

ORIGINAL

SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,	)	
	)	No. 81650-6
Respondent,	)	
	)	STATEMENT OF
v.	)	ADDITIONAL
	)	AUTHORITIES
TROY DEAN STUBBS,	)	
	)	
Petitioner.	)	

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Pursuant to RAP 10.8, Petitioner Troy Dean Stubbs submits the following additional authorities for the Court's consideration:

State v. Powell, 167 Wn.2d 672, 223 P.3d 493 (2009) (Stephens, J., concurring; Owens, J., dissenting) (five-justice majority of this Court agrees that because aggravating circumstances increase the statutory maximum punishment, they are essential elements of the charged crime);

State v. Williams-Walker, -- Wn.2d --, -- P.3d --, Nos. 78611-9, 78876-6, 79074-4 (January 14, 2010) (harmless error doctrine does not apply to violation of state constitutional right to jury trial under Const. art. I, § 22);

Const. art. I, § 22 (jury trial right more protective than Sixth Amendment).

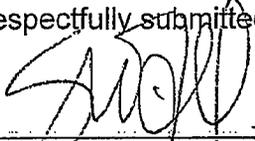
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PETITIONER'S STATEMENT OF  
 ADDITIONAL AUTHORITIES

DATED this 5<sup>th</sup> day of March, 2010.

Respectfully submitted:



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SUSAN F. WILK (WSBA 28250)  
Washington Appellate Project (91052)  
Attorneys for Petitioner Troy Dean Stubbs

PETITIONER'S STATEMENT OF  
ADDITIONAL AUTHORITIES

ORIGINAL

**DECLARATION OF DOCUMENT FILING AND MAILING/DELIVERY**

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the below date, the original of the document to which this declaration is affixed/attached, was filed in the **Washington State Supreme Court** under **Case No. 81650-6**, and a true copy was mailed with first-class postage prepaid or otherwise caused to be delivered to each attorney or party or record for  **respondent Antonio Koures - Pend Oreille County Prosecuting Attorney**,  **appellant/petitioner** and/or  **other parties: David Gasch; Brian McDonald; Pamela Loginsky; David Allen**, at the regular office or residence as listed on ACORDS, or drop-off box at the prosecutor's office.



MARIA ARRANZA RILEY, Legal Assistant  
Washington Appellate Project

Date: March 5, 2010

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