

OK
BAC

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
Apr 28, 2015, 11:43 am
BY RONALD R. CARPENTER
CLERK

E *MT*

RECEIVED BY E-MAIL

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	
Respondent,)	No. 84614-6
)	
vs.)	
)	STATEMENT OF
CONNER MICHAEL)	ADDITIONAL
SCHIERMAN,)	AUTHORITIES
)	
Appellant.)	
)	

Pursuant to RAP 10.8, the State respectfully cites these additional authorities:

1. On the issue of open courts/right to a public trial:
 - a. State v. Slert, 181 Wn.2d 598, 607, 334 P.3d 1088

(2014) (“We conclude that based on the experience prong, this in chambers discussion [of juror questionnaire and whether they give rise to for-cause excusals] does not raise open public court concerns. . . . Logic does not suggest conducting this review in public would play a significant positive role.”) (lead opinion); see also Slert 181 Wn.2d at 614 (“[T]he Court of Appeals [in State v. Wilson, 174 Wn. App. 328, 298 P.3d 148(2013)] appropriately distinguished between the broad process of jury



selection that begins when jury summons are issued and the specific component of voir dire that involves the individual examination of members of the jury panel about their fitness to serve on a particular jury.”) (Stephens, J., dissenting).

b. State v. Smith, 181 Wn.2d 508, 511, 334 P.3d 1049 (2014) (“We hold that sidebars do not implicate the public trial right.”).

c. State v Koss, 181 Wn.2d 493, 501, 334 P.3d 1042 (2014) (“[T]he [pre-deliberations] in-chambers discussion of jury instructions did not violate the constitutional right to a public trial.”).

d. State v. Marks, 184 Wn. App. 782, 787, 339 P.3d 196 (2014) (petition for rev. pending, No. 91148-7) (“We disagree that the exercise of peremptory challenges is a part of voir dire. . . . No Supreme Court case has held that the public trial right applies to the dismissal of jurors after the questioning is over.”).

2. On the issue of uniformed soldiers present at trial: State v. Allen, 182 Wn.2d 364, 385-87, 341 P.3d 268 (2015) (suggesting it was unlikely that T-shirts worn by spectators in remembrance of deceased victims were inherently prejudicial).

3. On the issue of permissible limits on evidence offered in mitigation at the penalty phase of a capital trial: Troy v. Secretary, Florida Dept. of Corrections, 763 F.3d 1305 (11th Cir. 2014) (trial court's exclusion of speculative testimony offered by the defendant regarding future dangerousness did not violate the Eighth or Fourteenth Amendment).

DATED this 28TH day of April, 2015.

DANIEL T. SATTERBERG
Prosecuting Attorney



Donna Wise, WSBA #13224
Senior Deputy Prosecuting Attorney

Erin H. Becker, WSBA #28289
Senior Deputy Prosecuting Attorney
Attorneys for Respondent

W554 King County Courthouse
516 Third Avenue
Seattle, WA 98104
(206) 477-9497

Statement of Additional
Authorities

Certificate of Service by Electronic Mail

Today I directed electronic mail addressed to the attorneys for the appellant,

Attorney(s) for Appellant(Conner Michael Schierman) Suzanne Lee Elliott Attorney at Law Hoge Building 705 2nd Ave Ste 1300 Seattle WA 98104-1797 Email: suzanne-elliott@msn.com	Attorney(s) for Appellant(Conner Michael Schierman) David B Zuckerman Attorney at Law 705 2nd Ave Ste 1300 Seattle WA 98104-1797 Email: David@DavidZuckermanLaw.com
Attorney(s) for Amicus Curiae(American Civil Liberties Union of Washington (ACLU)) Margaret Ji Yong Pak Enslow Martin PLLC 701 5th Ave Ste 4200 Seattle WA 98104-7047 Email: margaret@enslowmartin.com	Attorney(s) for Amicus Curiae(American Civil Liberties Union of Washington (ACLU)) Sarah A Dunne ACLU of Washington Foundation 901 5th Ave Ste 630 Seattle WA 98164-2008 Email: dunne@aclu-wa.org
Attorney(s) for Amicus Curiae(American Civil Liberties Union of Washington (ACLU)) Nancy Lynn Talner Attorney at Law 901 5th Ave Ste 630 Seattle WA 98164-2008 Email: talner@aclu-wa.org	

containing a copy of the Statement of Additional Authorities, in STATE V. CONNER MICHAEL SCHIERMAN, Cause No. 84614-6, 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.

U Brame

Name
Done in Seattle, Washington

4/28/15
Date 4/28/15

OFFICE RECEPTIONIST, CLERK

To: Brame, Wynne
Cc: Wise, Donna; erin.becker@usdoj.gov; suzanne-elliott@msn.com; David@DavidZuckermanLaw.com; margaret@enslowmartin.com; dunne@aclu-wa.org; talner@aclu-wa.org
Subject: RE: State v. Conner Schierman, No. 84614-6

Received 4-28-2015

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Brame, Wynne [mailto:Wynne.Brame@kingcounty.gov]
Sent: Tuesday, April 28, 2015 11:42 AM
To: OFFICE RECEPTIONIST, CLERK
Cc: Wise, Donna; erin.becker@usdoj.gov; suzanne-elliott@msn.com; David@DavidZuckermanLaw.com; margaret@enslowmartin.com; dunne@aclu-wa.org; talner@aclu-wa.org
Subject: State v. Conner Schierman, No. 84614-6

Please accept for filing the attached documents (Statement of Additional Authorities) in State of Washington v. Conner Schierman, No. 84614-6.

Thank you.

Donna Wise
Senior Deputy Prosecuting Attorney
WSBA #13224

Erin H. Becker
U. S. Attorney's Office
WSBA #28289

King County Prosecutor's Office
W554 King County Courthouse
Seattle, WA 98104
206-477-9497 – please note, new phone number
E-mail: Donna.Wise@kingcounty.gov
E-mail: erin.becker@usdoj.gov
E-mail: PAOAppellateUnitMail@kingcounty.gov
WSBA #91002

This e-mail has been sent by Wynne Brame, paralegal (phone: 206-477-9497), at the direction of Donna Wise and Erin Becker.

CONFIDENTIALITY NOTICE

This e-mail message and files transmitted with it may be protected by the attorney / client privilege, work product doctrine or other confidentiality protection. If you believe that it may have been sent to you in error, do not read it. Please reply to the sender that you have received the message in error, and then delete it. Thank you.