

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
1/14/2019 4:23 PM  
BY SUSAN L. CARLSON  
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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON,	)	
Respondent,	)	No. 96143-3
	)	
v.	)	Court of Appeals
	)	No. 77360-7-I
D.L.,	)	
Petitioner.	)	

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Pursuant to RAP 10.8, appellant submits the following additional authority in support of his request for review by this Court, set for consideration on the February 7, 2019 En Banc Conference:

***State v. Allen, No. 95454-2, 431 P.3d 117, 125 (Wash. 2018)*** (Where the aggravating circumstances of RCW 10.95.020 would increase the minimum sentence, the constitution requires the aggravating circumstances to be proved to a jury beyond a reasonable doubt. “The aggravating circumstances therefore no longer meet the definition of ‘sentencing factors’ for Sixth Amendment purposes. They are elements.”)

Respectfully submitted this 14th day of January 2018

  
KATE BENWARD (WSBA 43651)  
Washington Appellate Project-91052  
Attorneys for Appellant

Statement of Additional  
Authorities

Washington Appellate Project  
1511 Third Avenue  
Suite 610  
Seattle, WA 98101  
(206) 587-2711

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON, )  
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RESPONDENT, )  
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v. ) NO. 96143-3  
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D.L., )  
 )  
PETITIONER. )

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**DECLARATION OF DOCUMENT FILING AND SERVICE**

I, MARIA ARRANZA RILEY, STATE THAT ON THE 14<sup>TH</sup> DAY OF JANUARY, 2019, I CAUSED THE ORIGINAL PETITIONER'S ADDITIONAL AUTHORITY TO BE FILED IN THE WASHINGTON STATE SUPREME COURT AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

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311 GRAND AVENUE  
BELLINGHAM, WA 98225

SIGNED IN SEATTLE, WASHINGTON THIS 14<sup>TH</sup> DAY OF JANUARY, 2019.

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# WASHINGTON APPELLATE PROJECT

January 14, 2019 - 4:23 PM

## Transmittal Information

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 96143-3  
**Appellate Court Case Title:** State of Washington v. D.L.  
**Superior Court Case Number:** 16-8-00165-1

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