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SUPREME COURT
STATE OF WASHINGTON
Jan 15, 2014, 4:42 pm
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IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Petitioner,

v.

LARRY HAYES,

Respondent.

NO. 89742-5

STATEMENT OF ADDITIONAL
AUTHORITY FOR PETITION FOR
REVIEW

Pursuant to RAP 10.8, Petitioner (Respondent below), State of Washington, respectfully submits the following as additional authority to support its petition for review for the purpose of showing that different divisions of the Court of Appeals (or different panels within same division) are in conflict (RAP 13.4(b)(2)):

1. *State v. Allen*, ___ Wn. App. ___ (2014) (COA Case No. 42257-3-II, decided 1/14/14) (Division II holds that aggravating factor of crime committed against a law enforcement officer, RCW 9.94A.535(3)(v), is applicable to defendant even though his guilt of substantive crime- murder- was predicated on accomplice liability because the wording of the aggravator focuses on "the victims' statuses rather than the defendant's

1 acts"; court finds *Pineda-Pineda* distinguishable and opinion does not reference *Hayes*
2 decision or speak to the apparent conflict with that decision).

3 Dated: January 15, 2014.

4 MARK LINDQUIST
5 Pierce County
6 Prosecuting Attorney

7 
8 KATHLEEN PROCTOR
9 Deputy Prosecuting Attorney
WSB # 14811

10 Certificate of Service:

11 The undersigned certifies that on this day
12 she caused this document to be delivered by U.S. mail
13 or ABC-LMI delivery to the attorney of record for the
14 appellant/respondent a true and correct copy/copies of
15 the document to which this certificate is attached.
16 This statement is certified to be true and correct
17 under penalty of perjury of the laws of the State of Washington.
18 Signed at Tacoma, Washington, on the date below.

19 _____
20 Date Signature