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STATE OF WASHINGTON

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BY RONALD R. CARPENTER

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In re the Personal Restraint of: ) No. 83742-2  
)  
)  
GLENN NICHOLS ) STATEMENT  
) OF ADDITIONAL  
) AUTHORITIES  
) (RAP 10.8)  
)

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Pursuant to RAP 10.8, petitioner Glenn Nichols submits the following statement of additional authorities: State v. Afana (No. 82600-5, filed July 1, 2010), rejecting good-faith exception to exclusionary rule and stating:

Unlike its federal counterpart, Washington's exclusionary rule is "nearly categorical." This is due to the fact that article I, section 7 of our state constitution "clearly recognizes an individual's right to privacy with no express limitations." In contrast to the Fourth Amendment, article I, section 7 emphasizes "protecting personal rights rather than on curbing governmental actions." This understanding of that provision of our state constitution has led us to conclude that the "right of privacy shall not be diminished by the judicial gloss of a selectively applied exclusionary remedy." Thus, while our state's exclusionary rule also aims to deter unlawful police action, its paramount concern is protecting an individual's right of privacy. Therefore, if a police officer has disturbed a person's "private affairs," we do not ask whether the officer's belief that this disturbance was justified was objectively reasonable, but simply whether the officer had the requisite "authority of law." If not, any evidence seized unlawfully will be suppressed. With very few exceptions, whenever the right of privacy is violated, the remedy follows automatically.

Statement of Additional Authorities

Washington Appellate Project  
1511 Third Ave., Suite 701  
Seattle, WA 98101  
(206) 587-2711

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Slip Op. at 10 (internal citations omitted).

Respectfully submitted this 6th day of July, 2010.



LILA J. SILVERSTEIN (38394)  
Attorney for Petitioner

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**DECLARATION OF DOCUMENT FILING AND MAILING/ DELIVERY**

The undersigned declares under penalty of perjury under the laws of the State of Washington that on the below date, the original of the document to which this declaration is affixed/attached, was filed via e-mail in the **Supreme Court of the State of Washington** under **Case No. 83742-2**, and a true copy was mailed with first-class postage prepaid or otherwise caused to be delivered to each attorney or party or record for  respondent **Deborah Dwyer - King County Prosecutor's Office-Appellate Unit**,  appellant and/or  other party, at the regular office or residence as listed on ACORDS, or drop-off box at the prosecutor's/attorney general's office.

  
MARIA ARRANZA RILEY, Legal Assistant  
Washington Appellate Project

Date: July 6, 2010

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**To:** Maria Riley  
**Cc:** deborah.dwyer@kingcounty.gov  
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Rec. 7-6-10

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

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**In Re the PRP of Glenn Nichols**  
**No. 83742-2**

<<[administrator@washapp.org](mailto:administrator@washapp.org)\_20100706\_151219.pdf>>

Please accept the attached documents for filing in the above-subject case:

**STATEMENT OF ADDITIONAL AUTHORITIES**

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