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SUPREME COURT
STATE OF WASHINGTON

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BY RONALD R. CARPENTIER, CLERK SUPREME COURT OF THE STATE OF WASHINGTON

CLERK

STATE OF WASHINGTON,)	No. 82175-5
Respondent,)	
)	STATEMENT OF
v.)	ADDITIONAL
)	AUTHORITIES
VALENTIN SANDOVAL,)	(RAP 10.8)
Petitioner.)	

Pursuant to RAP 10.8, Petitioner, Valentin Sandoval, submits the following statement of additional authorities for the consideration of the Court in the above-captioned matter, regarding the prosecutor's duty to consider immigration consequences when raised by a defendant in the context of plea negotiations:

Robert M.A. Johnson, *Collateral Consequences, Message from the President of the National District Attorney's Association, The Prosecutor*, May-June 2001 ("Our job, our duty, is to seek justice. . . . [W]e must consider them [collateral consequences] if we are to see that justice is done. . . . At times, the collateral consequences of a conviction are so severe that we are unable to deliver a proportionate penalty in the criminal justice system without disproportionate collateral consequences. . . . As a prosecutor, you must comprehend this full range of consequences that flow from a crucial conviction.");

Brief of *Amici Curiae* for the States of Louisiana, *et al*, Padilla v. Kentucky, No. 08-651 (including Washington's Attorney General, filed August 2009), available at:

Statement of Additional Authorities

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http://www.abanet.org/publiced/preview/briefs/pdfs/07-08/08-651_RespondentAmCu27StatesandNDAA.pdf ("*Amici* recognize, of course, that prosecutors considering plea agreements must take into account any undue hardship the plea may create, and NDAA's officials have spoken out about the sometimes harsh impact of collateral consequences on criminal defendants.");

National District Attorneys Association (NDAA Standards), National Prosecution Standards, Std 1-1.1, Prosecutor's Primary Responsibility (3rd ed. 2009) ("The primary responsibility of a prosecutor is to seek justice.");

NDAA Standards, Std. 2-8.3 ("The prosecutor should cooperate with defense counsel at all stages of the criminal process to ensure the attainment of justice and the most appropriate disposition of each case.");

NDAA Standards, Std. 4-1.3 ("Prosecutors should screen potential charges to eliminate from the criminal justice system those cases where prosecution is not justified or not in the public interest. Factors that may be considered in this decision include: . . . k. Undue hardship that would be caused to the accused by the prosecution; . . . p. Whether the accused has already suffered substantial loss in connection with the alleged crime");

NDAA Standards, Std. 5-3.1, Propriety of Plea Negotiation and Plea Agreements (Factors to Consider. "Prior to negotiating a plea agreement, the prosecution should consider the following factors: . . . g. Undue hardship caused to the defendant; . . . l. The probable sentence if the defendant is convicted");

ABA Standards of Criminal Justice, Prosecution Function, Standard 3-1.2, The Function of a Prosecutor (3d. ed. 1999) ("(b) The prosecutor is an administrator of justice, an advocate, and an officer of the court; the prosecutor must exercise sound discretion in the performance of his or her functions. (c) The duty of the prosecutor is to seek justice, not merely to convict.");

ABA Standard 3-1.2, Commentary, p. 5 ("Since the prosecutor bears a large share of the responsibility for determining which cases are taken into the courts, the character, quality, and efficiency of the whole system is shaped in great measure by the manner in which the prosecutor exercises his or her broad discretionary powers.");

ABA Standard 3-3.9 Discretion in the Charging Decision, Commentary, p. 74 ("Differences in the circumstances under which a crime took place, the motives behind or pressures upon the defendant, mitigating factors in the situation, the defendant's age, prior record, general background, and role in the offense, and a host of other particular factors require that the prosecutor view the whole range of possible charges as a set of tools from which to carefully select the proper instrument to bring the charges.");

Corbitt v. New Jersey, 439 U.S. 212, 223, 99 S.Ct. 492, 58 L.Ed.2d 466 (1978) ("as the Constitution has been construed in our cases, it is not forbidden to extend a proper degree of leniency in return for guilty pleas.");

DATED this 8th day of June 2010.

Respectfully submitted,



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