

88016-6

Max Ortiz-Triana #346883  
MCC/TRU  
PO Box 888  
Monroe, WA 98272

Received *VC*  
Washington State Supreme Court

November 24, 2014

DEC - 3 2014  
*E* *VC*  
Ronald R. Carpenter  
Clerk

The Honorable Ronald R. Carpenter  
Supreme Court Clerk  
Washington State Supreme Court  
Temple of Justice  
PO Box 409299  
Olympia, WA 98504-0929

RE: State of Additional Authorities, RAP 10.8, for  
State of Washington v. Max Ortiz-Triana, Supreme Court No.  
88016-6; COA No. 67039-5-I

Dear Honorable Ronald Carpenter:

Pursuant to RAP 10.8, I am submitting the following Statement of  
Additional Authorities to be considered in this matter:

State v. W.R., Jr., Supreme Court No. 88341-6 (filed October 30, 2014)  
("When a defense necessarily negates an element of the crime charged, the  
State may not shift the burden of proving that defense onto the defendant. To  
hold otherwise unconstitutionally relieves the State of its burden of proving  
every element of the crime beyond a reasonable doubt. We hold consent  
necessarily negates forcible compulsion. We overrule Camara and Gregory to the  
extent they hold the defendant bears the burden of proving consent by a  
preponderance of the evidence. We remand for a new trial[.]").

This is cited in support of my first issue presented for review in Part C  
of my Petition for Review, pages 1-2, 1-3, and pages 9-12.

Thank you.

Sincerely and respectfully,



Max Ortiz-Triana

cc: Andrea Ruth Vitaleich (King County Prosecutor's Office)  
File