

1 ORIGINAL

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4  
5 IN THE WASHINGTON SUPREME COURT

6  
7 STATE OF WASHINGTON,  
8 Plaintiff/Respondent,  
9 vs.  
10 SIONE P. LUI,  
11 Defendant/Appellant.

SUPREME COURT NO.: 84045-8  
COURT OF APPEALS NO.: 61804-1-1

12 APPELLANT'S STATEMENT OF  
13 ADDITIONAL AUTHORITY

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2010 SEP -9 AM 8:16  
STATE OF WASHINGTON  
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SUPREME COURT

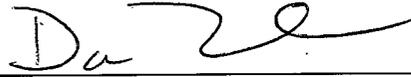
14 Pursuant to RAP 10.8, Appellant Sione Lui submits the following additional authority  
15 regarding his claim that his Sixth Amendment right to confrontation was violated:

- 16 1. People v. Dendel, -- N.W.2d -- , 2010 WL 3385552 (Mich.App. Aug. 24, 2010)  
17 (Confrontation Clause violated when laboratory supervisor testified to toxicology tests  
18 performed by subordinates).
- 19 2. Commonwealth v. Durand, 457 Mass. 574, 931 N.E.2d 950 (Mass. Aug. 19, 2010)  
20 (Confrontation Clause violated where doctor's testimony included observations made by  
21 non-testifying medical examiner who actually performed autopsy).
- 22 3. Vega v. State, 236 P.3d 632, 2010 WL 3184312 (Nev. Aug. 12, 2010) (Doctor's  
23 testimony relating observations and findings of sexual assault nurse violated  
24 Confrontation Clause).

- 1 4. State v. Craven, 696 S.E.2d 750, 2010 WL 2814417 (N.C.App. July 20, 2010)  
2 (Confrontation Clause violated when forensic chemist testified based on work of other,  
3 non-testifying chemists).  
4 5. Gardner v. United States, 999 A.2d 55, 2010 WL 2679339 (D.C. July 8, 2010)  
5 (Testimony by DNA expert from Orchid Cellmark violated Confrontation Clause where  
6 it was based on work of non-testifying analysts).

7  
8 DATED this 8<sup>th</sup> day of September, 2010.

9 Respectfully submitted:

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11 

12 David B. Zuckerman, WSBA 18221  
13 Attorney for Sione Lui

14 **CERTIFICATE OF SERVICE**

15 I hereby certify that on the date listed below, I served by United States Mail one copy of  
16 the foregoing pleading on the following:

17 Ms. Deborah Dwyer, Senior DPA  
18 King County Prosecutor's Office  
19 516 Third Avenue, W554  
20 Seattle, WA 98104

21 Mr. Sione Lui #319129  
22 Monroe Corrections Center  
23 Washington State Reformatory  
24 PO Box 777  
25 Monroe, WA 98272-0777

24 September 8, 2010  
25 Date

  
Michael Schueler, Legal Assistant