

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Petitioner,

vs.

ERIC DANIEL CRUZ,

Respondent.

NO. 93732-0

FOURTH
STATEMENT OF
ADDITIONAL
AUTHORITIES

COMES NOW the petitioner, State of Washington, by and through its attorney, Pamela B. Loginsky, Special Deputy Prosecuting Attorney for Okanogan County, and respectfully requests that the Court consider the following additional authority pursuant to RAP 10.8:

During oral argument yesterday, Justice Stephens inquired whether the court of appeals' decision in the case should be vacated if the Court were to determine that the State's appeal was procedurally barred or moot. Justice Gordon McCloud followed up with a question as to whether the court of appeals' opinions in *Fortun*, *Perry* and *Pam* had been vacated. This statement of additional authorities is submitted in response to Justice Gordon McCloud's question.

State v. Pam, 101 Wn.2d 507, 511, 680 P.2d 762 (1984) (reversed the court of appeals' opinion that had granted the State's appeal), *overruled by State v. Olson*,

126 Wn.2d 315, 321, 893 P.2d 629 (1995).

State v. Fortun, 94 Wn.2d 754, 626 P.2d 504 (1980) (no court of appeals opinion as the matter was appealed directly to the Washington Supreme Court from the Snohomish County Superior Court), *overruled by State v. Olson*, 126 Wn.2d 315, 321, 893 P.2d 629 (1995).

State v. Perry, 120 Wn.2d 200, 840 P.2d 171 (1992) (no court of appeals opinion as the matter was appealed directly to the Washington Supreme Court from the Cowlitz County Superior Court), *overruled by State v. Olson*, 126 Wn.2d 315, 321, 893 P.2d 629 (1995).

DATED June 16, 2017.

Respectfully Submitted,



PAMELA B. LOGINSKY, WSBA NO. 18096
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PROOF OF SERVICE

I, Pamela B. Loginsky, declare that I have personal knowledge of the matters set forth below and that I am competent to testify to the matters stated herein.

On the 16th day of June, 2017, I e-mailed a copy of the document to which this proof of service is attached to

Branden Platter at bplatter@co.okanogan.wa.us

Karl Sloan at ksloan@co.okanogan.wa.us

Ronald Hammett at ron@hammettlaw.com

Shelley Williams at ShelleyW1@ATG.WA.GOV

Michael Young at michaely@atg.wa.gov

Peter Gonick at PeterG@ATG.WA.GOV

Kelly Paradis at kellyp@atg.wa.gov

On the 16th day of June, 2017, I also deposited in the mails of the United States of America, postage prepaid, a copy of the document to which this proof of service is attached in an envelop addressed to:

Ronald Alan Hammett
Law Office of Ronald A. Hammett
PO Box 3940
Omak, WA 98841-3940

and to

Ronald Hammett
120 N. Howard St
Moscow, ID 83843

I declare under the penalty of perjury of the laws of the State of Washington
that the foregoing is true and correct.

Signed this 16th day of June, 2017, at Olympia, Washington.

A handwritten signature in cursive script that reads "Pamela Beth Loginsky". The signature is written in black ink and is positioned above a horizontal line.

PAMELA B. LOGINSKY
WSBA NO. 18096

WASHINGTON ASSOC OF PROSECUTING ATTY

June 16, 2017 - 3:36 PM

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