

IN THE WASHINGTON SUPREME COURT

STATE OF WASHINGTON,)	No. 103727-9
)	
Respondent.)	
)	STATEMENT OF
v.)	ADDITIONAL
)	AUTHORITIES
WILLIAM HELKENN,)	IN SUPPORT OF
)	GRANTING REVIEW
Petitioner.)	OR STAYING

William Helkenn, the petitioner, submits this Court’s recent order granting review in *State v Bennett*, No. 103469-5 as additional authority in support of granting his petition for review on the issue concerning whether the trial court’s admission of otherwise inadmissible hearsay was proper under an “open the door” or “rule of completeness theory. RAP 10.8. In light of the grant review in *Bennett*, the Court may also stay consideration of Mr. Helkenn’s petition until *Bennett* is decided.

Mr. Helkenn argues review should be granted to resolve a split in the Court of Appeals precedent on whether the “open

the door doctrine” permits the admission of otherwise inadmissible evidence. Pet. for Rev. at 15-22. He contrasts the approach in this case with varying conflicting approaches in other appellate opinions, including from Division Three in *State v. Bennett*, 32 Wn. App. 2d 32, 40-43, 553 P.3d 1150 (2024). Pet. for Rev. at 17-22. In *Bennett*, Division Three rejected an “open the door” theory as basis for admitting testimonial hearsay, but nonetheless affirmed on an invited error theory. 32 Wn. App. at 42-44. This Court has granted review of in *Bennett* on this issue. No. 103469-5.¹

This case concerns a similar issue and the decision in *Bennett* may be dispositive or at least enlightening on the issue

¹ The commissioner’s framing of the issue is: “Whether, in this prosecution for first degree assault, the trial court permissibly admitted testimonial hearsay statements of a nontestifying witness made in a police interview on the basis the defendant invited the error by cross-examining a detective about the nontestifying witness’s unrelated statements from the same interview.”
https://www.courts.wa.gov/appellate_trial_courts/supreme/issue/s/casesNotSetAndCurrentTerm.pdf

of whether trial court's admission of out-of-court statements in a diary were proper under an open-the-door or rule of completeness theory.

Thus, the grant of review in *Bennett* supports granting review here on the related issue. This Court may also stay consideration of this matter until *Bennett* is decided.

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Respectfully submitted this 5th day of March, 2025.



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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. 103727-9**, and a true copy was mailed with first-class postage prepaid or otherwise caused to be delivered to the following attorney(s) or party/parties of record at their regular office or residence address as listed on ACORDS:

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