

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
6/10/2020 2:04 PM  
BY SUSAN L. CARLSON  
CLERK

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

SHANNON BLAKE,

Appellant.

NO. 96873-0

RESPONDENT'S SECOND  
STATEMENT OF  
ADDITIONAL AUTHORITIES  
(RAP 10.8)

Respondent, State of Washington, by and through its attorney Brett Pearce, respectfully requests that the Court consider the following additional authority pursuant to RAP 10.8:

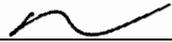
*United States v. Disla*, 805 F.2d 1340, 1350-52 (9th Cir. 1986) (“The term ‘constructive possession’ does not connote a legal fiction. Rather, the term simply reflects the common sense notion that an individual may possess a controlled substance even though the substance is not on his person at the time of arrest. We have stated that constructive possession may be demonstrated by direct or circumstantial evidence that the defendant had the power to dispose of the drug, or ‘the ability to produce the drug ...,’ or that the defendant had the ‘exclusive control or dominion over property on which contraband narcotics are found...’ ... The ultimate question is whether, viewing the evidence in a light most favorable to the government, the evidence establishes a sufficient connection between the defendant and the contraband to support the inference that the defendant exercised a dominion and control over the substance”) (internal citations omitted).

*State v. Hornaday*, 105 Wn.2d 120, 125-26, 713 P.2d 71 (1986) (“Once a narcotic is injected into the vein or swallowed orally, it is no longer in the individual’s control for purposes of possession”) (superseded by statute); *see also State v. Rudd*, 70 Wn. App. 871, 873, 856 P.2d 699 (1993).

11A WASH. PRAC.: WASHINGTON PATTERN JURY INSTRUCTIONS:  
CRIMINAL 50.03 (4th ed. 2016) (Definition of possession).

Dated this 10 day of June 2020.

LAWRENCE H. HASKELL  
Prosecuting Attorney



---

Brett Pearce, WSBA #51819  
Deputy Prosecuting Attorney  
Attorney for Respondent/Appellant

**CERTIFICATE OF SERVICE**

I certify under penalty of perjury under the laws of the State of Washington, that on June 10, 2020, I e-mailed a copy of the Respondent's Second Statement of Additional Authorities in this matter, pursuant to the parties' agreement, to:

Richard Lechich  
[wapofficemail@washapp.org](mailto:wapofficemail@washapp.org)

William Maurer  
[wmaurer@ij.org](mailto:wmaurer@ij.org)

Andrea Burkhart  
[andrea@2arrows.net](mailto:andrea@2arrows.net)

Mark Kooke  
[mcooke@aclu-wa.org](mailto:mcooke@aclu-wa.org)

Philip Buri  
[philip@burifunston.com](mailto:philip@burifunston.com)

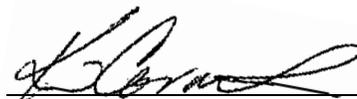
Antoinette Davis  
[tdavis@aclu-wa.org](mailto:tdavis@aclu-wa.org)

Mark Middaugh  
[Mark.middaugh@kingcounty.gov](mailto:Mark.middaugh@kingcounty.gov)

Nancy Talner  
[talner@aclu-wa.org](mailto:talner@aclu-wa.org)

6/10/2020  
(Date)

Spokane, WA  
(Place)



---

(Signature)

# SPOKANE COUNTY PROSECUTOR

June 10, 2020 - 2:04 PM

## Transmittal Information

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 96873-0  
**Appellate Court Case Title:** State of Washington v. Shannon B. Blake  
**Superior Court Case Number:** 16-1-03854-0

### The following documents have been uploaded:

- 968730\_Briefs\_20200610140408SC000368\_9561.pdf  
This File Contains:  
Briefs - Respondents Additional Authorities  
*The Original File Name was Addl Auth Stmt - 2d - BBP 061020 - 968730.pdf*

### A copy of the uploaded files will be sent to:

- hloya@ij.org
- mark.middaugh@gmail.com
- mark.middaugh@kingcounty.gov
- mcooke@aclu-wa.org
- philip@burifunston.com
- pleadings@aclu-wa.org
- richard@washapp.org
- talner@aclu-wa.org
- tdavis@aclu-wa.org
- tom@washapp.org
- wapofficemail@washapp.org
- wmaurer@ij.org

### Comments:

2d

---

Sender Name: Kim Cornelius - Email: kcornelius@spokanecounty.org

**Filing on Behalf of:** Brett Ballock Pearce - Email: bpearce@spokanecounty.org (Alternate Email: scpaappeals@spokanecounty.org)

Address:  
1100 W Mallon Ave  
Spokane, WA, 99260-0270  
Phone: (509) 477-2873

**Note: The Filing Id is 20200610140408SC000368**