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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,	)	No. 92389-2
	)	
Respondent,	)	STATEMENT OF
	)	ADDITIONAL
v.	)	AUTHORITIES
	)	FOLLOWING
FABIAN ARREDONDO,	)	ORAL ARGUMENT
	)	
Petitioner.	)	

Regarding the Respondent's contention that the Supreme Court should defer to the trial court's determination of whether the evidence was sufficient to prove the prior bad act by a "preponderance of the evidence" under ER 404(b), Mr. Arredondo cites the following additional authority:

- State v. Ashley, 186 Wn.2d 32, 39, 375 P.3d 673 (2016) (prior bad acts under ER 404(b) must be proved to court by a preponderance of the evidence).
- State v. Kipp, 179 Wn.2d 718, 728, 317 P.3d 1029 (2014) (the general rule is that where the facts are not in dispute and no credibility questions are involved, the appellate court will review an issue *de novo*, as a legal question).
- State v. Rich, 184 Wn.2d 897, 903, 365 P.3d 746 (2016) (sufficiency of the evidence is a question of law that the appellate courts review *de novo*) (citing State v. Berg, 181 Wn.2d 857, 867, 337 P.3d 310 (2014)).

Respectfully submitted this 13<sup>TH</sup> day of October, 2016.

s/ Oliver R. Davis  
Washington Bar Number 24560  
Washington Appellate Project-91052  
1511 Third Avenue, Suite 701  
Seattle, WA 98102  
Telephone: (206) 587-2711  
E-mail: [Oliver@washapp.org](mailto:Oliver@washapp.org)

Statement of  
Additional Authorities

Washington Appellate Project  
1511 Third Avenue, Suite 701  
Seattle, WA 98101  
(206) 587-2711



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[paoappellateunitmail@kingcounty.gov]  
[jennifer.joseph@kingcounty.gov]  
King County Prosecutor's Office-Appellate Unit
- respondent David Trefry, DPA  
[David.Trefry@co.yakima.wa.us]  
Yakima County Prosecutor's Office
- petitioner
- Attorney for other party



MARIA ANA ARRANZA RILEY, Legal Assistant  
Washington Appellate Project

Date: October 13, 2016

# WASHINGTON APPELLATE PROJECT

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