

SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)
)
) Petitioner,) No. 92796-1
)
) vs.)
) STATEMENT OF ADDITIONAL
ALAN JAMES SINCLAIR, II,) AUTHORITIES
)
) Respondent.)
_____)

Pursuant to RAP 10.8, the State of Washington respectfully cites to a recently adopted general order of Division III of the Court of Appeals, and to the two recent unpublished decisions from Division I of the Court of Appeals. The decisions are cited not to persuade this court to follow their reasoning, but to illustrate the continuing necessity for supreme court guidance in light of the fact that appellate judges in Washington are following very different procedures to determine appellate costs:

General Orders of Division III, IN RE THE MATTER OF COURT ADMINISTRATION ORDER RE; REQUEST TO DENY COST AWARD, available at http://www.courts.wa.gov/appellate_trial_courts/?fa=atc.genorders_orddisp&ordnumber=021&div=III.

State v. Washington, 73162-9-1, slip op. at 6 (filed June 6, 2016) (Becker, J.) ("Washington asks that we deny any request by the State for costs to be imposed on him. The State has not yet submitted a cost bill, so Washington's request is premature. We will not make a decision on costs at this time.")

State v. Ho, No. 72497-5-1, slip op. at (filed June 27, 2016) (Verellen, J.) ("In his supplemental assignments of error, Ho contends this court should not award any costs on appeal. The State responds that costs should be awarded on appeal. Both raise arguments related to this court's recent decision in State v. Sinclair. We adhere to Sinclair. Ho was found indigent both for trial and for appeal. He has been sentenced to more than 50 years in prison. The State has not provided any factual basis to overcome the continuing presumption of indigency. Consistent with Sinclair, we conclude that no costs should be awarded on appeal.")

Dated this 27th day of June, 2016.

DANIEL T. SATTERBERG
King County Prosecuting Attorney

By: 
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Office WSBA #91002

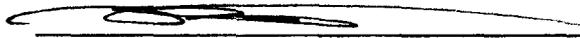
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Certificate of Service by Electronic Mail

Today I directed electronic mail addressed to Kevin A March, the attorney for the respondent, at MarchK@nwattorney.net, containing a copy of the STATEMENT OF ADDITIONAL AUTHORITIES, in State v. Alan James Sinclair, II, Cause No. 92796-1, in the Supreme Court, for the State of Washington.

I certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

Dated this 27TH day of June, 2016.



Name:
Done in Seattle, Washington

KING COUNTY PROSECUTOR'S OFFICE - APPELLATE UNIT

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