

NO. 81864-9  
IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

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GLEN A. SCHALER  
PETITIONER,  
V.  
STATE OF WASHINGTON  
RESPONDENT

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STATEMENT OF ADDITIONAL AUTHORITIES

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2009 NOV -5 AM 7:46  
STATE OF WASHINGTON  
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COMES NOW, The State of Washington, Respondent, by and through the undersigned attorney, and respectfully requests the Court to consider the following additional authorities pursuant to RAP 10.8:

- (1) *State v. O'Hara*, No. 81062-1 (Wash. Oct. 1, 2009) (Addresses the standard for raising an instructional error for the first time on appeal and the Court also reviewed whether the error omitted an element so as to relieve the State of its burden or merely failed to further define one of those elements).

Dated this 3<sup>rd</sup> day of November 2009

Respectfully Submitted by:



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**Office Administrator**

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**Civil Division**

Stephen Bozarth, Civil Deputy  
Dave Jorgensen, Child Support Deputy

**CERTIFICATE OF MAILING**

**SUPREME COURT NO. 81864-9**

**NAME OF CASE: GLEN A. SCHALER**

I hereby certify that on the 3rd day of November, 2009, I mailed the original and one copy of **STATEMENT OF ADDITIONAL AUTHORITIES** to the following counsel of record and/or other interested parties by depositing in the mails of the United States of America an addressed envelope with prepaid postage to the following:

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