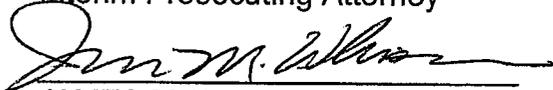




repeated in the jury instructions. State v. Miller, 71 Wn.2d 143, 146, 426 P.2d 986 (1967); State v. Weiding, 60 Wn. App. 184, 187 n. 3, 803 P.2d 17 (1991); State v. Rivas, 49 Wn. App. 677, 682-83, 746 P.2d 312 (1987); State v. McGary, 37 Wn. App. 856, 859-60, 683 P.2d 1125 (1984). Nor is the information insufficient as a charging document if the defendant is not prejudiced by the inclusion of the unnecessary language. Stritmatter, 102 Wn.2d at 524, 688 P.2d 499; RCW 10.37.056.

Dated this 18<sup>th</sup> day of October, 2007.

NORM MALENG  
Prosecuting Attorney  
DANIEL T. SATTERBERG  
Interim Prosecuting Attorney



JAMES M. WHISMAN, WSBA #19109  
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Certificate of Service by Mail

Today I deposited in the mail of the United States of America, postage prepaid, a properly stamped and addressed envelope directed to Maureen Cyr, the attorney for the appellant, at Washington Appellate Project, 701 Melbourne Tower, 1511 Third Avenue, Seattle, WA 98101, containing a copy of the Statement of Additional Authority, in State v. Mark Eaton, Cause No. 78970-3, in the Supreme Court for the State of Washington.

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



Name  
Done in Seattle, Washington

10/18/07  
Date 10/18/07

FILED AS ATTACHMENT  
TO E-MAIL