

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	
Respondent,)	NO. 88906-6
)	
vs.)	STATEMENT OF
)	ADDITIONAL AUTHORITY
BYRON EUGENE SCHERF,)	
)	
Appellant.)	
_____)	

Appellant cites as additional authority on the issue of the whether the jury should be informed that a capital defendant is already serving a sentence of life without parole: Sumner v. Shuman, 483 U.S. 66, 107 S. Ct. 2716, 97 L. Ed.2d 56 (1987).

On the issue of the impropriety of arguing that a sentence of less than death would be no punishment or a free crime if the defendant were already serving a sentence of life without parole, appellant cites: State v. Smith, 755 S.W.2d 757 (Tenn. 1988), overruled in part on other grounds, State v. Middlebrooks, 840 S.W.2d 317 (Tenn. 1992); State v. Bigbee, 885 S.W.2d 979 (Tenn. 1994); People v. Kuntu, 752 N.E.2d 380 (Ill. 2001);

State v. Kirkland, 15 N.E.2d 818 (Ohio 2014).

DATED this 27th day of October, 2016.

Respectfully submitted,

Mark Larranaga
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_____/s/_____
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CERTIFICATE OF SERVICE

I certify that on the 27th day of October, 2016, I caused a true and correct copy of the Statement of Additional Authorities to be served on the following via e-mail

Counsel for the Respondent:

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Appellant (by U.S. Mail)

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_____/s/ 10/27/2016 _____
Rita Griffith DATE at Seattle, WA