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SUPREME COURT  
STATE OF WASHINGTON  
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IN THE WASHINGTON STATE SUPREME COURT

STATE OF WASHINGTON,

No. 84614-6

Plaintiff-Respondent,

SUPPLEMENTAL AUTHORITY

v.

CONNER SCHIERMAN,

Defendant-Appellant.

Pursuant to RAP 10.8, Schierman submits the following citations as supplemental authority.

1. To support his argument that the trial court violated is right to present mitigating evidence regarding diminished control:

*Matter of Pirtle*, 136 Wn.2d 467, 493-94, 965 P.2d 593 (1998) (counsel properly relied on Pirtle's diminished capacity due to drug use at both the guilt and penalty phases).

2. To support his argument that the considerations of jurors' "hardship" or challenges "for cause" may not be sealed or conducted in a non-public manner:

*State v. Shearer*, 181 Wn.2d 564, 568, 334 P.3d 1078, 1081 (2014) (In-chambers discussion of whether juror had a disqualifying prior criminal conviction that would disqualify him was a closure that required reversal.);

SUPPLEMENTAL AUTHORITY - 1

LAW OFFICE OF  
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ORIGINAL

1           *State ex rel. Beacon Journal Publ'g Co. v. Bond*, 98 Ohio St.3d 146, 159, 781 N.E.2d  
2 180, 194 (2002) (Under the experience and logic test, the court holds that the First Amendment  
3 qualified right of access extends to juror names and addresses.);

4           *United States v. McDade*, 929 F.Supp. 815, 817 n. 4 (E.D.Pa.1996) (Finding that *Press-*  
5 *Enterprise I* “encompass[es] all voir dire questioning—both oral and written.”);

6           *Copley Press, Inc. v. Superior Court*, 228 Cal.App.3d 77, 278 Cal.Rptr. 443, 451 (1991)  
7 (“The fact that the questioning of jurors was largely done in written form rather than orally is of  
8 no constitutional import.”);

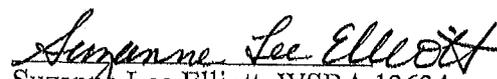
9           *Stephens Media, LLC v. Eighth Judicial Dist. Court*, 221 P.3d 1240, 1249 (Nev. 2009)  
10 (“[T]he use of juror questionnaires does not implicate a separate and distinct proceeding.... [It is]  
11 merely a part of the overall voir dire process.”);

12           *In re Newsday, Inc. v. Goodman*, 159 A.D.2d 667, 552 N.Y.S.2d 965, 967 (1990)  
13 (“[Q]uestionnaires completed by the petit jurors in this criminal action were an integral part of  
14 the voir dire proceeding.”);

15           *Forum Commc'ns Co. v. Paulson*, 752 N.W.2d 177, 185 (N.D. 2008) (holding that use  
16 of jury questionnaires “serves as an alternative to oral disclosure of the same information in open  
17 court”); and

18           *In re Jury Questionnaires*, 37 A.3d 879, 886 (D.C. 2012) (Every court that has decided  
19 the issue has treated jury questionnaires as part of the voir dire process and thus subject to the  
20 presumption of public access.).

21  
22  
23           DATED this 1st day of May, 2015.

24             
25           Suzanne Lee Elliott, WSBA 12634  
                Attorney for Conner Schierman

SUPPLEMENTAL AUTHORITY - 2

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**CERTIFICATE OF SERVICE**

I declare under penalty of perjury that on May 1, 2015, I mailed one copy of this document in the U.S. Mail, postage prepaid, to:

Ms. Donna Wise  
Ms. Erin Becker  
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**AND VIA EMAIL:**  
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Mr. Conner M. Schierman #340719  
IMU-N/D-5  
Washington State Penitentiary  
1313 North 13th Avenue  
Walla Walla, WA 99362

MAY 1, 2015  
Date

Christina Alburas  
Christina Alburas

## OFFICE RECEPTIONIST, CLERK

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**To:** Christina Albouras  
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Supreme Court Clerk's Office

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**Subject:** State v. Conner Schierman, No. 84614-6

May 1, 2015

Dear Clerk:

Attached for filing in *State v. Conner Schierman*, No. 84614-6, is a Supplemental Authority. Thank you for your kind assistance.

Sincerely,  
Christina Alburas  
Certified Paralegal  
(206) 538-5301  
\* \* \* \*

Law Office of Suzanne Lee Elliott  
Law Office of David B. Zuckerman  
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