

FILED
SUPREME COURT
STATE OF WASHINGTON
5/13/2024 8:18 AM
BY ERIN L. LENNON
CLERK

NO. 100833-4

SUPREME COURT
STATE OF WASHINGTON

STATE OF WASHINGTON,

Plaintiff/Respondent,

V.

ISAIAH THOMAS OLIVER,

Defendant/Appellant.

ADDITIONAL STATEMENT OF AUTHORITIES

Dennis W. Morgan WSBA #5286
Attorney for Appellant
P.O. Box 1019
Republic, Washington 99166
(509) 775-0777

COMES NOW, ISAIAH THOMAS OLIVER, by and through the undersigned attorney, and requests the Court to consider the case of *State v. Grayson*, 154 Wn.2d 333, 339, 111 P.3d 1183 (2005) in connection with the issue of the trial court's failure to take judicial notice of evidence from a prior mistrial.

ARGUMENT

Mr. Oliver contends that the trial court's failure to take judicial notice of testimony from a prior mistrial runs counter to the provisions of RAP 13.4 (b)(1) and (3).

As outlined in his Petition for Discretionary Review the judicial notice issue is coextensive with the claim of ineffective assistance of counsel. The *Grayson* Court held:

Our constitutional democracy is dependent upon an independent and informed judiciary. Our judiciary benefits from and relies upon judges who have studied and become learned in the law and whose personal experiences have taught them a practical understanding of the world we live in and how people live, work, and interact with the world around them.

We do not believe the legislature intended that judges leave their knowledge and understanding of the world behind and enter the courtroom with blank minds. Judges are not expected to leave their common sense behind. Nor do we believe the legislature expected judges to hold hearings on whether fire is hot or water is wet. We prize judges for their knowledge, most of which is obtained outside of the courtroom.

See also: Dependency of R.L.L., 29 Wn. App. 2d 76, 84 (2023).

CERTIFICATE of COMPLIANCE: *I certify under penalty of perjury that this document contains 245 words, excluding the parts of the document exempted from the word count by RAP 18.17.*

DATED this 13th day of May, 2024.

Respectfully submitted,

s/ Dennis W. Morgan

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NO. 100833-4

SUPREME COURT

STATE OF WASHINGTON

STATE OF WASHINGTON,)
) SPOKANE COUNTY
Plaintiff,) NO. 21 1 01246 32
)
v.) COURT OF APPEALS
) 39384-4-III
ISAIAH THOMAS OLIVER,)
)
Defendant.)

I certify under penalty of perjury under the laws of the State of Washington that on this 13th day of May, 2024, I caused a true and correct copy of the *ADDITIONAL STATEMENT OF AUTHORITIES* to be served on:

WASHINGTON STATE SUPREME COURT E-FILE
Attn: Erin Lennon, Court Clerk
supreme@courts.wa.gov

Spokane County Prosecutor's Office E-FILE
Attn: Gretchen Verhoef
gverhoef@spokanecounty.org

CERTIFICATE OF SERVICE

ISAIAH THOMAS OLIVER
Brownstone Reentry Center
223 S. Browne St.
Spokane, WA 99201

U.S. MAIL

s/ Dennis W. Morgan

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Transmittal Information

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Appellate Court Case Number: 102,833-4
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