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SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)
)
) No. 86072-6
)
) Petitioner,)
)
) vs.)
) STATEMENT OF ADDITIONAL
) AUTHORITIES
)
) JOSEPH NJONGE,)
)
) Respondent,)
)
 _____)

Pursuant to RAP 10.8, the State respectfully cites as additional authority on the issue of the necessity of a clear record of exclusion of the public as a predicate to the finding of a violation of the right to public trial:

State v. Jasper, ___ Wn.2d ___, 271 P.3d 876, 891 (Wash. S. Ct. March 15, 2012) ("It is a well established principle that '[o]n a partial or incomplete record, the appellate court will presume any conceivable state of facts within the scope of the pleadings and not inconsistent with the record which will sustain and support the

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ruling or decision complained of; but it will not, for the purpose of finding reversible error, presume the existence of facts as to which the record is silent.' *Barker v. Weeks*, 182 Wash. 384, 391, 47 P.2d 1 (1935) (quoting 4 C.J. 736); see *State v. McFarland*, 127 Wash.2d 322, 335, 899 P.2d 1251 (1995)".

Dated this 16th day of April, 2012.

DANIEL T. SATTERBERG
Prosecuting Attorney



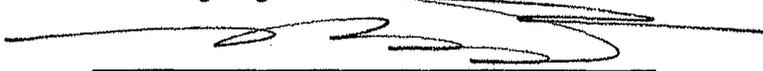
DONNA WISE, WSBA #13224
Senior Deputy Prosecuting Attorney
Attorneys for Respondent

W554 King County Courthouse
Seattle, WA 98104
Telephone: 206-296-9000

Certificate of Service by Mail

Today I deposited in the mail of the United States of America, postage prepaid, a properly stamped and addressed envelope directed to CASEY GRANNIS, the attorney for the appellant, at Nielsen Broman & Koch, P.L.L.C., 1908 E. Madison Street, Seattle, WA 98122, containing a copy of the Statement of Additional Authorities, in STATE V. JOSEPH NJONGE, Cause No. 86072-6, 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.



Name
Done in Seattle, Washington

04-16-12
Date

OFFICE RECEPTIONIST, CLERK

To: Wise, Donna
Subject: RE: State v. Njonge, No. 86072-6, Statement of Additional Authorities

Rec'd 4/16/12

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: Wise, Donna [<mailto:Donna.Wise@kingcounty.gov>]
Sent: Monday, April 16, 2012 1:42 PM
To: OFFICE RECEPTIONIST, CLERK
Subject: State v. Njonge, No. 86072-6, Statement of Additional Authorities

Good afternoon:

Please accept for filing the attached document (Statement of Additional Authorities) in

State v. Joseph Njonge, No. 86072-6

The certificate of service is attached to the document.

Thank you.

Donna Wise

Senior Deputy Prosecuting Attorney
WSBA #13224
King County Prosecutor's Office
W554 King County Courthouse
Seattle, WA 98104
206-296-9674
E-mail: Donna.Wise@kingcounty.gov

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