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SUPREME COURT
STATE OF WASHINGTON

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BY RONALD R. CARPENTER

NO. 80570-9

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SUPREME COURT OF THE STATE OF WASHINGTON

In re the Detention of:
JOHN L. STRAND,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

STATE OF WASHINGTON'S
STATEMENT OF ADDITIONAL AUTHORITIES

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The State of Washington submits the following additional authorities:

1) *State v. King*, 130 Wn.2d 517, 524-530, 925 P.2d 606 (1996) for the following propositions:

- The ISRB's use of post conviction admissions at a psychiatric hospital in setting his exceptional minimum sentence did not violate Fifth Amendment right against self-incrimination;
- Although a probation revocation proceeding must comport with requirements of due process, it is not a criminal proceeding to which Fifth Amendment applies, so long as the questions put to probationer are relevant to his probationary status and pose no realistic threat of incrimination in a separate criminal proceeding;
- The State may validly insist on answers to even incriminating questions at probation revocation hearing and hence sensibly administer its probation system, as long as it recognizes that the required answers may not be used in a criminal proceeding and thus eliminates the threat of incrimination.

2) American Psychological Association *Ethical Principles Of Psychologists And Code Of Conduct* (www.apa.org/ethics/code2002)

9.01: Bases for Assessments:

- a) Psychologists base the opinions contained in their recommendations, reports, and diagnostic or evaluative statements, including forensic testimony, on information and techniques sufficient to substantiate their findings.
- b) Except as noted in 9.01c, psychologists provide opinions of the psychological characteristics of individuals *only after they have conducted an examination of the individuals adequate to support their statements or conclusions*. When, despite reasonable efforts, such an examination is not practical, psychologists document the efforts they made and the result of those efforts, clarify the probable impact of their limited information on the reliability and validity of their opinions, and

all, *'it is difficult to conceive of a more idle and useless procedure.'*"(Emphasis added; internal citations omitted).

RESPECTFULLY SUBMITTED this 11th day of September,

2008.

A handwritten signature in black ink, appearing to read "Sarah B. Sappington". The signature is written in a cursive style with a large, looping initial "S".

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FILED AS
ATTACHMENT TO EMAIL