

THE SUPREME COURT OF  
THE STATE OF WASHINGTON

	)	
State of Washington,	)	No 103003-7
Respondent,	)	
	)	
v.	)	Statement of
	)	Additional
Dustin Griffin,	)	Authorities
Appellant.	)	
_____	)	

Dustin Griffin offers the following additional authorities.

In *State v. Luthi*, \_Wn.2d \_, 549 P.3d 712 (2024), this Court ruled that requiring a person to appear in court from jail constitutes an unnecessary restraint that violates due process absent a trial court finding that extraordinary circumstances require such restraints.

Anytime a trial court conducts a hearing where a person is restrained, it “must engage in an individual inquiry into the use of restraints prior to every court appearance.” *Id.* at 719. That did not occur in *Luthi*, and it did not occur here.

The court condemned Mr. Griffin to appear for his

sentencing hearing from jail, without counsel at his side and absent any compelling justification, when it decided the punishment to impose. As in *Luthi*, this presumptively and inherently prejudicial treatment requires remand for a new sentencing hearing.

This pleading complies with RAP 18.7 and contains 139 words.

DATED this 19<sup>TH</sup> day of August, 2024.

A handwritten signature in black ink, appearing to read "Gregory C. Link".

Gregory C. Link – 25228  
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### DECLARATION OF FILING AND MAILING OR DELIVERY

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the below date, the original of the document to which this declaration is affixed/attached, was filed in the **Washington State Supreme Court** under **Case No. 103003-7**, and a true copy was mailed with first-class postage prepaid or otherwise caused to be delivered by other court-approved means to the following attorney(s) or party/parties of record at their regular office / residence / e-mail address as listed on ACORDS / WSBA website:

☒ respondent Eric Bentson  
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Cowlitz County Prosecutor's Office

☐ petitioner

☐ Attorney for other party



MARIA ANA ARRANZA RILEY, Legal Assistant  
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Date: August 19, 2024

# WASHINGTON APPELLATE PROJECT

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## Transmittal Information

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 103,003-7  
**Appellate Court Case Title:** State of Washington v. Dustin Alan Griffin  
**Superior Court Case Number:** 18-1-01424-4

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