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SUPREME COURT
STATE OF WASHINGTON
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SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)
)
 Respondent,) No. 84197-7
)
 vs.)
) STATEMENT OF ADDITIONAL
 JOSE MATILDE MORALES,) AUTHORITIES
)
 Petitioner,)
)

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

On the issue of the standard of proof for statutory notifications required in RCW 46.20.308(2):

Lego v. Twomey, 404 U.S. 477, 486, 92 S. Ct. 619, 30 L.Ed.2d 618 (1972) (The Court explaining the standard of proof required for admission of confessions: “[s]ince the purpose that a voluntariness hearing is designed to serve has nothing whatever to do with improving the reliability of jury verdicts, we cannot accept the charge that judging the admissibility of a confession by a preponderance of the evidence undermines the mandate of *In re Winship*, 397 U.S. 358, 90 S. Ct. 1068, 25 L.Ed.2d 368 (1970)).

State v. Braun, 82 Wn.2d 157, 162, 509 P.2d 742 (1973) (This Court stated the in regards to a defendant waiving his or her rights under *Miranda v. Arizona*, 384 U.S. 436, 86 S. Ct. 1602, 16 L.Ed.2d 694 (1966) that, “[t]he state bears the burden of proving voluntariness by a preponderance of the evidence, however, rather

than beyond a reasonable doubt as asserted by defendant Braun.”).

On the issue regarding hearsay admissions during the suppression hearing:

State v. Jones, 112 Wn.2d 488, 499, 772 P.2d 496 (1989) (It is well established that a trial court is ‘not bound by the Rules of Evidence’ when it determines questions concerning the admissibility of evidence. ER 104(a); see also ER 1101(c)(1), (c)(3).)

State v. Fortun-Cebada, 158 Wn. App. 158, 171-72, 241 P.3d 800 (2010) (discussing the applicability to *Crawford v. Washington*, 541 U.S. 36, 124 S. Ct. 1354, 158 L.Ed.2d 177 (2004) to the admissibility of hearsay at suppression hearings. “But nothing in *Crawford* suggests that the Supreme Court intended to change its prior decisions allowing the admission of hearsay at pretrial proceedings, such as a suppression hearing.”)

On the issue regarding if the burden shifts to the defendant to point out errors in interpretation:

Delacruz v. State, 280 Ga. 392, 394, 627 S.E.2d 579 (2006) (There is no requirement that *Miranda* warnings be given by a certified translator . . . So long as the accused understands the explanation of rights, an imperfect translation does not rule out valid waiver. Here, the record shows that the city marshal who acted as a translator was called upon regularly to serve as a translator by various law enforcement. Savina points to no error in translation; therefore, she had not demonstrated prejudice.” *citations omitted*).

Dated this 11th day of March, 2011.

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