

FILED
COURT OF APPEALS DIV #1
STATE OF WASHINGTON
2007 OCT 17 PM 4:50

THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	No. 78970-3
Respondent,)	
)	STATEMENT OF
v.)	ADDITIONAL
)	AUTHORITIES
MARK K. EATON,)	
Petitioner.)	

Pursuant to RAP 10.8, Petitioner cites to the following additional authorities:

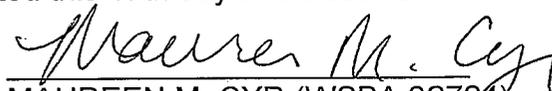
State v. Carr, 97 Wn.2d 436, 645 P.2d 1098 (1982) (article section 22 of state constitution requires accused be furnished with copy of amended charging document charging new crime; remedy for violation is reversal of conviction).

Former RCW 69.50.401(d) and (e) [recodified as RCW 69.50.4013 and RCW 69.50.4014] (State must prove precise nature of controlled substance, i.e., that substance was not less than 40 grams of marijuana, in order to convict defendant of felony rather than misdemeanor possession of controlled substance).

State v. Severns, 13 Wn.2d 542, 548, 552, 125 P.2d 659 (1942) (where information charges particular statutory means of committing crime, it is error to instruct jury they might consider other means by which act might have been committed, regardless of range of evidence admitted at trial; error requires reversal of conviction where it is possible jury convicted defendant under uncharged alternative).

State v. Bray, 52 Wn. App. 30, 34-36, 756 P.2d 1332 (1988) (same).

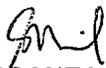
Respectfully submitted this 17th day of October 2007.


 MAUREEN M. CYR (WSBA 28724)
 Washington Appellate Project 91052
 Attorneys for Respondents

RECEIVED
 WASHINGTON COURT OF APPEALS
 07 OCT 19 4:43
 BY RONALD L. SKIFFER
 CLERK

DECLARATION OF MAILING OR DELIVERY

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the below date, a true copy of the document filed under **Supreme Court No. 78970-3** to which this declaration is affixed/attached, was mailed or caused to be delivered to each attorney or party or record for respondent: **James Whisman - King County Prosecuting Attorney**, appellant and/or other party, at the regular office or residence or drop-off box at the prosecutor's office.



MARIA ARRANZA RILEY, Legal Assistant
Washington Appellate Project

Date: October 17, 2007

FILED
COURT OF APPEALS DIV. #1
STATE OF WASHINGTON
2007 OCT 17 PM 4:50