

FILED
SUPREME COURT
STATE OF WASHINGTON
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BY SUSAN L. CARLSON
CLERK

No. 95747-9
COA No. 76577-9-1

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

ALEXANDRA BRAATZ,

Respondent,

v.

MICHAEL BRAATZ,

Petitioner.

STATEMENT OF ADDITIONAL AUTHORITIES

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Pursuant to RAP 10.8, the Respondent, Alexandra Braatz, submits this Statement of Additional Authorities.

With respect to the issue of the waiver of the Fifth Amendment:

1. *Mitchell v. United States*, 526 U.S. 314, 321 (1999).

“It is well-established that a witness, in a single proceeding, may not testify voluntarily about a subject and then invoke the privilege against self-incrimination when questioned about the details. *See Rogers v. United States*, 340 U.S. 367, 373 (1951). The privilege is waived for the matters to which the witness testifies, and the scope of the ‘waiver is determined by the scope of relevant cross-examination.’ *Brown v. United States*, 356 U.S. 148, 154-55 (1958).” *Mitchell v. United States*, 526 U.S. 314, 321 (1999).

With respect to the issue of a significant constitutional question:

2. *Keating v. Office of Thrift Supervision*, 45 F.3d 322, 326 (9th Cir. 1995).

“A defendant has no absolute right not to be forced to choose between testifying in a civil matter and asserting his Fifth Amendment privilege.” *Keating v. Office of Thrift Supervision*, 45 F.3d 322, 326 (9th Cir. 1995).

RESPECTFULLY SUBMITTED this 5th day of July, 2018.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 5, 2018, I caused to be served true and accurate copies of:

1. Statement of Additional Authorities; and
2. this Certificate of Service.

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I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED on July 5, 2018, at Seattle, Washington.

/s/Adrienne McKelvey
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POLSINELLI PC SEATTLE

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