

FILED
SUPREME COURT
STATE OF WASHINGTON
6/8/2020 11:54 AM
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 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 on the issue of whether Washington's strict liability scheme for the crime of possession of a controlled substance violates due process:

United States v. Engler, 806 F.2d 425, 431-36 (3d Cir. 1986) (holding strict liability felony provision of Migratory Bird Treaty Act does not violate due process after rejecting Government's concession to the contrary; providing detailed analysis and survey of cases concerning due process as applied to strict liability offenses).

State v. Deer, 175 Wn.2d 725, 731-40, 287 P.3d 539 (2012) (holding defendant properly bore burden to prove act of child rape was not volitional pursuant to defendant's affirmative defense of being asleep; reasoning law has deviated from requiring the State to prove a volitional act as an implied part of the actus reus of a crime).

State v. Brown, 389 So.2d 48, 50-51 (La. 1980) (holding statute that explicitly criminalized the unknowing possession of controlled substances was overboard).

Dated this 8 day of June 2020.

LAWRENCE H. HASKELL
Prosecuting Attorney



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

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington, that on June 8, 2020, I e-mailed a copy of the Statement of Additional Authorities in this matter, pursuant to the parties' agreement, to:

Richard Lechich
wapofficemail@washapp.org

Andrea Burkhart
andrea@2arrows.net

Philip Buri
philip@burifunston.com

Mark Middaugh
Mark.middaugh@kingcounty.gov

William Maurer
wmaurer@ij.org

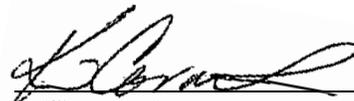
Mark Kooke
mcooke@aclu-wa.org

Antoinette Davis
tdavis@aclu-wa.org

Nancy Talner
talner@aclu-wa.org

6/8/2020
(Date)

Spokane, WA
(Place)



(Signature)

SPOKANE COUNTY PROSECUTOR

June 08, 2020 - 11:54 AM

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_20200608115336SC976940_7703.pdf
This File Contains:
Briefs - Respondents Additional Authorities
The Original File Name was Addl Auth Stmt - BBP 060820 - 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:

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 20200608115336SC976940