

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
6/21/2019 10:28 AM  
BY SUSAN L. CARLSON  
CLERK

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,	)	No. 96344-4
Petitioner,	)	
	)	STATEMENT OF
v.	)	ADDITIONAL
	)	AUTHORITIES
KARL PIERCE,	)	(RAP 10.8)
Respondent.	)	
_____	)	

Pursuant to RAP 10.8, appellant submits the following statement of additional authorities in support of the argument that the State’s use of a peremptory strike against Juror 6, an African-American woman, violated constitutional equal protection rights as addressed at pages 15-21 of Karl Pierce’s Supplemental Brief of Respondent (filed Feb. 28, 2019): *Flowers v. Mississippi*, No. 17-9572, Slip Op. 23-26, 29-30 (U.S. Jun. 21, 2019) (reversing state supreme court, holding an equal protection violation occurred where “precedents require” the Court to look at the prosecution’s peremptory “strike in the context of all the facts and circumstances” and the record shows, *inter alia*, the prosecution’s disparate questioning of black and white prospective jurors as well as unsupported explanations for the strike; reasoning, “by asking a lot of questions of the black prospective jurors or conducting additional inquiry into their backgrounds, a prosecutor can try to find

some pretextual reason—any reason—that the prosecutor can later articulate to justify what is in reality a racially motivated strike. And by not doing the same for white prospective jurors, by not asking white prospective jurors those same questions, the prosecutor can try to distort the record so as to thereby avoid being accused of treating black and white jurors differently.”; also reasoning, “When a prosecutor misstates the record in explaining a strike, that misstatement can be another clue showing discriminatory intent. . . . The State’s pattern of factually inaccurate statements about black prospective jurors suggests that the State intended to keep black prospective jurors off the jury.”).

Respectfully submitted this 21st day of June, 2019.



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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON,	)	
Petitioner,	)	No. 96344-4
	)	
v.	)	
	)	
KARL PIERCE, et al.,	)	CERTIFICATE OF SERVICE
Respondent.	)	

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I, Marla Zink, state that on the below indicated date, I caused to be filed in the Supreme Court of the State of Washington the attached Supplemental Statement of Authorities dated June 21, 2019 and a true and correct copy of the same to be served on the following in the manner indicated below:

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SIGNED and DATED this 21st day of June, 2019 in Seattle, WA:

s/ Marla L. Zink  
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June 21, 2019 - 10:28 AM

## Transmittal Information

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 96344-4  
**Appellate Court Case Title:** State of Washington v. Karl Emerson Pierce, et al.  
**Superior Court Case Number:** 12-1-04437-2

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