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SUPREME COURT  
STATE OF WASHINGTON  
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SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,	)	
	)	
Respondent,	)	No. 77507-9
	)	
vs.	)	
	)	STATEMENT OF ADDITIONAL
KIM MASON,	)	AUTHORITIES
	)	
Appellant,	)	
	)	
	)	
	)	

Pursuant to RAP 10.8, The State respectfully cites the following as additional authority:

People v. Giles, \_\_\_ Cal. Rptr. 3d \_\_\_, 2007 WL 635716.

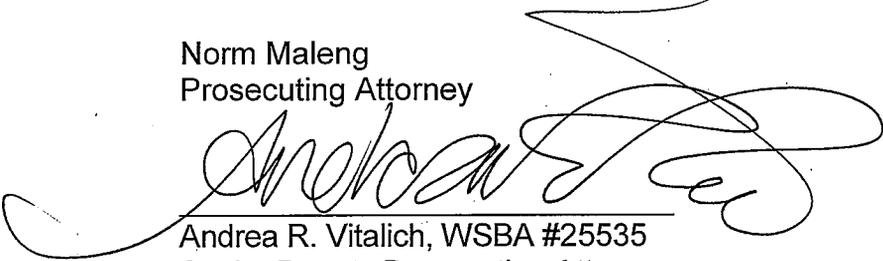
The Supreme Court of California held that a murder victim's statements regarding a prior domestic violence assault against her by the defendant were admissible in the defendant's murder trial under the doctrine of forfeiture by wrongdoing. The court held that the forfeiture doctrine does not require proof that the defendant killed the victim for the purpose of making her unavailable as a witness, that the doctrine applies in cases where the crime on trial and the underlying wrongdoing (i.e., the murder of the witness) are the same, and that the appropriate standard for the preliminary determination of admissibility is a preponderance of the evidence.

State v. Jensen, \_\_\_ N.W.2d \_\_\_, 2007 WL 543053.

The Supreme Court of Wisconsin stated that "we adopt a broad forfeiture by wrongdoing doctrine" and remanded the case to the trial court to determine, by a preponderance of the evidence, whether the defendant had caused the murder victim's unavailability by killing her. If so, the court directed that the victim's statements to a neighbor, a doctor, a teacher, and the police regarding her fears that the defendant was going to kill her were admissible in the murder trial by operation of the forfeiture doctrine. The court further held that there is no requirement of proof that the defendant caused the victim's death with the intent to make her unavailable as a witness.

Dated this 5<sup>th</sup> day of March, 2007.

Norm Maleng  
Prosecuting Attorney



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