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SUPREME COURT  
STATE OF WASHINGTON

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BY RONALD R. CARPENTER

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SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,	)	
	)	
Respondent,	)	No. 84045-8
	)	
vs.	)	
	)	STATE'S SECOND
SIONE P. LUI,	)	STATEMENT OF ADDITIONAL
	)	AUTHORITY
Petitioner.	)	
	)	
	)	
	)	

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

1. People v. Williams, \_\_\_ N.E.2d \_\_\_, 2010 WL 2780344 (Ill. July 15, 2010) (no violation of Confrontation Clause where DNA expert testified to match with defendant based on data developed by non-testifying analysts; evidence against defendant was expert's opinion, not lab report (which was not admitted into evidence)).
2. State v. Mitchell, \_\_\_ A.2d \_\_\_, 2010 WL 3034607 (Me. Aug. 5, 2010) (where autopsy report itself not admitted into evidence, admission of testimony of Chief Medical Examiner based on autopsy conducted by now-retired medical examiner did not violate Confrontation Clause).
3. State v. Snelling, 236 P.3d 409 (Ariz. Aug. 9, 2010) (no Confrontation Clause violation where medical examiner who had not performed autopsy formed her own opinions and reached her own conclusions based on autopsy report and was available for cross-examination, and autopsy report was not itself admitted into evidence).

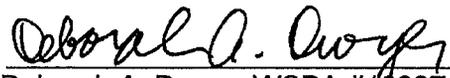
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4. Commonwealth v. Barbosa, \_\_\_ N.E.2d \_\_\_, 2010 WL 3448813 (Mass. Sept. 7, 2010) (concluding that the rules of evidence allowing an expert witness to testify to her opinions and conclusions based on data obtained by a non-testifying expert do not run afoul of the Confrontation Clause).

Dated this 10<sup>th</sup> day of September, 2010.

Daniel T. Satterberg, Prosecuting Attorney



Deborah A. Dwyer, WSBA #18887  
Senior Deputy Prosecuting Attorney  
Attorneys for Respondent

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Seattle, WA 98104  
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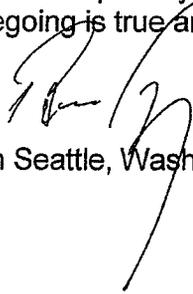
BY RONALD R. CARPENTER

Certificate of Service by Mail

Today I deposited in the mail of the United States of America, postage CLERK  
prepaid, a properly stamped and addressed envelope directed to **David B.  
Zuckerman**, the attorney for the petitioner, at 1300 Hoge Building, 705  
Second Avenue, Seattle, WA 98104, containing a copy of the **State's  
Second Statement of Additional Authority** in **STATE V. SIONE LUI**,  
Cause No. **84045-8**, 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



Date

09-10-10

Done in Seattle, Washington

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