

RECEIVED *sc*
SUPREME COURT
STATE OF WASHINGTON
May 06, 2014, 1:08 pm
BY RONALD R. CARPENTER
CLERK

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

MT

RECEIVED BY E-MAIL

STATE OF WASHINGTON,)	
)	
<i>Respondent,</i>)	No. 88921-0
)	
vs.)	STATEMENT OF
)	ADDITIONAL
)	AUTHORITIES
GREGORY THOMAS,)	
)	
<i>Appellant.</i>)	
)	

Bear Cloud v. State, 2013 WY 18, 294 P.3d 36, 45 (Wyo. 2013) (statute mandating life without parole or "life imprisonment according to law," combined with another statute permitting relief only by commutation to a term of years, violates Miller v. Alabama, ___ U.S., ___, 132 S. Ct. 2455, 2469, 183 L. Ed. 2d 407 (2012), and Eighth Amendment because it has practical effect of mandating life in prison without the possibility of parole).

In re Pendleton, 732 F.3d 280, 282-83 (3d Cir. 2013) (petitioners made prima facie showing that Miller is retroactive).

People v. Solis, 224 Cal. App. 4th 727, 735, 168 Cal. Rptr. 3d 814, 819-20 (2014) ("[Except in the rarest of cases, juvenile offenders should not be written off by virtue of LWOP or de facto LWOP sentences."])

In re Rainey, 224 Cal. App. 4th 280, 290, 168 Cal. Rptr. 3d 719, 725 (2014) (Miller applies retroactively because it undoubtedly carries significant risk of imposing unlawful punishment.).

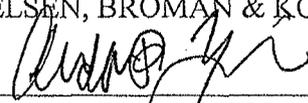
Ex parte Maxwell, 424 S.W.3d 66, 2014 WL 941675 (Tex. Crim. App. 2014) ("Because we find that the Miller court announced a new substantive rule under the first Teague exception, we hold that it applies retroactively.").

People v. Davis, ___ N.E. ___, 2014 IL 115595 (Ill. 2014) (viewing Miller as new substantive rule).

DATED THIS 6 day of May, 2014.

Respectfully submitted,

NIELSEN, BROMAN & KOCH, PLLC



Andrew P. Zimmer, WSBA 18631
Office ID No. 91051

Attorneys for Appellant

OFFICE RECEPTIONIST, CLERK

To: Patrick Mayovsky
Subject: RE: In re Personal Restraint Petition of Gregory Thomas, No. 88921-0 / Statement of Additional Authorities

Received 5-6-14

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: Patrick Mayovsky [mailto:MayovskyP@nwattorney.net]
Sent: Tuesday, May 06, 2014 1:03 PM
To: OFFICE RECEPTIONIST, CLERK
Cc: Brame, Wynne; King County Prosecutor Appellate Unit General Email; Ly, Bora; Trevhonne, James
Subject: In re Personal Restraint Petition of Gregory Thomas, No. 88921-0 / Statement of Additional Authorities

Attached for filing today is a statement of additional authorities for the case referenced below.

In re the Personal Restraint Petition of Gregory Thomas

No. 88921-0

Statement of Additional Authorities

Filed By:
Andrew Zinner
206.623.2373
WSBA No. 18631
zinnera@nwattorney.net