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

STATE OF WASHINGTON,  
  
Petitioner,  
  
v.  
  
JOSEPH T. McENROE and  
MICHELE KRISTEN ANDERSON,  
  
Respondents.

NO. 88410-2  
  
STATEMENT OF  
ADDITIONAL  
AUTHORITIES

COMES NOW amicus curiae Washington Association of  
Prosecuting Attorneys ("WAPA") by and through, Pamela B. Loginsky,  
Staff Attorney, and respectfully requests that the Court consider the  
following additional authority pursuant to RAP 10.8:

With respect to Justice Wiggins' question during oral argument:

Const. art. XI, §§ 4, 5 (prosecuting attorneys are locally elected,  
executive branch county officials).

*Salsburg v. Maryland*, 346 U.S. 545, 550-51, 74 S. Ct. 280, 98 L.  
Ed. 281 (1954) ("We find little substance to appellant's claim that  
distinctions based on county areas are necessarily so unreasonable as to  
deprive him of the equal protection of the laws guaranteed by the Federal  
Constitution.").

*McGowan v. Maryland*, 366 U.S. 420, 427, 81 S. Ct. 1101, 6 L.

Ed.2d 393 (1961) (“ the Equal Protection Clause relates to equality between persons as such, rather than between areas and that territorial uniformity is not a constitutional prerequisite”)

*State v. Ragan*, 22 Wn. App. 591, 599, 593 P.2d 815 (1979)

(territorial uniformity within Washington with respect to filing a habitual criminal complaint is not a constitutional requirement)

*State v. Harner*, 153 Wn.2d 228, 235-38, 103 P.3d 738 (2004) (equal protection is not violated by the lack of a drug court in the county in which a defendant is charged)

*United States v. Barnes*, 532 F. Supp. 2d 625, 636 (S.D. N.Y. 2008)

(geographic disparities in the seeking of the death penalty does not violate the constitution)

*United States v. Bin Laden*, 126 F. Supp. 256, 263 (S.D. N.Y. 2000)

(geographic disparities in the seeking of the death penalty does not violate the constitution)

*Yarbrough v. Johnson*, 490 F. Supp. 2d 694, 740 (E.D. Vir. 2007),

*aff'd* 520 F.3d 329 (4th Cir.), *cert. denied*, 128 S. Ct. 2993 (2008)

(geographic disparities in the seeking of the death penalty does not violate the constitution)

*Sharifi v. State*, 993 So.2d 907, 938-39 (Ala. Crim. App.), *cert.*

*denied*, 555 U.S. 1010 (2008) (geographic disparities in the seeking of the

death penalty does not violate the constitution)

*State v. Hairston*, 133 Idaho 496, 988 P.2d 1170, 1192 (Idaho 1999),  
*cert. denied*, 529 U.S. 1134 (2000) (rejecting geographic disparity claim that  
was based solely on statistical study demonstrating that state's death penalty  
is applied significantly more often in urban counties)

*Evans v. State*, 396 Md. 256,308-327, 914 A.2d 25 (2006), *cert.*  
*denied*, 128 S. Ct. 65 (2007) (geographic disparities in the seeking of the  
death penalty does not violate the constitution)

Respectfully submitted this 9th day of May, 2013.

Washington Association of Prosecuting Attorneys

By: 

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PROOF OF SERVICE

Today I sent by electronic mail and deposited in the mail of the United States of America, postage prepaid, a properly stamped and addressed envelope directed to the following counsel:

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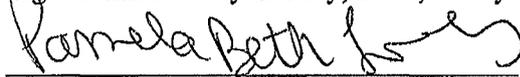
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containing a copy of the document to which this proof of service is attached.

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

Signed this 9th day of May, 2013, at Olympia, Washington



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Pamela B. Loginsky  
WSBA 18096

## OFFICE RECEPTIONIST, CLERK

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**Subject:** State v. McEnroe and Anderson, No. 88410-2

Dear Clerk and Counsel:

Attached, for filing, is a statement of additional authorities. Please let me know if you should encounter any difficulty in opening this document.

Sincerely,

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