

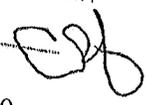
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SUPREME COURT
STATE OF WASHINGTON

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BY RONALD R. CARPENTER

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	CLERK 
Respondent,)	No. 87882-0
)	
vs.)	STATEMENT
)	OF ADDITIONAL
JEFFREY LYNCH)	AUTHORITY
)	
Petitioner.)	
)	

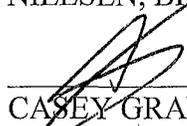
Pursuant to RAP 10.8, petitioner cites to the following additional authority in support of the petition for review:

Smith v. United States, __ U.S. __, __ S. Ct. __, __ L. Ed. 2d __, 2013 WL 85299 at *3 (slip op. filed January 9, 2013) (distinguishing between when the burden of proof may be placed on a criminal defendant by means of an affirmative defense and when it cannot: "The State is foreclosed from shifting the burden of proof to the defendant only 'when an affirmative defense *does* negate an element of the crime.' Martin v. Ohio, 480 U.S. 228, 237, 107 S. Ct. 1098, 94 L. Ed. 2d 267 (1987) (Powell, J., dissenting).").

DATED this 14th day of January 2013.

Respectfully submitted,

NIELSEN, BROMAN & KOCH


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