

FILED
SUPREME COURT
STATE OF WASHINGTON
11/1/2017 4:06 PM
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SUPREME COURT OF THE STATE OF WASHINGTON

In re Personal Restraint)
Petition of:) No. 94185-8
TODD DALE PHELPS,)
Petitioner,) STATEMENT OF
ADDITIONAL AUTHORITIES)
_____)

Pursuant to RAP 10.8, The State respectfully cites the following as additional authorities:

In regards to the grooming being of common understanding:

RCW 71A.12.220(11) "Predatory" means acts directed towards strangers, individuals with whom a relationship has been established or promoted for the primary purpose of victimization or casual acquaintances with whom no substantial personal relationship exists. Predatory behavior may be characterized by planning and/or rehearsing the act, stalking, and/or grooming the victim.

In regards to the use of grooming in closing argument by the deputy prosecutor:

State v. Swan, 114 Wn.2d 613, 661, 790 P.2d 610 (1990). "The absence of a motion for a mistrial at time of the argument strongly suggest to a court that the argument or event in question did not appear critically prejudicial to an appellant in the context of the trial. Moreover, 'counsel may not remain silent, speculating upon a

Statement Of
Additional Authorities

favorable verdict and then, when it is adverse, use the claimed misconduct as a life preserver on a motion for a new trial or appeal.”

Dated this 1st day of November, 2017.

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Lewis County Prosecuting Attorney



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LEWIS COUNTY PROSECUTORS OFFICE

November 01, 2017 - 4:06 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 94185-8
Appellate Court Case Title: Personal Restraint Petition of Todd Dale Phelps
Superior Court Case Number: 11-1-00790-6

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