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SUPREME COURT  
STATE OF WASHINGTON  
2006 OCT 16 P 3:52  
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SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, )  
)  
Respondent, ) No. 77719-5  
)  
vs. )  
) SECOND STATEMENT OF  
NATHAN KIRKPATRICK, ) ADDITIONAL AUTHORITIES  
)  
Petitioner, )  
)  
)  
)  
\_\_\_\_\_ )

Pursuant to RAP 10.8, Respondent respectfully cites the following as additional authority:

- 1) On the issue of the admissibility of public records under the Washington Constitution and statutes:

State v. Bolen, 142 Wash. 653, 657-64, 254 P. 445 (1927) (fingerprint report admissible as public record; no violation of art. I, § 22).

State v. Johnson, 194 Wash. 438, 448-49, 78 P.2d 561 (1938) (art. I, § 22 does not bar admission of documentary evidence from prison warden).

State v. Kelly, 52 Wn.2d 676, 328 P.2d 362 (1958) (prison records).

Dated this 16<sup>th</sup> day of October, 2006.

Norm Maleng  
Prosecuting Attorney

FILED AS ATTACHMENT

~~TO E-MAIL~~  
JAMES M. WHISMAN, WSBA #19109  
Senior Deputy Prosecuting Attorney  
Attorneys for Respondents

W554 King County Courthouse  
Seattle, WA 98104  
Telephone: 206-296-9000

Certificate of Service by Mail

Today I sent by electronic mail, and deposited in the mail of the United States of America, postage prepaid, a properly stamped and addressed envelope directed to Dana Lind, the attorney for the appellant, at Nielsen Broman & Koch, P.L.L.C., 1908 E. Madison Street, Seattle, WA 98122, containing a copy of the STATEMENT OF ADDITIONAL AUTHORITY, in STATE V. NATHAN KIRKPATRICK, Cause No. 77719-5, in the Supreme Court of the State of Washington.

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

\_\_\_\_\_  
Name JAMES WHISMAN  
Done in Seattle, Washington

\_\_\_\_\_  
Date 10/16/06

Received 10/16/06

-----Original Message-----

**From:** Whisman, Jim [mailto:Jim.Whisman@METROKC.GOV]

**Sent:** Monday, October 16, 2006 3:47 PM

**To:** OFFICE RECEPTIONIST, CLERK

**Cc:** Dana Lind; Brame, Wynne

**Subject:** State v. Kirkpatrick, No. 77719-5

Dear Supreme Court Clerk,

The document attached to this email for filing is a Second Statement of Additional Authorities. Opposing counsel has been served with an electronic copy of this document, and will receive a hard-copy, too. Please let me know if there are any difficulties with this filing.

Sincerely,

James M. Whisman, WSBA No. 19109  
Senior Deputy Prosecuting Attorney  
Appellate Unit Chair  
King County Prosecuting Attorney's Office  
W554 King County Courthouse  
516 Third Avenue  
Seattle, Washington 98104  
206-296-9660

<<Add authority second.doc>>