

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
Feb 23, 2016, 9:44 am
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IN THE SUPREME COURT FOR THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

ALLEN EUGENE GREGORY,

Appellant.

NO. 88086-7

SEVENTH STATEMENT OF
ADDITIONAL AUTHORITY

Pursuant to RAP 10.8, appellant Allen Gregory submits the following additional authority:

1. In support of Mr. Gregory’s argument that even if the Court severs the assignment of proportionality review to this Court, the death sentence in this case should still be invalidated, Mr. Gregory cites:

State v. Abrams, 163 Wn.2d 277, 283-89, 178 P.3d 1021 (2008) (distinguishing between substantive and procedural clauses in severance analysis, severing the unconstitutional assignment of determining materiality in perjury cases to judges, and holding that juries should be given the task of determining materiality).

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DATED this 23rd day of February 2016.

Respectfully submitted,

/s/ Neil M. Fox
WSBA No. 15277

/s/ Lila J. Silverstein
Lila J. Silverstein
WSBA No. 38394

Attorneys for Appellant

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Appellant.

NO. 88086-7

CERTIFICATE OF SERVICE

I, Neil M. Fox, certify and declare that on the 23rd day of February 2016, I served a copy of the attached SEVENTH STATEMENT OF ADDITIONAL AUTHORITY by emailing copies to:

John Neeb jneeb@co.pierce.wa.us
Kathleen Proctor kprocto@co.pierce.wa.us
 Pcpatcecf@co.pierce.wa.us
Pierce County Prosecuting Attorney's Office

James Lobsenz lobsenz@carneylaw.com
Counsel for Washington Coalition to Abolish the Death Penalty

Robert Chang changro@seattleu.edu
Jessica Levin levinje@seattleu.edu
Counsel for the Korematsu Center

1 Jeffrey Robinson robinson@sgb-law.com
2 Cassandra Stubbs cstubbs@aclu.org'
3 Nancy Talner talner@aclu-wa.org
4 John Wolfe john.wolfe@orrick.com
5 Aravind Swaminathan aravind@orrick.com
6 Marc Shapiro mrshapiro@orrick.com
7 Counsel for 56 Former and Retired Judges et al.

8 I certify or declare under penalty of perjury under the laws of the State of
9 Washington that the foregoing is true and correct.

10 DATED this 23rd day of February 2016, at Seattle, WA,

11 /s/ Neil M. Fox

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13 WSBA NO. 15277
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