

RECEIVED VSL
SUPREME COURT
STATE OF WASHINGTON
Mar 06, 2013, 11:01 am
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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

MICHAEL ALLEN CLARK,

Petitioner.

NO. 87376-3
~~86119-6~~

AMICUS STATEMENT OF
ADDITIONAL AUTHORITIES

COMES NOW amicus curiae Washington Association of
Prosecuting Attorneys ("WAPA") by and through, Pamela B. Loginsky,
Staff Attorney, and respectfully requests that the Court consider the
following additional authority pursuant to RAP 10.8:

Little Horn State Bank v. Stops, 170 Mont. 510, 555 P.2d
211(1976), *cert. denied*, 431 U.S. 924 (1977) (state action, in the form of
a writ of execution to enforce a judgment rendered in a case in which the
state court has jurisdiction but which attaches to trust property within a
reservation, does not interfere with the tribe's right to make its own rules

and be governed by them)

RCW 10.96.010(3) (“‘Criminal process’ means a search warrant or legal process issued pursuant to RCW 10.79.015 and CrR 2.3; any process issued pursuant to chapter 9.73, 9A.82, 10.27, or 10.29 RCW; and any other legal process signed by a judge of the superior court and issued in a criminal matter which allows the search for or commands production of records that are in the actual or constructive possession of the recipient, regardless of whether the recipient or the records are physically located within the state.”)

RCW 10.96.060 (“A judge of the superior court may issue any criminal process to any recipient at any address, within or without the state, for any matter over which the court has criminal jurisdiction pursuant to RCW 9A.04.030. This section does not limit a court's authority to issue warrants or legal process under other provisions of state law.”)

DATED March 6, 2013.

Respectfully Submitted,



PAMELA B. LOGINSKY, WSBA NO. 18096
Washington Association of Prosecuting Attorneys
206 10th Ave. S.E.
Olympia, WA 98501
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PROOF OF SERVICE

I, Pamela B. Loginsky, declare that I have personal knowledge of the matters set forth below and that I am competent to testify to the matters stated herein.

On March 6, 2013, I deposited in the mails of the United States of America, postage prepaid, an envelop containing a copy of the document to which this Proof of Service is attached addressed to:

Stephen Michael Bozarth
Deputy Prosecuting Attorney
P.O. Box 1130
Okanogan, WA 98840

Lisa M. Koop
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Office of the Reservation Attorney
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Spokane, WA 99201

Brian C. Gruber
Joshua Osborne-Klein
Ziontz, Chestnut, Varnell, et. al.
2101 Fourth Ave., Ste. 1230
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Timothy W. Woolsey
Dana Cleveland
Officer of the Reservation
Attorney
P.O. Box 150
Nespelem, WA 99155

On March 16, 2013, electronic copies of the document to which this Proof of Service is attached was sent via e-mail to

Stephen Michael Bozarth at sbozarth@co.okanogan.wa.us

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Timothy W. Woolsey at timothy.woolsey@colvilletribes.com

Dana Cleveland at dana.cleveland@colvilletribes.com

Signed under the penalty of perjury under the laws of the state of
Washington this 6th day of March, 2013, at Olympia, Washington.



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Subject: RE: State v. Clark, No. 86119-6

Rec'd 3-6-13

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 Loginsky [<mailto:Pamloginsky@waprosecutors.org>]
Sent: Wednesday, March 06, 2013 10:34 AM
To: sbozarth@co.okanogan.wa.us; dana.cleveland@colvilletribes.com; timothy.woolsey@colvilletribes.com; OFFICE RECEPTIONIST, CLERK; steve@grahamdefense.com; lkoop@tulaliptribes-nsn.gov; sosawa@tulaliptribes-nsn.gov; bgruber@zcvbs.com; joshok@zcvbs.com
Subject: State v. Clark, No. 86119-6

Dear Clerk and Counsel:

Attached, for filing, is a statement of additional authorities. Please let me know if you should encounter any difficulty in accessing the document.

Sincerely,

Pam Loginsky
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