

FILED
SUPREME COURT
STATE OF WASHINGTON
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BY SUSAN L. CARLSON
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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)
)
Respondent,)
)
)
)
V.)
)
)
TYREE JEFFERSON,)
Petitioner.)
_____)

NO. 94853-4

STATEMENT OF ADDITIONAL
AUTHORITIES. RAP 10.8

Mr. Jefferson cites GR 37, the new constitutional rule for evaluating equal protection violations in the jury selection process.

Mr. Jefferson cites *Teague v. Lane*, 489 U.S. 288, 311, 109 S.Ct. 1060, 103 L.Ed.2d 334 (1989); *Griffith v. Kentucky*, 479 U.S. 314, 107 S.Ct. 708, 93 L.Ed.2d 649 (1987); *United States v. Johnson*, 457 U.S. 537, 102 S.Ct. 2579, 73 L.Ed.2d 202 (1982); and *State v. Harris*, 154 Wn. App. 87, 224 P.3d 830 (2010) for the proposition that a new rule for the conduct of criminal prosecutions, such as the ruling in *Batson*, after *Swain*, applied to cases pending on direct review, requires application of GR 37 to Mr. Jefferson's case because it is pending on direct review.

Mr. Jefferson cites *Davis v. Fisk Elec. Co.*, 268 SW 508, 519 (Tex. 2008) for the holding that a prosecutor's non-verbal sense of juror is insufficient as race-neutral reason.

STATEMEMENT OF ADDITIONAL AUTHORITIES

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Mr. Jefferson cites *State v. Mundanreder* 199 Wn. App. 162, 176, 398 P.3d 1160 (2017) for premise that the law presumes each juror sworn is impartial and qualified to sit on a particular case, otherwise she would have been challenged for cause.

Mr. Jefferson cites *Kesser v. Cambra*, 465 F.3d 351 (9th Cir. 2006) for the understanding that “if a review of the record undermines the prosecutor’s stated reasons for striking a juror of color, or many of the proffered reasons, the reasons may be deemed a pretext for racial discrimination.”

Mr. Jefferson cites *Marshall v. United States*, 360 U.S. 310, 79 S.Ct. 1171, 3 L.Ed.2d 1250 (1959) for the premise that for a pre-verdict challenge to a tainted jury, the court must conduct an objective as well as a subjective analysis to determine if the extrinsic evidence was so prejudicial that it denied the defendant his 6th Amendment constitutional right to a fair and impartial jury.

Respectfully submitted,



LISE ELLNER
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Attorney for Petitioner

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I, Lise Ellner, a person over the age of 18 years of age, served the Pierce County Prosecutor pcpatcecf@co.pierce.wa.us and Tyree Jefferson DOC# 305122 Clallam Bay Corrections Center, 1830 Eagle Crest Way, Clallam Bay, WA 98326, on May 1, 2018 a true copy of the document to which this is attached. Service was made by depositing in the mails of the United States of America, properly stamped and addressed to Mr. Jefferson and electronically to the prosecutor.

A handwritten signature in blue ink that reads "Lise Ellner" followed by a horizontal line.

Signature

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