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SUPREME COURT
STATE OF WASHINGTON
May 12, 2014, 8:27 am
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SUPREME COURT OF THE STATE OF WASHINGTON

In re Personal Restraint)
Petition of)
) No. 88921-0
)
GREGORY O. THOMAS,)
) STATE'S SECOND
Petitioner.) STATEMENT OF ADDITIONAL
) AUTHORITY
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)

Pursuant to RAP 10.8, the State respectfully cites the following as additional authority:

Cochran v. Herring, 43 F.3d 1404, 1408 (11th Cir. 1995) (state procedural bar constitutes adequate and independent state ground, thereby precluding federal habeas review, only if last state court entering judgment in case clearly and expressly states that judgment rests on procedural default; in order to foreclose federal review, state procedural bar must be "firmly established and a regularly followed state practice");

RAP 16.4(d) (appellate court will grant relief by personal restraint petition only if other remedies available to petitioner are inadequate under the circumstances);

Dated this 12th day of May, 2014.

Daniel T. Satterberg, Prosecuting Attorney


Deborah A. Dwyer, WSBA #16887

 ORIGINAL

Senior Deputy Prosecuting Attorney
Attorneys for Respondent

W554 King County Courthouse
Seattle, WA 98104
Telephone: 206-296-9650

Certificate of Service by Mail

Today I deposited in the mail of the United States of America, postage prepaid, a properly stamped and addressed envelope directed to **Andrew P. Zinner**, the attorney for the petitioner, at the following address: **Nielsen, Broman & Koch, PLLC, 1908 East Madison, Seattle, WA 98122**, containing a copy of the **STATE'S SECOND STATEMENT OF ADDITIONAL AUTHORITY**, in IN RE PERSONAL RESTRAINT PETITION OF GREGORY O. THOMAS, Cause No. **88921-0**, in the Supreme Court of the State of Washington.

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

Name



Date

05/12/14

Done in Seattle, Washington

OFFICE RECEPTIONIST, CLERK

From: OFFICE RECEPTIONIST, CLERK
Sent: Monday, May 12, 2014 8:29 AM
To: 'Ly, Bora'
Cc: Dwyer, Deborah; 'zinnera@nwattorney.net'; 'Patrick Mayovsky'
Subject: RE: In re the Personal Restraint Petition of Gregory O. Thomas/Case # 88921-0

Rec'd 5-12-14

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Ly, Bora [mailto:Bora.Ly@kingcounty.gov]
Sent: Monday, May 12, 2014 8:14 AM
To: OFFICE RECEPTIONIST, CLERK
Cc: Dwyer, Deborah; 'zinnera@nwattorney.net'; 'Patrick Mayovsky'
Subject: In re the Personal Restraint Petition of Gregory O. Thomas/Case # 88921-0

Dear Supreme Court Clerk,

Attached please find the State's Second Statement of Additional Authority to be filed in the above-referenced case.

Please let me know if you should have problems opening the attachment.

Thank you,

Bora Ly
Paralegal
Criminal Division, Appellate Unit
King County Prosecutor's Office
W554 King County Courthouse
516 Third Avenue
Seattle, WA 98104
Phone: 206-296-9489
Fax: 206-205-0924
E-Mail: bora.ly@kingcounty.gov

For

Debbie Dwyer
Senior Deputy Prosecuting Attorney
Attorney for Respondent