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SUPREME COURT
STATE OF WASHINGTON

2008 NOV 18 A 8:24

BY RONALD R. CARPENTER
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SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	
Respondent,)	No. 81219-5
)	
vs.)	
)	STATEMENT OF ADDITIONAL
LOUIS LANCILOTI,)	AUTHORITIES
)	
Appellant.)	
)	
)	
)	

Pursuant to RAP 10.8, Respondent respectfully cites the following as additional authority on three points:

On the history of "open venires" in Washington:

State v. Holmes, 12 Wash. 169, 40 P. 735 (1895)(Code Proc. § 339, provides that, where jurors are excused, the court may summon the necessary number of bystanders to complete the jury. Held that, where jurors summoned failed to appear when drawn, it would be presumed that they were properly excused, so that bystanders were properly summoned to complete the jury).

State v. Cushing, 17 Wash. 544, 50 P. 512 (1897)(discussing whether a court must use an open venire or whether other jury provisions may be relied upon).

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State v. Mayo, 42 Wash. 540, 85 P. 251 (1906) (describing open venires and how they worked in courts that sat for only certain terms, as opposed to courts that sit all the time).

Cathey v. Seattle Electric Co., 58 Wash. 176, 108 p. 443 (1910) (holding in a civil suit that a court may resort to the common law "open venire" when there is a gap between new and old jury selection statutes).

Submitted this 18th day of November, 2008.

DANIEL T. SATTERBERG
Prosecuting Attorney

JAMES M. WHISMAN, WSBA #19109
Senior Deputy Prosecuting Attorney
Attorneys for Respondent

Certificate of Service by Mail

Today I sent by electronic mail and deposited in the mail of the United States of America, postage prepaid, a properly stamped and addressed envelope directed to Ramona C. Brandes and Eileen P. Farley, attorneys for the appellant, at Northwest Defenders Association, 1111 Third Avenue, Suite 200, Seattle, Washington, 98101, containing a copy of the STATEMENT OF ADDITIONAL AUTHORITIES, in STATE V. LANCILOTI, Cause No. 81219-5, in the Supreme Court of 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: James M. Whisman
Done in Seattle, Washington

Date 11/18/08

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AUTHORITIES