

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION TWO

STATE OF WASHINGTON,)
)
Respondent,)
)
vs.)
)
ROBERT BREITUNG,)
)
Appellant.)
_____)

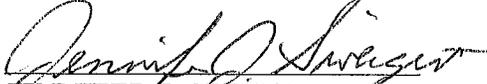
84580-8
No. 38869-9-II
STATEMENT OF
ADDITIONAL
AUTHORITY
STATE OF WASHINGTON
BY _____
10 JAN 22 AM 11:52
FILED
COURT OF APPEALS
DIVISION II

Pursuant to RAP 10.8, appellant cites to the following additional authority:

State v. Smith, ___ Wn. App. ___, ___ P.2d ___ (filed 12/29/09)
(ineffective assistance of counsel to fail to seek lesser included instruction
on second degree animal cruelty).

DATED this 21st day of January, 2010.

Respectfully submitted,

NIELSEN, BROMAN & KOCH

JENNIFER J. SWEIGERT, WSBA No. 38068
Office ID No. 91051
Attorneys for Appellant

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II**

STATE OF WASHINGTON)	
)	
Respondent,)	
)	
vs.)	COA NO. 38869-3-II
)	
ROBERT BREITUNG,)	
)	
Appellant.)	

DECLARATION OF SERVICE

I, PATRICK MAYOVSKY, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOLLOWING IS TRUE AND CORRECT:

THAT ON THE 21ST DAY OF JANUARY 2010, I CAUSED A TRUE AND CORRECT COPY OF THE **STATEMENT OF ADDITIONAL AUTHORITY** TO BE SERVED ON THE PARTY / PARTIES DESIGNATED BELOW BY DEPOSITING SAID DOCUMENT IN THE UNITED STATES MAIL.

[X] THOMAS ROBERTS
PIERCE COUNTY PROSECUTING ATTORNEY
930 TACOMA AVENUE SOUTH
ROOM 946
TACOMA, WA 98402

SIGNED IN SEATTLE WASHINGTON, THIS 21ST DAY OF JANUARY 2010.

x *Patrick Mayovsky*

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STATE OF WASHINGTON
BY _____
DEPUTY