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SUPREME COURT  
STATE OF WASHINGTON  
Oct 28, 2011, 1:24 pm  
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SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, )  
 )  
 Petitioner, ) No. 85511-1  
 )  
 vs. )  
 ) STATEMENT OF ADDITIONAL  
 LINDY DEER, ) AUTHORITY  
 )  
 Respondent. )  
 )  
 )  
 )  
 )  
 )

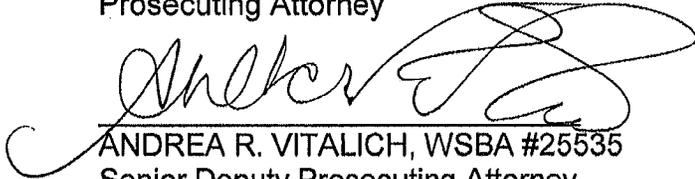
Pursuant to RAP 10.8, The State respectfully cites the following as additional authority regarding defense counsel's assertion at oral argument that the State is required to prove a voluntary act beyond a reasonable doubt when a defendant claims that a controlled substance was surreptitiously slipped into her pocket:

State v. Staley, 123 Wn.2d 794, 799, 872 P.2d 502 (1994), wherein this Court observed that the defense of unwitting possession "may be supported by a showing that the defendant did not know he was in possession of the controlled substance," or "that he did not know the nature of the substance he possessed."

ORIGINAL

Dated this 28<sup>th</sup> day of October, 2011.

DANIEL T. SATTERBERG  
Prosecuting Attorney

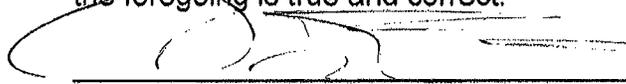


ANDREA R. VITALICH, WSBA #25535  
Senior Deputy Prosecuting Attorney  
Attorneys for Petitioner

Certificate of Service by Mail

Today I deposited in the mail of the United States of America, postage prepaid, a properly stamped and addressed envelope directed to Lila Silverstein, the attorney for the respondent, at Washington Appellate Project, 701 Melbourne Tower, 1511 Third Avenue, Seattle, WA 98101, containing a copy of the Statement of Additional Authority, in STATE V. LINDY DEER, Cause No. 85511-1, in the Supreme Court, for 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  
Done in Seattle, Washington

10-28-11  
Date

## OFFICE RECEPTIONIST, CLERK

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**To:** Ly, Bora  
**Cc:** Vitalich, Andrea; 'Maria Riley'  
**Subject:** RE: Lindy Deer/85511-1

Rec'd 10/28/11

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

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**From:** Ly, Bora [<mailto:Bora.Ly@kingcounty.gov>]  
**Sent:** Friday, October 28, 2011 1:24 PM  
**To:** OFFICE RECEPTIONIST, CLERK  
**Cc:** Vitalich, Andrea; 'Maria Riley'  
**Subject:** Lindy Deer/85511-1

Dear Supreme Court Clerk,

Attached is a Statement of Additional Authority in the above-mentioned case. Please advise me if there are any difficulties with this electronic filing.

Sincerely yours,

Bora Ly  
Paralegal  
Criminal Division, Appellate Unit  
King County Prosecutor's Office  
W554 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104  
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