

STATE OF WASHINGTON,

Respondent,

v.

JEROME CURRY,

Appellant.

NO. 94681-7

SECOND STATEMENT OF
ADDITIONAL AUTHORITIES
(RAP 10.8)

COMES NOW the respondent, State of Washington, by and through its attorney BRIAN C. O'BRIEN, and respectfully requests that the Court consider the following additional authority pursuant to RAP 10.8:

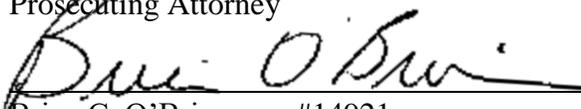
In re Rhome, 172 Wn.2d 654, 667-68, n.4, 260 P.3d 874 (2011):

We review a trial court's decision on such a waiver for abuse of discretion. *Hahn*, 106 Wash.2d [885] at 900, 726 P.2d 25 [1986].⁴ A waiver determination is an ad hoc determination that rests on a judge's evaluation of a defendant's conduct, background, and experience. *Id.*

⁴ Rhome argues that federal law allows for a de novo standard of review when considering the adequacy of waiver of counsel. Reply at 14 (citing *United States v. Erskine*, 355 F.3d 1161, 1166 (9th Cir.2004)). But he acknowledges that Washington case law uses an abuse of discretion standard and he does not offer a way to depart from this standard. Thus, we continue to adhere the abuse of discretion standard articulated in *Hahn*.

Dated this 21 day of February 2018.

LAWRENCE H. HASKELL
Prosecuting Attorney



Brian C. O'Brien #14921
Deputy Prosecuting Attorney
Attorney for Respondent

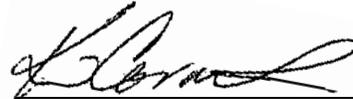
CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington, that on February 21, 2018, I e-mailed a copy of the Second Statement of Additional Authorities in this matter, pursuant to the parties' agreement, to:

Marie Trombley
marietrombley@comcast.net

2/21/2018
(Date)

Spokane, WA
(Place)



(Signature)

SPOKANE COUNTY PROSECUTOR

February 21, 2018 - 2:27 PM

Transmittal Information

Filed with Court: Supreme Court
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Superior Court Case Number: 14-1-04668-6

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