

NO. 91385-4

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SUPREME COURT  
OF THE STATE OF WASHINGTON

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State of Washington, )  
Respondent )

v. )

IN RE DETENTION OF )

JOHN C. ANDERSON )

Statement of  
Additional Authority and  
Certificate of Service

RAP 10.8

Pursuant to RAP 10.8, Petitioner Anderson submits the following additional authority, which relates to this Court's power to review prior trial court action and a prior appellate court decision:

"RAP 2.5 (c)(1): Prior Trial Court Action: If a trial court decision is otherwise properly before the appellate court, the appellate court may at the instance of a party review and determine the propriety of a decision of the trial court even though a similar decision was not disputed in an earlier review of the same case.

RAP 2.5(c)(2): Prior Appellate Court Decision: The appellate court may at the instance of a party review the propriety of an earlier decision of the appellate court in the same case and, where justice would best be served, decide the case on the basis of the appellate court's opinion of the law at the time of the later review."

"RAP 1.2(a) states: These rules will be liberally interpreted to promote justice and facilitate the decision of cases on the merits. Cases and issues will not be determined on the basis of compliance or noncompliance with these rules except in compelling circumstances where



justice demands, subject to the restrictions in rule 18.8(b). The clear language of this Rule supports the conclusion of the Court of Appeals and compels us to find that a technical violation of the rules, such as that in this case, should normally be overlooked and the case should be decided on the merits. This result is particularly warranted where the violation is minor and results in no prejudice to the other party and no more than a minimal inconvenience to the appellate court.”

*State v. Olson*, 126 Wn.2d 315, 318-19, 893 P.2d 629 (1995).

Respectfully submitted this 22<sup>nd</sup> day of September 2015.

/s/Marie Trombley, WSBA 41410  
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I certify that on September 22,2014, I delivered an electronic version of this document to the Malcolm Ross, Washington State Office of the Attorney General at: [MalcolmR@atg.wa.gov](mailto:MalcolmR@atg.wa.gov); [CRJSVPef@atg.wa.gov](mailto:CRJSVPef@atg.wa.gov)

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed this 22<sup>nd</sup> day of September 2014, at Graham, Washington

/s/Marie Trombley, WSBA No. 41410  
Attorney for Petitioner  
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**To:** Marie Trombley  
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**Subject:** RE: 91385-4: In re Det. of Anderson: Supplemental Authority

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**Subject:** 91385-4: In re Det. of Anderson: Supplemental Authority

Good morning,

Attached to this email is the Petitioner's Statement of Additional Authority in the matter of In Re Detention of John C. Anderson, Supreme Court No. 91385-4. Oral argument was heard on this matter on 9-17-2015. Please contact me if there is any difficulty downloading or opening the attached document.

Respectfully,  
Marie Trombley  
Attorney for John C. Anderson

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