

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

In re Dependency of A.M.-S.

SERGIO MICHEL-GARCIA,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

No. 98094-2

SECOND STATEMENT OF
ADDITIONAL AUTHORITY

As permitted by RAP 10.8, the State of Washington, respondent, submits the following additional authority on whether courts have authority to confer derivative use immunity:

1. In re Mark A., 156 Cal. App. 4th 1124, 1142, 68 Cal. Rptr. 3d 106, 119 (2007) (“[None] of the juvenile dependency cases that have addressed the Fifth Amendment privilege have extended the exclusionary rule to information derived from the witness’s testimony”).

2. State v. Simpson, 95 Wn.2d 170, 180, 622 P.2d 1199 (1980) (plurality op.) (defendant’s testimony at suppression hearing may be admitted at trial for impeachment).

3. United States v. Beltran-Gutierrez, 19 F.3d 1287, 1290 (9th Cir. 1994) (same holding as Simpson).

Respectfully submitted this 29st day of June, 2020.

ADAM CORNELL
Snohomish County Prosecuting Attorney

By: Seth A Fine
SETH A FINE, WSBA #: 10937
Deputy Prosecuting Attorney
Attorney for Respondent State of Washington

sent via email
On this day I mailed a properly stamped envelope addressed to the attorney for the defendant that contained a copy of this document.

I certify under penalty of perjury under the laws of the State of Washington that this is true.

Signed at the Snohomish County Prosecutors Office
this 29th day of June, 2020



SNOHOMISH COUNTY PROSECUTOR'S OFFICE

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Comments:

Sender Name: Diane Kremenich - Email: diane.kremenich@co.snohomish.wa.us

Filing on Behalf of: Seth Aaron Fine - Email: sfine@snoco.org (Alternate Email: diane.kremenich@snoco.org)

Address:
3000 Rockefeller Avenue, M/S 504
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