

NO. 89926-6

consolidated with 90005-1

SUPREME COURT
OF THE STATE OF WASHINGTON

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SUPREME COURT
STATE OF WASHINGTON
Sep 12, 2014, 10:05 am
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State of Washington)	
)	
v.)	
John Friedlund)	Supplemental Statement of
)	Additional Authority and
State of Washington)	Certificate of Service
)	
v.)	
Casmer Volk)	RAP 10.8

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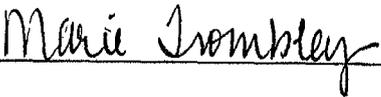
bph

Petitioners submit the following additional authority pursuant to RAP 10.8:

"Courts are not nearly as reluctant to reverse a disposition when there has been no formal entry of findings and conclusions before or during the appellate process... Since the purpose in requiring written findings of fact and conclusions of law is to enable an appellate court to review the issues raised on appeal...the lack of findings and conclusions in a given case necessarily delays the orderly and efficient process of appellate review....Even though the State was advised by Taylor's attorney on January 14, 1993, that it had not submitted the necessary findings and conclusions....no findings and conclusions were filed in the case until March 23 or almost a week after the merits of the case were considered by this court on a regularly scheduled judges' motion calendar. We cannot condone such a flagrant violation of JuCR 7.11(d). Nor has the State sustained its burden of demonstrating that it exercised due diligence in attempting to prepare the missing findings and conclusions....Since our review of Taylor's appeal was for all practical purposes at an end when the findings and conclusions were finally filed by the prosecutor on March 23, we conclude that the disposition should be reversed."

State v. Taylor, 69 Wn.App. 474, 849 P.2d 692 (1993)(internal citations omitted).

Respectfully submitted this 12th day of September 2014.



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I certify that on September 12, 2014, I delivered an electronic version of this document to the Kittitas County prosecuting attorney, Chris Herion, at Chris.Herion@co.kittitas.wa.us and to Stevens County prosecuting attorney Tim Rasmussen: trasmussen@co.stevens.wa.us and Lech Radzimski: lradzimski@co.stevens.wa.us.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed this 12th day of September at Graham, Washington



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To: Marie Trombley
Cc: Chris Herion; trasmussen@co.stevens.wa.us; lradzimski@co.stevens.wa.us
Subject: RE: State v. Friedlund/ State v. Volk: 89926-6/ 90005-1. Supplemental Statement of Additional Authority

Rec'd 9/12/2014

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From: Marie Trombley [mailto:marietrombley@comcast.net]
Sent: Friday, September 12, 2014 9:40 AM
To: OFFICE RECEPTIONIST, CLERK
Cc: Chris Herion; trasmussen@co.stevens.wa.us; lradzimski@co.stevens.wa.us
Subject: State v. Friedlund/ State v. Volk: 89926-6/ 90005-1. Supplemental Statement of Additional Authority

Good morning,

Attached to this email is the Petitioner's Supplemental Statement of Additional Authorities in the matters of State v. John Friedlund and State v. Casmer Volk, consolidated under cause number 89926-6. Please contact me if there is any difficulty downloading or opening the attached document.

Respectfully,
Marie Trombley
Attorney for Petitioners Friedlund and Volk

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