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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

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

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

ISSUE: RETROACTIVE APPLICATION OF MILLER v. ALABAMA:

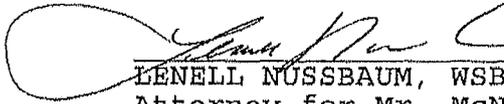
People v. Davis, ___ Ill. ___, Slip Op. at 12, pars. 39-40 (No. 115595, 3/20/2014):

Since Miller [v. Alabama, 567 U.S. ___, 132 S. Ct. 2455 (2012)] declares a new substantive rule, it applies retroactively without resort to Teague [v. Lane, 489 U.S. 288 (1989)]. See Schriro [v. Summerlin, 542 U.S. 348,] 351-52 & n.4.

Also, we find it instructive that the Miller companion case, Jackson v. Hobbs, arose on state collateral review. Notwithstanding its finality, the Court retroactively applied Miller and vacated Jackson's sentence. While our analysis is independent as a matter of Illinois law, the relief granted to Jackson under Miller tends to indicate that Miller should apply retroactively on collateral review.

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Respectfully submitted this 26th day of March, 2014.


LENELL NUSSBAUM, WSBA No. 11140
Attorney for Mr. McNeil

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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:

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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.

3/24/2014-SEATTLE, WA
Date and Place

Alex Fast
ALEXANDRA FAST

OFFICE RECEPTIONIST, CLERK

To: Alexandra Fast
Subject: RE: McNeil, Russell 87654-1

Received 3-24-14

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From: Alexandra Fast [mailto:ahfast2@gmail.com]

Sent: Monday, March 24, 2014 1:03 PM

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Subject: McNeil, Russell 87654-1

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

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