

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON,	)	No. 85511-1
Petitioner,	)	
	)	STATEMENT
v.	)	OF ADDITIONAL
	)	AUTHORITIES
LINDY DEER,	)	(RAP 10.8)
Respondent.	)	

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Pursuant to RAP 10.8, respondent Lindy Deer submits the following statement of additional authorities:

City of Seattle v. Hill, 72 Wn.2d 786, 794, 435 P.2d 692

(1967):

Moreover, his drunkenness was an offense malum prohibitum, requiring no mens rea or evil design for conviction. If he possessed the capability of avoiding public drunkenness, the other basic component, that of actus reus, the volitional conduct, was thus present.

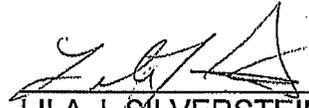
Accord Eaton, 168 Wn.2d at 486 ("As the State points out, Eaton was convicted of possession of a controlled substance, a crime that does require a volitional act of possession"); id. at 494-95 (Fairhurst, J., dissenting) ("This case would be very different if Eaton were arguing that his possession became involuntary").

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ORIGINAL

DATED this 28th day of October, 2011.

Respectfully submitted,



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LILA J. SILVERSTEIN (38394)  
Attorney for Respondent

**DECLARATION OF FILING AND MAILING OR DELIVERY**

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the below date, the original of the document to which this declaration is affixed/attached, was filed in the **Washington State Supreme Court** under **Case No. 85511-1**, and a true copy was mailed with first-class postage prepaid or otherwise caused to be delivered to the following attorney(s) or party/parties of record at their regular office or residence address as listed on ACORDS:

- respondent Andrea Vitalich, DPA,  
King County Prosecutor's Office-Appellate Unit
- petitioner
- Attorney for other party

  
MARIA ANA ARRANZA RILEY, Legal Assistant  
Washington Appellate Project

Date: October 28, 2011

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**State v. Lindy Deer**  
**No. 85511-1**

Please accept the attached documents for filing in the above-subject case:

### **STATEMENT OF ADDITIONAL AUTHORITIES**

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