

**NO. 83981-6
(NO. 84283-3 CONSOLIDATED CASE)
IN THE SUPREME COURT OF THE
STATE OF WASHINGTON**

STATE OF WASHINGTON

Respondent

v.

LISA MULLEN, and
KEVIN DEAN,

Petitioners.

CLERK
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STATE OF WASHINGTON
152

**STATEMENT OF ADDITIONAL AUTHORITIES
PURSUANT TO RAP 10.8**

SKAGIT COUNTY PROSECUTING ATTORNEY
RICHARD A. WEYRICH, PROSECUTOR

By: ERIK PEDERSEN, WSBA#20015
Senior Deputy Prosecuting Attorney
Office Identification #91059

Courthouse Annex
605 South Third
Mount Vernon, WA 98273
Ph: (360) 336-9460

I. IDENTITY OF PARTY SUBMITTING AUTHORITY

COMES NOW the Respondent, State of Washington, by and through Erik Pedersen, Senior Deputy Prosecutor for Skagit County and pursuant to RAP 10.8 submits the following additional authority, without argument.

II. STATEMENT OF ADDITIONAL AUTHORITY

The Respondent submits the following additional authority:

Avila v. Quarterman, 560 F.3d 299, 308-09 (5th Cir. 2009), cert. denied, 130 S.Ct. 536. (2009) (pathologist not a member of the prosecution team for the purposes of Brady).

United States v. Stewart, 433 F.3d 273, 297-9 (2nd Cir. 2006) (expert witness who potentially presented perjured testimony not part of the prosecution team for the purposes of Brady).

United States v. Josleyn, 206 F.3d 144, 152-4 (1st Cir. 2000) (knowledge of private business assisting the government not attributable to government).

RESPECTFULLY SUBMITTED this 11th day of February, 2011.

SKAGIT COUNTY PROSECUTING ATTORNEY

By: 
ERIK PEDERSEN, WSBA#20015
Senior Deputy Prosecutor
Skagit County Prosecutor's Office #91059

DECLARATION OF DELIVERY

I, ~~VICKI E MAURER~~ declare as follows:

I sent for delivery by; United States Postal Service; ABC Legal Messenger Service, a true and correct copy of the document to which this declaration is attached, to: , addressed as Craig D. Magnusson and Jennifer Castro, addressed as Magnusson Law Office, 800 Bellevue Way, N.E., Suite 400, Bellevue, WA 98004-4273 and Gregory C. Link, addressed as Washington Appellate Project, 1511 Third Avenue, Suite 701, Seattle, WA 98101. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Executed at Mount Vernon, Washington this 20th day of February, 2011.



DECLARANT