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**IN THE SUPREME COURT
OF THE STATE OF WASHINGTON**

STATE OF WASHINGTON,

Respondent,

vs.

DOUGLAS CRAIG ROSE,

Petitioner.

NO. 85791-1

**STATEMENT OF ADDITIONAL
AUTHORITY**

COMES NOW the State of Washington, Respondent, by and through Andy Miller, Prosecuting Attorney, and Megan A. Killgore, Deputy Prosecuting Attorney in the above captioned cause for Benton County, and respectfully requests the Court consider the following additional authority pursuant to RAP 10.8:

State v. Walker, 157 Wn.2d 307, 310, 323, 138 P.3d 113 (2006) (Chambers, J., concurring) (officer told suspect she was under arrest for "possession of drug paraphernalia"; arrest upheld on appeal as an arrest for possession of marijuana based upon residue in pipe).

State v. Malone, 72 Wn. App. 429, 439, 864 P.2d 990 (1994) (possession of cocaine residue in a baggie, in amount neither measurable nor usable was sufficient to

STATEMENT OF ADDITIONAL AUTHORITY - 1

Benton County Prosecuting Attorney
7122 W. Okanogan Place, Bldg. A
Kennewick, WA 99336
Phone: 509-735-3591

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sustain a conviction for possession of a controlled substance).

State v. Williams, 62 Wn. App. 748, 751, 815 P.2d 825 (1991) (citing *State v. Larkins*, 79 Wn.2d 392, 394, 486 P.2d 95 (1971), review denied, 118 Wn.2d 1019 (1992) ("[t]here is no minimum amount of narcotic drug which must be possessed in order to sustain a conviction"; sustaining a conviction for possession of a controlled substance based upon possession of cocaine residue in crack pipe bowl).

Devenpeck v. Alford, 543 U.S. 146, 125 S. Ct. 588, 160 L. Ed. 2d 537 (2004) (an officer's erroneous identification of the crime for which the arrest is being made will not invalidate the arrest if probable cause exists to arrest for a different criminal law violation).

State v. Louthan, 158 Wn. App. 732, 740, 242 P.3d 954 (2010) (an officer's erroneous identification of the crime for which the arrest is being made will not invalidate the arrest if probable cause exists to arrest for a different criminal law violation).

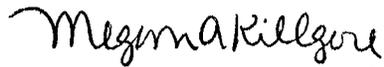
Benton County Code 6.44.020:

PROHIBITED ACTS. (a) It is unlawful for any person to use, or to possess with the intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise induce into the human body a controlled substance in violation of RCW 69.50 or to deliver, possess with the intent to deliver, or manufacture with the intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of RCW 69.50.

(b) Any person violating any provision of this chapter shall be guilty of a gross misdemeanor.

Respectfully submitted this 9th day of March 2012.

ANDY MILLER
Prosecuting Attorney



MEGAN A. KILLGORE, Deputy
Prosecuting Attorney
BAR NO. 37847
OFC ID NO. 91004

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this day I served, in the manner indicated below, a true and correct copy of the foregoing document as follows:

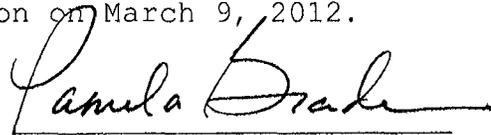
Nancy P. Collins
Washington Appellate Project
1511 3rd Ave., Ste 701
Seattle, WA 98101-3635

E-mail service by agreement was made to the following parties:
wapofficemail@washapp.org

Douglas Craig Rose
6204 W. Richardson Street
Pasco, WA 99301

U.S. Regular Mail, Postage Prepaid

Signed at Kennewick, Washington on March 9, 2012.



Pamela Bradshaw
Legal Assistant

OFFICE RECEPTIONIST, CLERK

To: Pam Bradshaw
Cc: Megan Killgore; ann@washapp.org; wapofficemail@washapp.org
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Rec. 3-9-12

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Pam Bradshaw [<mailto:Pam.Bradshaw@co.benton.wa.us>]
Sent: Friday, March 09, 2012 2:52 PM
To: OFFICE RECEPTIONIST, CLERK
Cc: Megan Killgore; ann@washapp.org; wapofficemail@washapp.org
Subject: State of Washington v. Douglas Craig Rose

Supreme Court No. 85791-1 - State of Washington v. Douglas Craig Rose

Dear Mr. Carpenter:

Attached for filing, please find Respondent's Statement of Additional Authority, and Certificate of Service.

Thank you,

MEGAN A. KILLGORE
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