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SUPREME COURT
STATE OF WASHINGTON
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No. 91567-9

SUPREME COURT
OF THE STATE OF WASHINGTON

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CHRISTOPHER PIRIS,
Appellant,

vs.

ALFRED KITCHING and JANE DOE
KITCHING, husband and wife and their
marital community; SOCIETY OF
COUNSEL REPRESENTING
ACCUSED PERSONS (SCRAP); ERIC
NIELSEN and JANE DOE NIELSEN,
husband and wife and their marital
community; NIELSEN, BROMAN &
KOCH P.L.L.C.,

Respondents.

RESPONDENTS
NIELSEN AND NIELSEN,
BROMAN & KOCH
P.L.L.C.'S STATEMENT
OF ADDITIONAL
AUTHORITY

Pursuant to RAP 10.8, Respondents Nielsen and Nielsen, Broman & Koch, PLLC offer the following Statement of Additional Authority regarding the application of the actual-innocence rule:

Foondle v. O'Brien, 346 P.3d 970, 975 (Alaska 2015); *Goodman v. Wampler*, 407 S.W.3d 96, 103 (Mo. Ct. App. 2013); *Desetti v. Chester*, 290 Va. 50, 772 S.E.2d 907 (2015); *Tallmadge v. Boyle*, 300 Wis. 2d 510, 730 N.W.2d 173 (2007) *review denied* 302 Wis.2d 107 (2007); *Paulsen v. Cochran*, 356 Ill. App. 3d 354, 292 Ill. Dec. 385, 826 N.E.2d 526 (2005); *Howarth v. State, Pub. Defender Agency*, 925 P.2d 1330 (Alaska 1996).



See also *Humphries v. Detch*, 227 W. Va. 627, 712 S.E.2d 795 (2011) (and cases cited therein including: *Coscia v. McKenna & Cuneo*, 25 Cal. 4th 1194, 108 Cal. Rptr. 2d 471, 25 P.3d 670 (2001); *Gomez v. Peters*, 221 Ga. App. 57, 470 S.E.2d 692 (1996); *Lamb v. Manweiler*, 129 Idaho 269, 923 P.2d 976 (1996); *Ray v. Stone*, 952 S.W.2d 220, (Ky. Ct. App. 1997); *Glenn v. Aiken*, 409 Mass. 699, 569 N.E.2d 783 (1991); *Rodriguez v. Nielsen*, 259 Neb. 264, 609 N.W.2d 368 (2000); *Carmel v. Lunney*, 70 N.Y.2d 169, 518 N.Y.S.2d 605, 511 N.E.2d 1126, (1987); *Mahoney v. Shaheen, Cappiello, Stein & Gordon, P.A.*, 143 N.H. 491, 727 A.2d 996 (1999); *Hicks v. Nunnery*, 253 Wis. 2d 721, 643 N.W.2d 809, (Wis. Ct. App. 2002), *rev. denied* 259 Wis. 2d 101, 657 N.W.2d 706 (2003); *Correia v. Fagan*, 452 Mass. 120, 891 N.E.2d 227 (2008); *Moore v. Owens*, 298 Ill. App. 3d 672, 232 Ill. Dec. 616, 698 N.E.2d 707 (1998); *Wiley v. County of San Diego*, 19 Cal.4th 532, 79 Cal. Rptr. 2d 672, 966 P.2d 983 (Cal. 1998); *Brown v. Theos*, 345 S.C. 626, 550 S.E.2d 304 (2001)). See also *Costa v. Allen*, 323 S.W.3d 383 (Mo. Ct. App. 2010); *Schreiber v. Rowe*, 814 So.2d 396 (Fla. 2002); *Adkins v. Dixon*, 253 Va. 275, 482 S.E.2d 797 (Va. 1997); *Morgano v. Smith*, 110 Nev. 1025, 879 P.2d 735, (Nev.1994); *Bailey v. Tucker*, 533 Pa. 237, 621 A.2d 108 (Pa.1993); *Wilkinson v. Zelen*, 167 Cal. App. 4th 37, 83 Cal. Rptr. 3d 779

(2008); *Redante v. Yockelson*, 112 Cal. App. 4th 1351, 6 Cal. Rptr. 3d 10 (2003) *rev. denied* (2004); *Lynch v. Warwick*, 95 Cal. App. 4th 267, 272, 115 Cal. Rptr. 2d 391 (2002); *Fink v. Banks*, 996 N.E.2d 169, (Ill. App. Ct. 2013); *Herrera-Corral v. Hyman*, 408 Ill.App.3d 672, 350 Ill. Dec. 173, 948 N.E.2d 242 (2011).

Respectfully submitted this 23rd day of February, 2016.

By: 

Jeffrey P. Downer, WSBA No. 12625
Rosemary J. Moore, WSBA No. 28650
Of Attorneys for Respondents Nielsen
and Nielsen, Broman & Koch P.L.L.C.

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DECLARATION OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington, that on February 23, 2016, I caused service of the foregoing pleading on each and every attorney of record herein via legal messenger:

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DATED this 23rd day of February, 2016 at Seattle, Washington.



Jennifer A. Jimenez, Legal Assistant

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Cc: Rosemary Jane Moore; Jeffrey P. Downer
Subject: RE: Piris v. Kitching, et al., Supreme Court Case No. 91567-9

Received on 02-23-2016

Supreme Court Clerk's Office

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Cc: Rosemary Jane Moore <Rjm@leesmart.com>; Jeffrey P. Downer <Jpd@leesmart.com>
Subject: Piris v. Kitching, et al., Supreme Court Case No. 91567-9

Good Morning,

Please find attached for filing in the Washington State Supreme Court Respondents Nielsen and Nielsen Broman & Koch, PLLC's Statement of Additional Authority. Thank you,

Jennifer A. Jimenez | [VCard](#) | [Email](#)
Legal Assistant to: Gregory P. Turner, Rosemary J. Moore, and Pamela J. DeVet

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