

FILED

MAY 29 2007

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By 

81236-5

COURT OF APPEALS,
DIVISION THREE,
THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
Respondent,)	NO. 23470-4-III
)	
v.)	STATEMENT OF
)	ADDITIONAL
A.N.J.,)	AUTHORITIES
Appellant.)	

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

On the issue of defense bar standards not being determinative in an ineffective assistance of counsel claim:

Schriro v. Landrigan, No. 05-1575, 2007 U.S. LEXIS 5496, 75 U.S.L.W. 4315 (U.S. May 13, 2007) (applying Strickland v. Washington in a death penalty case, reversing the 9th Circuit, and holding that counsel's performance was not deficient for failing to investigate mitigating evidence for sentencing hearing and that mitigating evidence would not have changed the result).

But cf. ABA Standard 4-4.1(a) ("Defense counsel should conduct a prompt investigation ... and explore all avenues leading to facts relevant to ... the penalty in the event of conviction. ... The duty to investigate exists regardless of the accused's admissions or statements to defense counsel of facts constituting guilt or the accused's stated desire to plead guilty"); ABA Standard 4-8.1(b) ("Defense counsel should present to the court any ground which will assist in reaching a proper disposition favorable to the accused. ... defense counsel should submit to the court and the prosecutor all favorable information relevant to sentencing")

Burger v. Kemp, 483 U.S. 776, 785, 107 S. Ct. 3114, 97 L. Ed. 2d 638 (1987) (Finding no Sixth Amendment violation although codefendants' attorneys were part of the same law

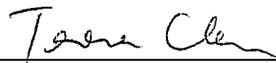
firm)

But cf. RPC 1.10 (lawyers associated in a firm shall not knowingly represent a client when any one of them practicing alone would be prohibited from doing so under RPC 1.7 or 1.9)

Lambert v. Blodgett, 248 F. Supp. 2d 988, 1007 (E.D. Wash.2003) (noting that the United States Supreme Court has never applied the ethical imputed disqualification rule in Sixth Amendment analysis) (reversed on other grounds)

DATED this 24th day of May, 2007.

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