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SUPREME COURT  
STATE OF WASHINGTON

2009 MAR 11 P 12:03

BY RONALD R. CARPENTER

Oral Argument 3/12/09 at 1:30  
CLERK

IN THE SUPREME COURT FOR THE STATE OF WASHINGTON,

MARK KILGORE  
Petitioner

No. 81020-6

v.

SUPPLEMENTAL AUTHORITY

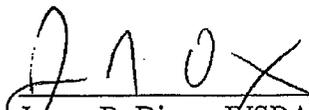
STATE OF WASHINGTON  
Respondent

Mark Kilgore, petitioner herein, presents the following additional authorities in support of his appeal:

U. S. v. Tucker, 404 U.S. 443, 447, 92 S.Ct. 589 (1972) (“As in Townsend v. Burke, [citation omitted] ‘this prisoner was sentenced on the basis of assumptions concerning his criminal record which were materially untrue.’ [citation omitted].”)

State v. Hendrickson \_\_\_ Wn.2d \_\_\_, 198 P.3d 1029, 1031 (2009) (Nunc Pro Tunc order is only appropriate for acts which were performed at an earlier time, but not properly set forth in the record)

Dated this 11th day of March, 2009

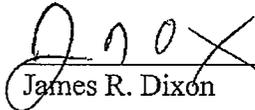
  
James R. Dixon, WSBA 18014  
Attorney for Petitioner

ORIGINAL FILED AS ATTACHMENT TO EMAIL

Certificate of Service

I certify that on this day I faxed a true and correct copy of this supplemental authority to Kit Proctor. This statement is certified to be true and correct under penalty of perjury of the laws of the State of Washington.

Signed in Seattle, WA on 03/11/09

  
James R. Dixon