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SUPREME COURT
STATE OF WASHINGTON
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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

UNTERS L. LOVE,

Petitioner.

NO. 89619-4

AMICUS CURIAE'S
STATEMENT OF
ADDITIONAL AUTHORITIES

COMES NOW amicus curiae Washington Association of Prosecuting Attorneys ("WAPA") by and through, Pamela B. Loginsky, Staff Attorney, and respectfully requests that the Court consider the following additional authority pursuant to RAP 10.8:

Richmond Newspapers, Inc. v. Virginia, 448 U.S. 555, 598 n. 23, 100 S. Ct. 2814, 2839 n. 23, 65 L. Ed. 2d 973 (1980) (Brennan, J., concurring) (stating that "the presumption of public trials is, of course, not at all incompatible with reasonable restrictions imposed upon courtroom behavior in the interest of decorum," including the exclusion of the public and the press from conferences at the bench)

United States v. Smith, 787 F.2d 111, 114 (3rd Cir. 1986) (there is no constitutional or common law right of contemporaneous presence at a sidebar



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or bench interchange; the First Amendment general principle of openness of criminal trials is satisfied by the availability of transcripts of these exchanges)

United States v. Valenti, 987 F.2d 708, 713 (11th Cir. 1993) (*Press-Enterprise I* does not require a trial court to articulate findings that closure of a side bar conference is necessary before conducting a side-bar conference that is not audible to others in the courtroom)

NBC Subsidiary (KNBC-TV), Inc. v. Superior Court, 20 Cal. 4th 1178, 980 P.2d 337, 365, 86 Cal. Rptr. 2d 778 (1999) (“a closure hearing of course is not required prior to or even after the holding of most bench conferences”)

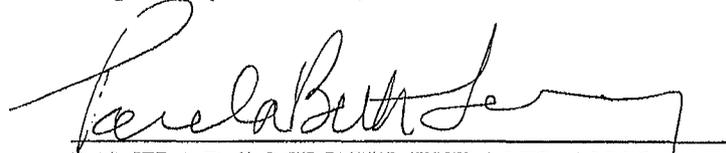
United States v. Haber, 251 F.3d 881 (10th Cir.), *cert. denied*, 534 U.S. 915 (2001) (side-bar or bench conferences are “held in open court” for purposes of the Court Reporters Act)

State v. Bird, 2002 MT 2, 308 Mont. 75, 43 P.3d 266 (2002) (distinguishing the “substantive process of *voir dire*” (the questioning of prospective jurors) from the “procedural process of exercising peremptory strikes” with respect to a defendant’s constitutional right to be present)

United States v. Reyes, 764 F.3d 1184 (9th Cir. 2014) (distinguishing questioning of a juror at side-bar from exercise of for cause and other challenges with respect to a violation of Rule 43(a)(2) and the defendant’s constitutional right to be present)

DATED March 11, 2015.

Respectfully Submitted,



PAMELA B. LOGINSKY, WSBA NO. 18096
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PROOF OF SERVICE

I, Pamela B. Loginsky, declare that I have personal knowledge of the matters set forth below and that I am competent to testify to the matters stated herein.

On March 11, 2015, I deposited in the mails of the United States of America, postage prepaid, an envelop containing a copy of the document that this contains this proof of service addressed to:

Dana Nelson
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1908 East Madison
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On March 11, 2015, an electronic copy of the document on which this proof of service appears was sent via e-mail to

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Suzanne Elliot at suzanne-elliott@msn.com and
suzanne@suzanneelliottlaw.com

Danny Kelly-Stallings at Danny.Kelly-Stallings@klgates.com

Signed under the penalty of perjury under the laws of the state of
Washington this 11th day of March, 2015, at Olympia, Washington.



Pamela B. Loginsky, WSBA No. 18096

OFFICE RECEPTIONIST, CLERK

To: Pam Loginsky; Danny.Kelly-Stallings@klgates.com; suzanne-elliott@msn.com; nelsond@nwattorney.net; Seth Fine; Brian O'Brien; suzanne@suzanneelliottlaw.com
Subject: RE: State v. Unters Love, No. 89619-4

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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.

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To: OFFICE RECEPTIONIST, CLERK; Danny.Kelly-Stallings@klgates.com; suzanne-elliott@msn.com; nelsond@nwattorney.net; Seth Fine; Brian O'Brien; suzanne@suzanneelliottlaw.com
Subject: State v. Unters Love, No. 89619-4

Dear Clerk and Counsel:

Attached for filing is a statement of additional authorities. Please let me know if you should encounter any difficulty in opening this document.

Sincerely,

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