date this process begins, no prisoner sentenced to life imprisonment without parole for a crime committed as a juvenile will be deprived of any educational or training program which is otherwise available to the general prison population.

On or before January 31, 2014, defendants will submit to this court a program and process compliant with the specifics ordered above. Failure to do so and/or failure to explain to the court any shortfall in defendants' compliance in some manner satisfactory to the court may result, inter alia, in the appointment and empowerment of a Special Master to make available to prisoners sentenced to life without parole for juvenile crimes the process this Order envisions.

**SO ORDERED.**

s/John Corbett O'Meara  
United States District Judge

Date: November 26, 2013

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, November 26, 2013, using the ECF system and/or ordinary mail.

s/William Barkholz  
Case Manager

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DECLARATION OF SERVICE

ALEXANDRA FAST declares:

On this date I cause this document to be filed in the State of Washington Supreme Court; and caused a copy of this document to be served on the following entities via email, addressed as follows:

Mr. David B. Trefry  
[TrefryLaw@WeGoWireless.com](mailto:TrefryLaw@WeGoWireless.com)

Mr. James P. Hagarty  
[James.Hagarty@co.yakima.wa.us](mailto:James.Hagarty@co.yakima.wa.us)

Mr. Nick Straley  
[Nick.Straley@ColumbiaLegal.org](mailto:Nick.Straley@ColumbiaLegal.org)

Ms. Pam Loginsky  
[Pamloginsky@waprosecutors.org](mailto:Pamloginsky@waprosecutors.org)

Ms. Suzanne Elliott  
[suzanne-elliott@msn.com](mailto:suzanne-elliott@msn.com)

Ms. Victoria Lyons  
[victorialyonslaw@gmail.com](mailto:victorialyonslaw@gmail.com)

Ms. Nancy Tenney

[nancy\\_tenney@fd.org](mailto:nancy_tenney@fd.org)

Ms. Diane Kremenich

[Diane.Kremenich@co.snohomish.wa.us](mailto:Diane.Kremenich@co.snohomish.wa.us)

Ms. Hilary Thomas

[hthomas@co.whatcom.wa.us](mailto:hthomas@co.whatcom.wa.us)

Ms. Kathy Webber

[kwebber@co.snohomish.wa.us](mailto:kwebber@co.snohomish.wa.us)

Ms. Maureen Janega

[Maureen.Janega@ColumbiaLegal.org](mailto:Maureen.Janega@ColumbiaLegal.org)

Ms. Martina Kartman

[Martina.Kartman@ColumbiaLegal.org](mailto:Martina.Kartman@ColumbiaLegal.org)

Mr. Nick Allen

[Nick.Allen@ColumbiaLegal.org](mailto:Nick.Allen@ColumbiaLegal.org)

Ms. Melissa Lee

[Melissa.Lee@ColumbiaLegal.org](mailto:Melissa.Lee@ColumbiaLegal.org)

Mr. Travis Stearns

[stearns@defensenet.org](mailto:stearns@defensenet.org)

Ms. Sarah Dunne

[Dunne@aclu-wa.org](mailto:Dunne@aclu-wa.org)

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Mr. James Andrus  
James.andrus@klgates.com

Mr. Benjamin Mayer  
Ben.mayer@klgates.com

Ms. Jennifer Addis  
Jennifer.addis@klgates.com

Ms. Allyssa Lamb  
Ally.lamb@klgates.com

Ms. Nancy Talner  
talner@aclu-wa.org.

I declare under penalty of perjury under the laws of the state of Washington that the above statement is true and correct to the best of my knowledge.

Nov. 26<sup>th</sup> 2013 - SEATTLE, WA  
Date and Place

Alex Fast  
ALEXANDRA FAST

## OFFICE RECEPTIONIST, CLERK

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**From:** Alexandra Fast <ahfast2@gmail.com>  
**Sent:** Tuesday, November 26, 2013 2:14 PM  
**To:** OFFICE RECEPTIONIST, CLERK; TrefryLaw@wegowireless.com;  
James.Hagarty@co.yakima.wa.us; Nick Straley; Pamloginsky@waprosecutors.org;  
suzanne@suzanneelliottlaw.com; Victoria Lyons; nancy\_tenney@fd.org;  
Diane.Kremenich@co.snohomish.wa.us; hthomas@co.whatcom.wa.us;  
kwebber@co.snohomish.wa.us; Maureen.Janega@columbialegal.org;  
Martina.Kartman@columbialegal.org; Nick.Allen@columbialegal.org;  
Melissa.Lee@columbialegal.org; Travis Stearns; dunne@aclu-wa.org;  
james.andrus@klgates.com; ben.mayer@klgates.com; jennifer.addis@klgates.com;  
ally.lamb@klgates.com; talner@aclu-wa.org; Lenell Nussbaum  
**Subject:** McNeil, Russell - 87654-1  
**Attachments:** Petitioner's Third Statement of Additional Authorities.pdf

Please accept for filing the attached "Petitioner's Third Statement of Additional Authorities" in regards to the Personal Restraint of Russell McNeil, 87654-1. A certificate of service is attached to the pleading.

Alexandra Fast  
Assistant to:  
Lenell Nussbaum, Attorney at Law  
Email: [Nussbaum@seanet.com](mailto:Nussbaum@seanet.com)  
WSBA No. 15277  
Lenell Nussbaum, Attorney at Law  
2003 Western Ave., Suite 330  
Seattle, Wa 98121  
USA  
Phone: [206-728-0996](tel:206-728-0996)  
Fax: [206-448-2252](tel:206-448-2252)