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SUPREME COURT  
STATE OF WASHINGTON  
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BY RONALD R. CARPENTER  
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NO. 85996-5

WASHINGTON STATE  
SUPREME COURT

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STATE OF WASHINGTON,

Plaintiff,  
Respondent,

vs.

FREDERICK DAVID RUSSELL,

Defendant,  
Appellant.

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**THIRD ADDITIONAL STATEMENT OF AUTHORITIES**

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DENNIS W. MORGAN WSBA #5286  
Attorney for Appellant  
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COMES NOW, FREDERICK DAVID RUSSELL, by and through the undersigned attorney, and requests the Court to consider the following additional authorities in connection with his appeal:

*In re Personal Restraint of Morris*, slip opinion 84929-3 (November 21, 2012) (it is ineffective assistance of counsel if an appellate attorney fails to raise a public trial right issue on appeal - issue involves conducting closed *voir dire* in chambers);

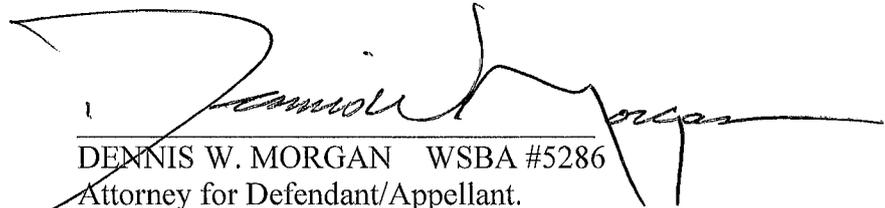
*State v. Paumier*, slip opinion 84585-9 (November 21, 2012) (right to public trial is violated when a trial court individually questions potential jurors in chambers);

*State v. Sublett*, slip opinion 84856-4 (November 21, 2012) (no public trial violation occurs when a question from the jury is discussed in chambers with the judge);

*State v. Wise*, slip opinion 82802-4 (November 21, 2012) (violation of the public trial right constitutes a structural error and failure to object does not constitute a waiver of the right. Prejudice is presumed and a new trial warranted where hardship issues were discussed in chambers during *voir dire*).

DATED this 5<sup>d</sup> day of December, 2012.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dennis W. Morgan", is written over a horizontal line. The signature is stylized and extends to the right of the line.

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