

NO. 86234-6

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SUPREME COURT OF THE STATE OF WASHINGTON

In re the Detention of
CLINTON MORGAN,

Petitioner,

STATEMENT OF
ADDITIONAL
AUTHORITIES

The State submits this statement of additional authorities pursuant to RAP 10.8.

The following case addresses Justice Gordon McCloud's question during oral argument, regarding whether civil commitment under RCW 71.09 is transformed into "a purely punitive and penal commitment" if the individual is incompetent.

1. *Kansas v. Hendricks*, 521 U.S. 346, 366-68, 117 S. Ct. 2072, 138 L. Ed. 2d 501 (1997) (Civil commitment of persons who pose a danger to others, but cannot receive treatment, is not punitive if the State provides strict procedural safeguards, segregation from the prison population, the same status as others involuntarily committed, treatment "if such is possible," and permits release when they are no longer dangerous or mentally impaired.).

The following recently issued case addresses the issues of when a court room closure occurs and whether structural error applies to civil commitment cases.

2. *In re the Detention of Reyes*, No. 28167-1 (Ct. of Appeals, Div. III, Sept. 19, 2013) (Closure occurs when the discussion in chambers involves argument and structural error does not apply to civil proceedings.).

RESPECTFULLY SUBMITTED this 24th day of September 2013.

ROBERT W. FERGUSON
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CERTIFICATE OF SERVICE

I certify, under penalty of perjury under the laws of the State of Washington, that on this date I served the foregoing document, via electronic mail upon the following:

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DATED this 24th day of September 2013, at Olympia, WA.


KRISTIN D. JENSEN
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Rec'd 9-24-13

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Dear Clerk:

Attached for filing, please find the State's Statement of Additional Authorities for the above case.

Respectfully,

Kristin

KRISTIN D. JENSEN

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