

RECEIVED VSC
SUPREME COURT
STATE OF WASHINGTON
Feb 22, 2013, 11:12 am
BY RONALD R. CARPENTER
CLERK

RECEIVED BY E-MAIL

SUPREME COURT OF THE STATE OF WASHINGTON

IN RE PERSONAL RESTRAINT
PETITION OF

NADDER BARON HAGHIGHI.

)
)
) No. 87529-4
)
)
) SECOND STATEMENT OF
) ADDITIONAL AUTHORITIES
)
)
)

Pursuant to RAP 10.8, the State respectfully cites the following additional authority.

As to the significance of lower court decisions under the retroactivity analysis of Teague v. Lane¹, that even if the highest court has explicitly declined to decide an issue, lower appellate court precedent establishes a rule for purposes of determining that a contrary result by the highest court is a "new rule":

Chaidez v. United States, No. 11-820, slip op. at 6-11, 2013 WL 610201 (U.S. Supreme Court Feb. 20, 2013) (holding that

¹ 489 U.S. 288, 109 S. Ct. 1060, 103 L. Ed. 2d 334 (1989).

 ORIGINAL

Padilla v. Kentucky,² was a new rule under Teague analysis, stating “when we decided Padilla, we answered a question about the Sixth Amendment’s reach that we had left open, in a way that altered the law of most jurisdictions” (slip opin. at 9)).

Dated this 22nd day of February, 2013.

DANIEL T. SATTERBERG
Prosecuting Attorney


DONNA WISE, WSBA #13224
Senior Deputy Prosecuting Attorney
Attorneys for Respondent

W554 King County Courthouse
Seattle, WA 98104
Telephone: 206-296-9000

² 559 U.S. 356, 130 S.Ct. 1473, 176 L. Ed. 2d 284 (2010).

Certificate of Service by Mail

Today I deposited in the mail of the United States of America, postage prepaid, a properly stamped and addressed envelope directed to Nancy P. Collins, the attorney for the petitioner, at Washington Appellate Project, 701 Melbourne Tower, 1511 Third Avenue, Seattle, WA 98101, and to Pamela Loginsky, attorney for amicus Washington Association of Prosecuting Attorneys, at 206 10th Avenue S.E., Olympia, WA 98501, containing a copy of the State's Second Statement of Additional Authorities, in PERSONAL RESTRAINT PETITION OF NADDER BARON HAGHIGHI, Cause No. 87529-4, in the Supreme Court of the State of Washington.

I certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.



Name
Done in Seattle, Washington

02-22-13
Date

OFFICE RECEPTIONIST, CLERK

To: Wise, Donna
Cc: 'Nancy Collins'; 'Pam Loginsky'
Subject: RE: In re Personal Restraint Petition of Nadder Baron Haghghi, No. 87529-4, Second Statement of Additional Authorities

Rec'd 2-22-13

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: Wise, Donna [<mailto:Donna.Wise@kingcounty.gov>]
Sent: Friday, February 22, 2013 11:05 AM
To: OFFICE RECEPTIONIST, CLERK
Cc: 'Nancy Collins'; 'Pam Loginsky'
Subject: In re Personal Restraint Petition of Nadder Baron Haghghi, No. 87529-4, Second Statement of Additional Authorities

Good morning:

Please accept for filing the attached document (Second Statement of Additional Authorities) in

In re Personal Restraint Petition of Nadder Baron Haghghi, No. 87529-4

The certificate of service is attached to the document.

Thank you.

Donna Wise

Senior Deputy Prosecuting Attorney

WSBA #13224

King County Prosecutor's Office

W554 King County Courthouse

Seattle, WA 98104

206-296-9674

E-mail: Donna.Wise@kingcounty.gov