

IN THE SUPREME COURT FOR THE STATE OF WASHINGTON

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STATE OF WASHINGTON,	)	No. 91297-1
Petitioner,	)	
	)	
	)	STATEMENT OF
v.	)	ADDITIONAL
	)	AUTHORITIES
CHARLES FARNSWORTH,	)	(RAP 10.8)
Respondent.	)	

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Pursuant to RAP 10.8, Charles Farnsworth, submits the following statement of additional authorities regarding the construction of California's vehicular homicide statutes:

The law is clear that the elements of section 23153, subdivision (a), are as follows: (1) driving a vehicle while under the influence of an alcoholic beverage or drug; (2) when so driving, committing some act which violates the law or is a failure to perform some duty required by law; and (3) as a proximate result of such violation of law or failure to perform a duty, another person was injured. (*People v. Capetillo* (1990) 220 Cal.App.3d 211, 216, 269 Cal.Rptr. 250.) . . . To satisfy the second element, the evidence must show an unlawful act or neglect of duty *in addition* to driving under the influence. (*People v. Oyaas* (1985) 173 Cal.App.3d 663, 668, 219 Cal.Rptr. 243.)

*People v. Minor*, 28 Cal. App. 4th 431, 437-38, 33 Cal. Rptr. 2d 641, 644-45 (1994);

Statement of Additional  
Authorities

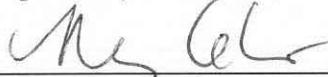
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*People v. Capetillo*, 220 Cal.App.3d 211, 217-20, 269 Cal.Rptr. 250 (1990) (unlawful act must proximately cause the injury based on unbroken connection between violation of traffic law and injury);

*People v. Ferrara*, 202 Cal. App. 3d 201, 207, 248 Cal. Rptr. 311 (Ct. App. 1988), *modified* (July 12, 1988) (conduct causing collision must be “other unlawful act,” under terms of felony driving while intoxicated statute).

DATED this 22nd day of October 2015.

Respectfully submitted,



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NANCY P. COLLINS (WSBA 28806)  
Washington Appellate Project-91052  
Attorneys for Respondent and Cross-Petitioner

### 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. 91297-1**, 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:

petitioner James Schacht, DPA  
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respondent

Attorney for other party



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Date: October 22, 2015