

FILED
OCT 07 2009

CLERK OF THE SUPREME COURT
STATE OF WASHINGTON

NO. 82600-5

WASHINGTON STATE
SUPREME COURT

STATE OF WASHINGTON,

Plaintiff,
Respondent,

vs.

MARK JOSEPH AFANA,

Defendant,
Appellant.

SECOND ADDITIONAL STATEMENT OF AUTHORITIES

DENNIS W. MORGAN WSBA #5286
Attorney for Appellant
120 West Main
Ritzville, Washington 99169

CLERK

HONORABLE R. CARPENTER

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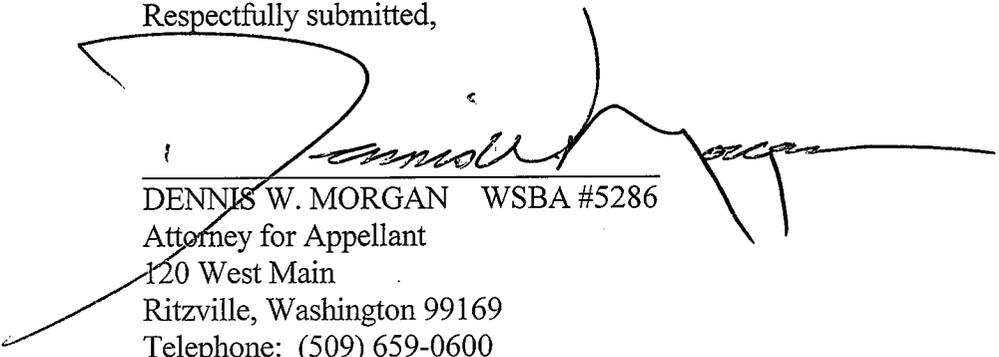
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SUPREME COURT
STATE OF WASHINGTON

COMES NOW, MARK JOSEPH AFANA, by and through the undersigned attorney, and requests the Court to consider the following Second Additional authorities in connection with his appeal:

State v. McCormick, slip opinion 37651-2-II (09/23/09)
(Division II overrules its prior opinion in *State v. Millan*, ___ Wn. App. ___, 212 P.3d 603, 607 (2009) and reaffirms the fact that the good faith exception has not been adopted in Washington citing various authorities that have interpreted *Arizona v. Gant*, 556 U.S. ___, 129 S. Ct. 1710, 173 L. Ed.2d 485 (2009)).

DATED this ^{TA} 5 day of October, 2009.

Respectfully submitted,



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