

STATE OF WASHINGTON,

Petitioner,

v.

MATTHEW MCCARTHY,

Respondent,

In Re Personal Restraint of:

MATTHEW S. McCARTHY,

Respondent.

NO. 96653-2

STATEMENT OF
ADDITIONAL
AUTHORITIES (RAP 10.8)

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

State v. Curry, 191 Wn.2d 475, 423 P.3d 179 (2018) (In determining whether waiver of counsel was valid, this Court stated, “we give great deference to the trial court’s determination. Even if we disagree with the court’s ultimate conclusion, we do not reverse that decision unless it falls outside the range of acceptable choices because it is manifestly unreasonable, rests on facts unsupported by the record or was reached by applying the wrong legal standard... The trial court is in a favorable position compared to that of an appellate court... The trial judge, having seen and heard the proceedings is in a better position to evaluate and adjudge than we from a cold, printed record. Trial courts have the benefit of observing the behavior and characteristics of a defendant, the inflections, and the language used to make a request”); *See also, State v. Burns*, ___ Wn.2d ___, 438 P.3d 1183 (2019) (same).

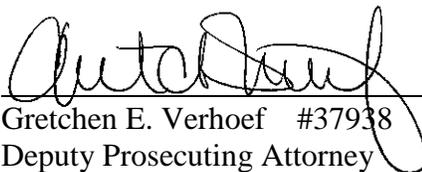
State v. Kennealy, 151 Wn. App. 861, 878, 214 P.3d 200 (2009) (With regard to child witness competency, “because the trial court is in the best position to observe a potential witness, competency determinations are within the trial court’s sound discretion, and we review a trial court’s competency determination for a manifest abuse of discretion”).

United States v. Heard, 762 F.3d 538 (6th Cir. 2014) (“Personality diagnoses are not psychoses... [P]eople with personality disorders are present in all walks of life. Narcissists...are relatively ‘prevalent in law, medicine and science or...boast celebrity status...Notable paranoids include J. Edgar Hoover and Joseph McCarthy. And, antisocials fill the nation’s prisons”).

Maggio v. Fulford, 462 U.S. 111, 118, 103 S.Ct. 2261, 76 L.Ed.2d 794 (1983) (In federal habeas review, United States Supreme Court reversed the court of appeals which “had apparently concluded that the trial judge was obligated to credit both the factual statements and the ultimate conclusions of [a doctor] solely because he was ‘unimpeached,’” stating, “[t]his is simply not the law... ‘Face to face with living witnesses the original trier of the facts holds a position of advantage from which appellate judges are excluded. In doubtful cases the exercise of his [or her] power of observation often proves the most accurate method of ascertaining the truth ... how can we say the judge is wrong? We never saw the witnesses...””).

Dated this 25 day of June 2019.

LAWRENCE H. HASKELL
Prosecuting Attorney



Gretchen E. Verhoef #37938
Deputy Prosecuting Attorney

Attorney for Petitioner

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington, that on June 25, 2019, I e-mailed a copy of the Statement of Additional Authorities in this matter, pursuant to the parties' agreement, to:

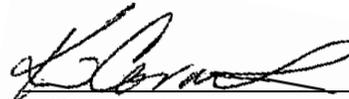
Tanisha La Trelle Canzater
Canz2@aol.com

And mailed a copy to:

Matthew Sean McCarthy, DOC #779521
Washington State Penitentiary
1313 N 13th Ave
Walla Walla, WA 99362

6/25/2019
(Date)

Spokane, WA
(Place)



(Signature)

SPOKANE COUNTY PROSECUTOR

June 25, 2019 - 2:32 PM

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Appellate Court Case Number: 96653-2
Appellate Court Case Title: State of Washington v. Matthew Sean McCarthy
Superior Court Case Number: 14-1-03384-3

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