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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,
Respondent,
v.
JOHN GEORGE COOPER,
Appellant.

No. 86733-0
(COA No. 40833-3-II)
Clark County No. 09-1-01247-4
SECOND STATEMENT OF
ADDITIONAL AUTHORITIES

Pursuant to RAP 10.8, the Respondent, State of Washington, represented by the Prosecuting Attorney for Clark County, by and through his Deputy, Abigail E. Bartlett, hereby supplements the record with this Statement of Additional Authorities.

1. TEX CR. CODE ANN. § 27.02: DEFENDANT'S PLEADINGS, stating:
[t]he pleadings and motions of the defendant shall be:

...

(5) A plea of nolo contendere, the legal effect of which shall be the same as that of a plea of guilty, except that such plea may not be used against the defendant as an admission in any civil suit based upon or growing out of the act upon which the criminal prosecution is based[.]

2. Clark v. Baines, 150 Wn.2d 905, 915-17, 84 P.3d 245 (2004) (stating an Alford plea constitutes a plea of guilty in Washington but holding an Alford plea may not be used as conclusive evidence of guilt in a subsequent civil

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1 action because the defendant does not admit guilt under the Alford
2 procedure).

- 3 3. State v. Heath, 168 Wn. App. 894, 899-901, 279 P.3d 458 (2012) (holding
4 trial court properly included defendant's Florida nolo contendere plea,
5 which was followed by a withheld adjudication, as a prior conviction for
6 sentencing purposes because defendant's Florida plea of nolo contendere
7 was the functional equivalent of a Washington Alford plea and because a
8 conviction in Washington includes a finding of guilt and an acceptance of a
9 guilty plea).
- 10 4. Rev. Code Wash. ("RCW") § 13.40.020 (2010): DEFINITIONS (stating the
11 definitions in this chapter shall apply "[f]or the purposes of this chapter").
- 12 5. RCW § 9.94A.030 (2010): DEFINITIONS (stating "[u]nless the context
13 clearly requires otherwise, the definitions in this section apply throughout
14 this chapter").

15 Respectfully submitted this 7 day of September, 2012.

16 ARTHUR D. CURTIS
17 Prosecuting Attorney
18 Clark County, Washington

19 By:

ABartlett
20 ABIGAIL E. BARTLETT, WSBA #36937
21 Deputy Prosecuting Attorney
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Attached please find for filing the following document:

Second Statement of Additional Authorities
<<Second Statement of Additional Authorities.PDF>>

Abby Rowland, Legal Secretary
Clark County Prosecutor's Office
(360) 397-2261 ext. 4788
(360) 759-6760 fax
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