

FILED
SUPREME COURT
STATE OF WASHINGTON
2/1/2019 8:10 AM
BY SUSAN L. CARLSON
CLERK

NO. 96035-6

IN THE SUPREME COURT OF THE
STATE OF WASHINGTON

STATE OF WASHINGTON,

Petitioner,

v.

MARK MCKEE,

Respondent.

NOTICE OF ERRATA

SKAGIT COUNTY PROSECUTING ATTORNEY
RICHARD A. WEYRICH, PROSECUTOR

By: ERIK PEDERSEN, WSBA#20015
Senior Deputy Prosecuting Attorney
Office Identification #91059

Courthouse Annex
605 South Third Street
Mount Vernon, WA 98273
(360) 416-1600

I. IDENTITY OF NOTIFYING PARTY

The petitioner, State of Washington, the Respondent below, by and through Erik Pedersen, Senior Deputy Prosecuting Attorney for Skagit County seeks to notify this Court of an error in their Supplemental Brief of Petitioner filed on November 9, 2018. This error is designated in Part 2.

II. NOTICE OF ERRATA

On page 10 of the Supplemental Brief of Petitioner, the brief in the last sentence of the third paragraph reads:

Furthermore, as a court of review, the Court of Appeals could weigh whether sufficient evidence remained.

The sentence was intended to read:

Furthermore, as a court of review, the Court of Appeals could not weigh whether sufficient evidence remained.

III. PURPOSE OF NOTICE

The State submits that the failure to notify this Court of this error may lead this Court to conclude that the State concedes that the Court of Appeals has the authority to make evidentiary determinations. As initially written the sentence is inconsistent with the following paragraph of the brief and the citations provided.

As such, it is necessary to inform the Court of the error before oral argument.

DATED this 1st day of February, 2019.

Respectfully submitted,

By: 
ERIK PEDERSEN, WSBA#20015
Senior Deputy Prosecuting Attorney
Attorney for Petitioner, State of Washington
Office Identification #91059

DECLARATION OF DELIVERY

I, Karen R. Wallace, declare as follows:

I sent for delivery by; Electronic Service, a true and correct copy of the document to which this declaration is attached, to: David B. Koch, of Nielsen, Broman & Koch, PLLC, e-mail address: Sloanej@nwattorney.net and to Pamela Loginsky, Staff Attorney, Washington Association of Prosecuting Attorneys at pamloginsky@waprosecutors.org *under agreement reached pursuant to GR 30(b)(4)*. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Executed at Mount Vernon, Washington this 1st day of February, 2019.


KAREN R. WALLACE, DECLARANT

SKAGIT COUNTY PROSECUTOR

February 01, 2019 - 8:10 AM

Transmittal Information

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Appellate Court Case Number: 96035-6
Appellate Court Case Title: State of Washington v. Marc McKee
Superior Court Case Number: 12-1-01009-8

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