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JAN 25 2017  
Washington State  
Supreme Court  
byh

NO. 93192-5

SUPREME COURT

STATE OF WASHINGTON

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STATE OF WASHINGTON,

Plaintiff,  
Respondent,

vs.

THOMAS LEE WEATHERWAX

Defendant,  
Appellant.

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**ADDITIONAL STATEMENT OF AUTHORITIES**

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COMES NOW, THOMAS LEE WEATHERWAX, by and through  
the undersigned attorney, and requests the Court to consider the following  
additional authorities in connection with his appeal:

*State v. McDougal*, 61 Wn. App. 847, 852-53, 812 P.2d 877 (1991)(Statutes prescribing punishment must be construed together. A statute which involves a deprivation of liberty must be construed strictly.)

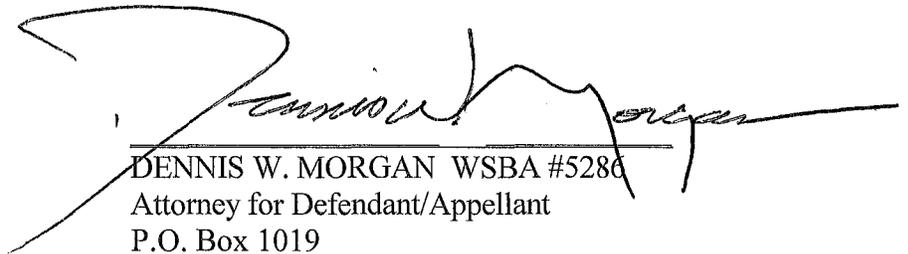
*Seattle v. Winebrenner*, 167 Wn.2d 451, 462, 219 P.3d 686 (2009) (An ambiguous criminal statute cannot be interpreted to increase punishment and the rule of lenity applies.)

SRA-Offense Seriousness Level- RCW  
9.94A.515 (Appendix A)

SRA- Serious Violent Offenses (Appendix  
B)

DATED this 17<sup>th</sup> day of January, 2017.

Respectfully submitted,



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ADDITIONAL STATEMENT OF AUTHORITIES

**APPENDIX "A"**

## SECTION 4 - OFFENSE SERIOUSNESS LEVELS FOR STANDARD GRID (RCW 9.94A.515)

### OFFENSE SERIOUSNESS LEVELS FOR STANDARD GRID (RCW 9.94A.515)

Seriousness Level	Statute (RCW)	Offense	Class
<b>XVI</b>	10.95.020	Aggravated Murder 1	A
<b>XV</b>	9A.32.055	Homicide by Abuse	A
	70.74.280(1)	Malicious Explosion of a Substance 1	A
	9A.32.030	Murder 1	A
	9A.28.020(3)(a)	Murder 1 – Criminal Attempt	A
	9A.28.040(3)(a)	Murder 1 - Criminal Conspiracy	A
	9A.28.030(2)	Murder 1 – Criminal Solicitation	A
<b>XIV</b>	9A.32.050	Murder 2	A
	9A.28.020(3)(a)	Murder 2 – Criminal Attempt	A
	9A.28.030(2)	Murder 2 – Criminal Solicitation	A
	9A.40.100(1)	Trafficking 1	A
<b>XIII</b>	70.74.280(2)	Malicious Explosion of a Substance 2	A
	70.74.270(1)	Malicious Placement of an Explosive 1	A
<b>XII</b>	9A.36.011	Assault 1	A
	9A.36.120	Assault of a Child 1	A
	70.74.272(1)(a)	Malicious Placement of an Imitation Device 1	B
	9.68A.101	Promoting Commercial Sexual Abuse of a Minor	A
	9A.44.040	Rape 1	A
	9A.28.020(3)(a)	Rape 1 – Criminal Attempt	A
	9A.28.030(2)	Rape 1 – Criminal Solicitation	A
	9A.44.073	Rape of a Child 1	A
	9A.28.020(3)(a)	Rape of a Child 1 – Criminal Attempt	A
	9A.28.030(2)	Rape of a Child 1 – Criminal Solicitation	A
	9A.40.100(2)	Trafficking 2	A
<b>XI</b>	9A.32.060	Manslaughter 1	A
	9A.44.050	Rape 2	A
	9A.28.020(3)(a)	Rape 2 – Criminal Attempt	A

The Caseload Forecast Council is not liable for errors or omissions in the manual, for sentences that may be inappropriately calculated as a result of a practitioner's or court's reliance on the manual, or for any other written or verbal information related to adult or juvenile sentencing. The scoring sheets are intended to provide assistance in most cases but do not cover all permutations of the scoring rules. If you find any errors or omissions, we encourage you to report them to the Caseload Forecast Council.

**APPENDIX "B"**

## SECTION 4 – SERIOUS VIOLENT OFFENSES

### Serious Violent Offenses

RCW 9.94A.030(45)

Statute (RCW)	Offense	Class	Seriousness Level
9A.02.020	Aggravated Murder 1	A	XVI
9A.36.011	Assault 1	A	XII
9A.36.120	Assault of a Child 1	A	XII
9A.32.055	Homicide by Abuse	A	XV
9A.40.020	Kidnapping 1	A	X
9A.32.060	Manslaughter 1	A	XI
9A.32.030	Murder 1	A	XV
9A.32.050	Murder 2	A	XIV
9A.44.040	Rape 1	A	XII

Attempt, Solicitation or Conspiracy to commit one of these felonies

Any federal or out-of-state conviction for an offense that, under the laws of this state, would be a felony classified as a serious violent offense

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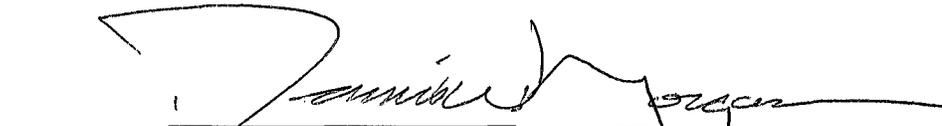
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