

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

BYRON EUGENE SCHERF,

Appellant

No. 88906-6

STATEMENT OF ADDITIONAL
AUTHORITY

As permitted by RAP 10.8, the State of Washington, respondent, submits the following additional authority on whether there is a national consensus against the death penalty:

Nebraska Referendum No. 426:
Ballot title:

The purpose of Legislative Bill 268, passed by the First Session of the 104th Nebraska Legislature in 2015, is to eliminate the death penalty and change the maximum penalty of the crime of murder in the first degree to life imprisonment. Shall Legislative Bill 268 be repealed?

Election result: Repeal 60.86% Retain 39.14%
<http://electionresults.sos.ne.gov/resultsSW.aspx?text=Race&type=SW&map=CTY>
(visited 11/9/16 8:30 a.m.)

Oklahoma State Question no. 776:
Ballot title:

This measure adds a new section to the Oklahoma Constitution, Section 9A of Article 2. The new Section deals with the death penalty. The Section establishes State constitutional mandates relating to the death penalty and methods of execution. Under these constitutional requirements:



- The Legislature is expressly empowered to designate any method of execution not prohibited by the United States Constitution.
- Death sentences shall not be reduced because a method of execution is ruled to be invalid.
- When an execution method is declared invalid, the death penalty imposed shall remain in force until it can be carried out using any valid execution method, and
- The imposition of a death penalty under Oklahoma law—as distinguished from a method of execution—shall not be deemed to be or constitute the infliction of cruel or unusual punishment under Oklahoma's Constitution, nor to contravene any provision of the Oklahoma Constitution.

Election result: Yes 66.37% No 33.63%

https://www.ok.gov/elections/support/ok_results_seb.html#SQ (visited 11/9/16 8:45 a.m.)

California Proposition 62:

Ballot Title:

- Repeals death penalty as maximum punishment for persons found guilty of murder and replaces it with life imprisonment without possibility of parole.
- Applies retroactively to persons already sentenced to death.
- States that persons found guilty of murder and sentenced to life without possibility of parole must work while in prison as prescribed by the Department of Corrections and Rehabilitation.
- Increases portion of life inmates' wages that may be applied to victim restitution.

Election result: Yes 46.1% No 53.9%

<http://vote.sos.ca.gov/returns/ballot-measures/> (visited 11/9/16 8:45 a.m.)

Respectfully submitted this 9th day of November, 2016.

MARK K. ROE
Snohomish County Prosecuting Attorney

By: Seth A Fine
SETH A FINE, WSBA #: 10937
Deputy Prosecuting Attorney
Attorney for Respondent

Kathleen Webber
KATHLEEN WEBBER, WSBA # 16040
Deputy Prosecuting Attorney
Attorney for Respondent

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Good Morning...

RE: State v. Byron Scherf
Supreme Court No. 88906-6

Please accept for filing the following attached document: State's Statement of Additional Authority

Thanks.

Diane.

Diane K. Kremenich
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