

FILED
SUPREME COURT
STATE OF WASHINGTON
10/8/2018 4:31 PM
BY SUSAN L. CARLSON
CLERK

THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
Petitioner,)	No. 95454-2
)	
v.)	
)	STATEMENT OF
DORCUS ALLEN,)	ADDITIONAL AUTHORITY
Respondent.)	
_____)	

Pursuant to RAP 10.8, Respondent Dorcus Allen submits the following additional authority.

People v. Seel, 21 Cal.Rptr.3d 179, 100 P.3d 870 (2004) (California Supreme Court held that because aggravating circumstance increases penalty for offense it is an element of a greater offense. Thus, Fifth Amendment Double Jeopardy Clause barred retrial of aggravating circumstance after appellate court found there was insufficient evidence to support jury's verdict. Distinguishing *Monge v. California*, 524 U.S. 721, 118 S. Ct. 2246, 141 L. Ed. 2d 615 (1998) as that case concerned recidivism which is not an element.)

Dated this 8th day of October, 2018.



Gregory C. Link – 25228
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Washington Appellate Project
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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)
)
 Petitioner,)
) NO. 95454-2
 v.)
)
 DORCUS ALLEN,)
)
 Respondent.)

DECLARATION OF DOCUMENT FILING AND SERVICE

I, MARIA ARRANZA RILEY, STATE THAT ON THE 8TH DAY OF OCTOBER, 2018, I CAUSED THE ORIGINAL RESPONDENT'S ADDITIONAL AUTHORITIES TO BE FILED IN THE COURT OF APPEALS - DIVISION TWO AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

JASON RUYF, DPA () U.S. MAIL
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 PIERCE COUNTY PROSECUTOR'S OFFICE (X) E-SERVICE VIA PORTAL
 930 TACOMA AVENUE S, ROOM 946
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SIGNED IN SEATTLE, WASHINGTON THIS 8TH DAY OF OCTOBER, 2018.



X _____

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WASHINGTON APPELLATE PROJECT

October 08, 2018 - 4:31 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 95454-2
Appellate Court Case Title: State of Washington v. Darcus Dewayne Allen
Superior Court Case Number: 10-1-00938-0

The following documents have been uploaded:

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