

IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,	NO. 95632-4
Respondent,	STATEMENT OF
v.	ADDITIONAL AUTHORITIES
JOHN MAYFIELD,	(RAP 10.8)
Appellant.	

---

The respondent, State of Washington, by and through its attorney  
GRETCHEN E. VERHOEF, respectfully requests that the Court consider the  
following additional authority pursuant to RAP 10.8:

1. *State v. Mierz*, 127 Wn.2d 460, 475, 901 P.2d 286 (1995) (evidence of an assault on police officers, even if the assault resulted from an unlawful arrest, is not excluded where the officers are identified as such, are performing duties in good faith, and there was no exploitation of any constitutional violation).
2. *State v. Suppah*, 369 P.3d 1108 (Or. 2016) (under Oregon Constitution, defendant's decision to commit a new crime by giving false information after unlawful seizure was an intervening circumstance, attenuating the new criminal conduct from the prior illegality).
3. *State v. Rodriguez*, 854 P.2d 399, 405-06 (Or. 1993) (explaining distinction between voluntariness of consent to search after an illegality and whether law enforcement exploited the illegality to obtain consent under Oregon Constitution; defendant's unsolicited, unilateral consent to search after illegal seizure was not an exploitation of the illegality, and the contraband recovered was not "obtained in violation" of Oregon constitution).
4. *State v. Daugherty*, 931 S.W.2d 268 (Tex. 1996) (analyzing Texas' statutory exclusionary rule, which does not accommodate the "inevitable discovery doctrine" under Texas law, but does allow "attenuation doctrine" analysis; inevitable discovery doctrine is a "legal fiction" which does not "break" causal chain as does attenuation doctrine).

5. *State v. Wright*, 108 N.E.3d 307 (October 4, 2018) (determining that, under Indiana law, the attenuation doctrine is “the natural, reasonable limit to the exclusionary rule’s fruit of the poisonous tree doctrine” citing among others, *State v. Eserjose*, 171 Wn.2d 907, 259 P.3d 172 (2011) and abrogating Indiana Court of Appeals’ holding in *State v. Trotter*, 933 N.E.2d 572 (Ind. Ct. App. 2010) (“[w]hile the Court of Appeals previously confronted [attenuation] questions – and split over the answers – they are novel questions for us that we answer today”)).
6. *State v. Guillen*, 223 Ariz. 314 (2010) (applying attenuation doctrine under Arizona’s constitutional provision, Article 2, Section 8, which provides “[n]o person shall be disturbed in his private affairs, or his home invaded, without authority of law” to consent search of home after presumptively illegal canine sniff).

Dated this 7 day of November 2018.

RYAN JURVAKAINEN  
Prosecuting Attorney

  
Gretchen E. Verhoef #37938  
Special 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 November 7, 2018, I e-mailed a copy of the Statement of Additional Authorities in this matter, pursuant to the parties' agreement, to:

Mary Swift  
[swiftm@nwattorney.net](mailto:swiftm@nwattorney.net); [sloanej@nwattorney.net](mailto:sloanej@nwattorney.net)

Sean Brittain  
[brittains@co.cowlitz.wa.us](mailto:brittains@co.cowlitz.wa.us); [appeals@co.cowlitz.wa.us](mailto:appeals@co.cowlitz.wa.us)

Nancy Talner  
[talner@aclu-wa.org](mailto:talner@aclu-wa.org)

John C. Roberts  
[jroberts@wsg.com](mailto:jroberts@wsg.com)

Christopher Petroni  
[cpetroni@wsg.com](mailto:cpetroni@wsg.com)

Robert Chang  
[changro@seattleu.edu](mailto:changro@seattleu.edu)

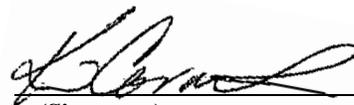
Jessica Levin  
[levinje@seattleu.edu](mailto:levinje@seattleu.edu)

Thomas Weaver  
[tweaver@tomweaverlaw.com](mailto:tweaver@tomweaverlaw.com)

Hillary Behrman  
[hillary@defensenet.org](mailto:hillary@defensenet.org)

11/7/2018  
(Date)

Spokane, WA  
(Place)

  
\_\_\_\_\_  
(Signature)

# SPOKANE COUNTY PROSECUTOR

November 07, 2018 - 8:40 AM

## Transmittal Information

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 95632-4  
**Appellate Court Case Title:** State of Washington v. John Mayfield  
**Superior Court Case Number:** 15-1-00017-6

### The following documents have been uploaded:

- 956324\_State\_of\_Add\_Authorities\_20181107083908SC906888\_4960.pdf  
This File Contains:  
Statement of Additional Authorities  
*The Original File Name was Addl Auth Stmt - GEV 110718 - 956324.pdf*

### A copy of the uploaded files will be sent to:

- Sloanej@nwattorney.net
- appeals@co.cowlitz.wa.us
- brittains@co.cowlitz.wa.us
- changro@seattleu.edu
- cpetroni@wsgr.com
- delopez@wsgr.com
- hillary@defensenet.org
- jroberts@wsgr.com
- levinje@seattleu.edu
- npierce@wsgr.com
- rcarter@wsgr.com
- swiftm@nwattorney.net
- talner@aclu-wa.org
- tweaver@tomweaverlaw.com

### Comments:

---

Sender Name: Kim Cornelius - Email: kcornelius@spokanecounty.org

**Filing on Behalf of:** Gretchen Eileen Verhoef - Email: gverhoef@spokanecounty.org (Alternate Email: scpaappeals@spokanecounty.org)

Address:  
1100 W Mallon Ave  
Spokane, WA, 99260-0270  
Phone: (509) 477-2873

**Note: The Filing Id is 20181107083908SC906888**