

CLERK IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
Respondent,)	No. 95632-4
)	
vs.)	SECOND
)	STATEMENT OF
JOHN MAYFIELD,)	ADDITIONAL
Petitioner.)	AUTHORITIES
_____)	

Pursuant to RAP 10.8, petitioner John Mayfield cites the following additional authorities.

(1) With regard to Justice Wiggins’s question of undersigned counsel regarding the significance of Mr. Mayfield being on DOC supervision:

State v. Olsen, 189 Wn.2d 118, 132, 399 P.3d 1141 (2017) (“[T]here are a host of cases in which lower courts analyzed other parole and probation conditions and found that in those contexts, reasonable suspicion is required to search the offender’s home, vehicle, or electronic devices . . . Courts require reasonable suspicion for such searches in part because these intrusions run the risk of exposing a large amount of private information.” (citations omitted) (citing numerous court of appeals cases)).

State v. Simms, 10 Wn. App. 75, 85, 516 P.2d 1088 (1973) (“[A] search by a parole officer pursuant to his supervisory duties can be distinguished from that of the police officer competitively ‘ferreting out crime.’”).

(2) With regard to Justice Yu’s question of the State regarding preservation of the article I, section 7 argument in the trial court:

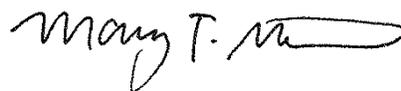
State v. Mendez, 137 Wn.2d 208, 216-17, 970 P.2d 722 (1999) (“After we granted the petition for review in this case, the State filed a motion asking us to strike Mendez’s argument regarding art. I, § 7 because it was not raised in the Court of Appeals. The State also asserted that because Mendez failed to discuss the six independent state constitutional analysis factors set forth in [Gunwall], we should not reach the State constitutional issue. We disagree. Mendez articulated the pertinent Gunwall factors in his petition for review. We deny the State’s motion because Mendez raised the Gunwall factors, albeit late in the appellate process, and the core issue is not new; only the application of the State constitution to these facts is new. Given the preeminence of our State constitution in matters of privacy, there is no valid reason why we should not first consider art. I, § 7.”), overruled on other grounds by Brendlin v. California, 551 U.S. 249, 127 S. Ct. 2400, 168 L. Ed. 2d 132 (2007).

State v. Hendrickson, 129 Wn.2d 61, 69 n.1, 917 P.2d 563 (1996) (considering article I, section 7 issue raised for the first time on appeal because “the issue is not new; only the argument involving the Washington Constitution’s application to the facts of this case is new”)

DATED this 8th day of November, 2018.

Respectfully submitted,

NIELSEN, BROMAN & KOCH



MARY T. SWIFT, WSBA No. 45668
Office ID No. 91051
Attorneys for Petitioner

NIELSEN, BROMAN & KOCH P.L.L.C.

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