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SUPREME COURT  
STATE OF WASHINGTON  
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IN THE SUPREME COURT OF THE STATE OF WASHINGTON *Eph*

RECEIVED BY E-MAIL

In re Personal Restraint of

NO. 87654-1

RUSSELL D. McNEIL and  
HERBERT C. RICE,

SECOND STATEMENT  
OF ADDITIONAL  
AUTHORITIES

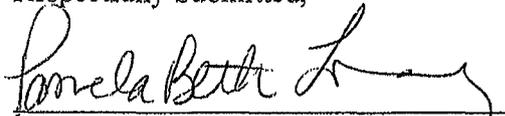
Petitioners.

COMES NOW the petitioner, State of Washington, by and through,  
Pamela B. Loginsky, Special Deputy Prosecuting Attorney for Yakima County,  
and respectfully requests that the Court consider the following additional authority  
pursuant to RAP 10.8:

State v. Tate, 2012-OK-2763 (La. Nov. 5, 2013) (*Miller v. Alabama*, 132  
S. Ct. 2455 (2012), does not apply retroactively to a defendant whose sentence  
was already final when *Miller* was issued). This opinion is available at  
<http://www.lasc.org/opinions/2013/12OK2763.opn.pdf> (last visited Nov. 5,  
2013).

DATED November 5, 2013.

Respectfully Submitted,



PAMELA B. LOGINSKY, WSBA NO. 18096  
Special Deputy Prosecuting Attorney  
206 10th Avenue SE  
Olympia, WA 98501  
Phone: 360-753-2175  
E-mail: pamloginsky@waprosecutors.org

## PROOF OF SERVICE

I, Pamela B. Loginsky, declare that I have personal knowledge of the matters set forth below and that I am competent to testify to the matters stated herein. On November 5, 2013, I e-mailed a copy of the document to which this proof of service is appended to:

Lenell Nussbaum at lenell@nussbaumdefense.com

Victoria Lyons at victorialyonslaw@gmail.com

Suzanne Lee Elliott at suzanne-elliott@msn.com

James Hagarty at James.Hagarty@co.yakima.wa.us

David Trefrey at TrefryLaw@WeGoWireless.com

Hilary Thomas at hthomas@co.whatcom.wa.us

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Nick Straley at Nick.Straley@ColumbiaLegal.org

Signed under the penalty of perjury under the laws of the state of  
Washington this 5th day of November, 2013, at Olympia, Washington.

A handwritten signature in cursive script, appearing to read "Pamela B. Loginsky", written over a horizontal line.

Pamela B. Loginsky, WSBA #18096  
Staff Attorney

## OFFICE RECEPTIONIST, CLERK

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**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Tuesday, November 05, 2013 3:06 PM  
**To:** 'Pam Loginsky'; dunne@aclu-wa.org; kwebber@co.snohomish.wa.us; Hilary Thomas; James Hagarty; Martina.Kartman@ColumbiaLegal.org; Maureen.Janega@ColumbiaLegal.org; Melissa.Lee@ColumbiaLegal.org; Nick.Allen@ColumbiaLegal.org; Nick.Straley@ColumbiaLegal.org; stearns@defensenet.org; nancy\_tenney@fd.org; victorialyonslaw@gmail.com; ally.lamb@klgates.com; ben.mayer@klgates.com; james.andrus@klgates.com; Jennifer.addis@klgates.com; suzanne-elliott@msn.com; lenell@nussbaumdefense.com; TrefryLaw@WeGoWireless.com  
**Subject:** RE: In re Personal Restraint of McNeil and Rice, No. 87654-1

Rec'd 11-5-13

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**From:** Pam Loginsky [mailto:Pamloginsky@waprosecutors.org]  
**Sent:** Tuesday, November 05, 2013 3:02 PM  
**To:** dunne@aclu-wa.org; kwebber@co.snohomish.wa.us; Hilary Thomas; James Hagarty; Martina.Kartman@ColumbiaLegal.org; Maureen.Janega@ColumbiaLegal.org; Melissa.Lee@ColumbiaLegal.org; Nick.Allen@ColumbiaLegal.org; Nick.Straley@ColumbiaLegal.org; OFFICE RECEPTIONIST, CLERK; stearns@defensenet.org; nancy\_tenney@fd.org; victorialyonslaw@gmail.com; ally.lamb@klgates.com; ben.mayer@klgates.com; james.andrus@klgates.com; Jennifer.addis@klgates.com; suzanne-elliott@msn.com; lenell@nussbaumdefense.com; TrefryLaw@WeGoWireless.com  
**Subject:** In re Personal Restraint of McNeil and Rice, No. 87654-1

Dear Clerk and Counsel,

Attached, for filing, is the State's Second Statement of Additional Authorities. Please let me know if you should encounter any difficulty in opening this document.

Sincerely,

Pam Loginsky  
Staff Attorney  
Washington Association of Prosecuting Attorneys  
206 10th Ave. SE  
Olympia, WA 98501

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