

FILED
SUPREME COURT
STATE OF WASHINGTON
7/2/2018 8:49 AM
BY SUSAN L. CARLSON
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IN THE SUPREME COURT FOR THE STATE OF WASHINGTON

STATE OF WASHINGTON

Respondent,
v.

WAYLON JAMES HUBBARD,

Petitioner.

Cause Number: 95012-1

**STATEMENT OF ADDITIONAL
AUTHORITIES**

Pursuant to RAP 10.8, The State, through the Pacific County Prosecutor, respectfully cites the following as additional authority:

With respect to the presumption that the legislature is familiar with past judicial interpretations of statutes and absent amendment are presumed to have acquiesced to the interpretation:

State v. Ervin, 169 Wn.2d 815, 825-26, 239 P.3d 354 (2010)(Reviewing court presume the legislature is “familiar with judicial interpretations of statutes and, absent an indication it intended to overrule a particular interpretation, amendments are presumed to be consistent with previous judicial decisions.)

With regards to overruling prior precedent:

Hardee v. State, Dept. of Social and Health Service, 172 Wn.2s 1, 15, 256 P.3d 339 (2011)(Overruling prior precedent should not be taken lightly, and only done where there is a clear showing that an established rule is incorrect and harmful). See also *State v. Otton*, 185 Wn.2d 673, 678, 374 P.3d 1108 (2016).

Dated this 1st day of July, 2018.

MARK MCCLAIN
Pacific County Prosecuting Attorney



Mark McClain, WSBA #30909

DECLARATION OF SERVICE BY EMAIL

The undersigned declares that a copy of this statement of additional authorities was served upon Respondent by sending this document via email to the following:

Sarah Glorian
Attorney at Law
218 N. Broadway STE 1
Aberdeen, WA 98520
sarahg@nwjustice.org

Dated this 1st day of July, 2018, at South Bend, Washington.



Mark McClain

PACIFIC COUNTY PROSECUTING ATTORNEY

July 02, 2018 - 8:49 AM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 95012-1
Appellate Court Case Title: State of Washington v. Waylon James Hubbard
Superior Court Case Number: 04-1-00153-4

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