

1 COURT OF APPEALS FOR THE STATE OF WASHINGTON
2 DIVISION II

3 STATE OF WASHINGTON,)
4 Respondent)
5 v.)
6 STEVEN BEADLE,)
Appellant.)

84204-3
No. 37508-7-II
Respondent's Statement of
Additional Authorities RE:
DISCLOSURE OF ADVERSE,
BINDING AUTHORITY

7 Respondent State of Washington, through Lori Smith, Deputy Prosecuting
8 Attorney for Lewis County, in the interest of the duty to disclose to the Court the
9 existence of adverse, binding authority, submits the following additional authority
10 pursuant to RAP 10.8:

11 **State v. Ohlson, 162 Wn.2d 1, 168 P.3d 1273 (2007)(extensive**
12 **discussion and clarification of the determination as to when hearsay**
13 **statements are testimonial or nontestimonial in the context of the**
14 **Confrontation Clause--and stating that the inquiry is based upon the**
15 **intent of the *questioner*. This holding is adverse to the State's**
16 **argument and citations to case law in its response brief regarding**
17 **this issue).**

18 RESPECTFULLY SUBMITTED this 7th day of December, 2009.

Lori Smith

S/s

19 LORI SMITH, WSBA 27961
20 Deputy Prosecuting Attorney

21 Certificate of Service by EMAIL

22 Lori Smith declares under penalty of
perjury under the laws of the State of Washington
23 that on December 7, 2009, this document was EMAILED to
the Court of Appeals, Division II, and to Appellant's Attorney,
Eric Neilsen, Seattle, Washington.

Dated this 7th day of December at Chehalis, Washington.

Lori Smith

S/s

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26 Respondent's Statement of Additional
Authorities

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FILED
COURT OF APPEALS
DIVISION II
09 DEC - 8 AM 9:36
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