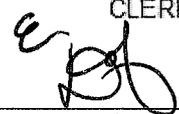


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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re the Personal Restraint of)	
)	NO. 87654-1
RUSSELL McNEIL,)	PETITIONER'S FOURTH
)	STATEMENT OF
)	ADDITIONAL AUTHORITIES
Petitioner.)	

Pursuant to RAP 10.8, Petitioner respectfully submits the following additional authorities in support of his Petition on the following issues.

**ISSUES: RETROACTIVE APPLICATION OF MILLER v. ALABAMA AND
REMEDY:**

Diatchenko v. District Attorney, ___ Mass. ___ (No. SJC-11453, 12/24/2013) (Slip Op. at 4-5):

[W]e conclude that the Supreme Court's decision in Miller has retroactive application to cases on collateral review. We further conclude that the mandatory imposition of a sentence of life in prison without the possibility of parole on individuals who were under the age of eighteen when they committed the crime of murder in the first degree violates the prohibition on "cruel or unusual punishments" in art. 26 of the Massachusetts Declaration of Rights, and that the discretionary imposition of such a sentence on juvenile homicide offenders also violates art. 26 because it is an unconstitutionally disproportionate punishment when viewed in the context of the unique characteristics of juvenile offenders.

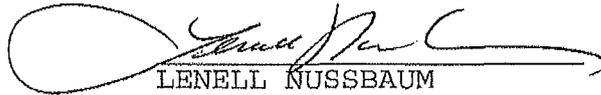


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2. ISSUE: REMEDY

Commonwealth v. Brown, ___ Mass. ___ (No. SJC-11454,
12/24/2013).

Respectfully submitted this 26th day of December, 2013,



LENELL NUSSBAUM
WSBA No. 11140
Attorney for Mr. McNeil

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DECLARATION OF SERVICE

ALEXANDRA FAST declares:

On this date I cause this document to be filed in the State of Washington Supreme Court; and caused a copy of this document to be served on the following entities via email, addressed as follows:

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I declare under penalty of perjury under the laws of the state of Washington that the above statement is true and correct to the best of my knowledge.

Dec. 26th 2013 - SEATTLE, WA

Date and Place

Alex Fast
ALEXANDRA FAST

OFFICE RECEPTIONIST, CLERK

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Subject: RE: McNeil, Russell 87654-1

Received 12/26/2013

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Subject: McNeil, Russell 87654-1

Please accept for filing the attached "Petitioner's Fourth Statement of Additional Authorities" in regards to the Personal Restraint of Russell McNeil, 87654-1. A certificate of service is attached to the pleading.

Alexandra Fast

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