

NO. 38977-1-II

FILED  
COURT OF APPEALS  
DIVISION II

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COURT OF APPEALS, DIVISION II  
STATE OF WASHINGTON

STATE OF WASHINGTON

BY  DEPUTY

STATE OF WASHINGTON, APPELLANT

v.

CLARK MANKIN, RESPONDENT

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Appeal from the Superior Court of Pierce County  
The Honorable Susan K. Serko

No. 08-1-02352-6

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**SUPPLEMENT TO RESPONDENT'S BRIEF**

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Kent W. Underwood  
WSBA #27250  
Attorney for the Respondent

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Tacoma, WA 98402  
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**ORIGINAL**

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A. IDENTITY OF RESPONDENT

Respondent, Clark Mankin, requests the court to allow him to supplement his brief by requesting fees pursuant to RAP 14.2, RAP 18.1, rap 2.4(G) and because Mr. Mankin wished to moot the issue but the court is proceeding at the Petitioner's request due to the public interest in the decision.

B. ISSUES PRESENTED

1. The respondent requests fees pursuant to RAP 14.2, 18.1 and 2.4(g) and because of the public interest in the decision in this matter.

C. ARGUMENT

1. THE RESPONDENT REQUESTS FEES PURSUANT TO RAP 14.2, RAP 18.1 AND BECAUSE OF THE PUBLIC INTEREST IN THE DECISION IN THIS MATTER.

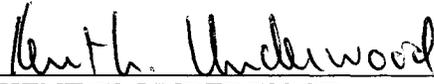
The respondent requests fees pursuant to RAP 14.2, 18.1 and 2.4(g). This matter was appealed by the State, not by the respondent. The issue is one of general important to all practitioners of criminal law. The issue is one of first impression. The respondent could not have minimized this cost without potentially sacrificing his due process rights. Mr. Mankin attempted to moot the issue by moving to vacate the order for deposition. The respondent is not financially able to fund a response to the State's motion for discretionary review. It would not be fair to require the respondent to fund the cost of the response, especially where the ruling will benefit all criminal law practitioners due to clarifying the law on this issue.

E. CONCLUSION

The respondent requests this court to award fees to respondent for his role

in advancing the law on this issue despite his attempt to moot the issue.

RESPECTFULLY SUBMITTED this 17<sup>th</sup> day of February , 2010.

  
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KENT W. UNDERWOOD  
WSBA #27250  
Attorney for Clark Mankin, Respondent

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DEPUTY

**COURT OF APPEALS, DIVISION II  
THE STATE OF WASHINGTON**

STATE OF WASHINGTON,

NO. 38977-1-II

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

CLARK MANKIN,

Defendant.

The undersigned certifies under penalty of perjury under the laws of the state of Washington that the following statement is true and correct: On the date below, declarant served a copy of the following documents by the method specified for each recipient.

**SUPPLEMENT TO RESPONDENT'S BRIEF  
CERTIFICATE OF SERVICE**

to the following and by the method specified:

- 1. Stephen Trinen  
PIERCE CO. PROSECUTING ATTORNEY'S OFFICE  
County-City Building  
930 Tacoma Ave. S.  
Rm. 946  
Tacoma, WA 98402, via NW LEGAL MESSENGER;

**ORIGINAL**

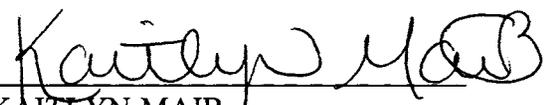
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2. Clark Mankin  
PIERCE COUNTY JAIL  
910 Tacoma Ave. S.  
Tacoma, WA 98402, via regular US POST;

3. Travis Stearns, WSBA # 29335  
WASHINGTON DEFENDER ASSOCIATION  
110 Prefontaine Pl. S., Suite 610  
Seattle, WA 98104, via regular US POST;

4. Suzanne Elliot, WSBA # 12634  
WASHINGTON ASSOCIATION OF CRIMINAL DEFENSE LAWYERS  
1151 Third Ave., Suite 503  
Seattle, WA 98101, via regular US POST;

Signed this 17<sup>th</sup> day of February, 2010.

  
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