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IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
Plaintiff,)	No. 85665-6
)	(King County Superior Court
vs.)	No. 93-1-02331-2)
)	
MATTHEW H. RICHARDSON,)	REPLY TO STATE'S
Defendant,)	ANSWER TO MOTION FOR
)	DISCRETIONARY REVIEW
MIKE SIEGEL,)	
)	
Intervenor/Appellant.)	
)	
)	

I. INTRODUCTION

Appellant Siegel enters this brief reply largely agreeing with the arguments presented by the State in support of granting direct review.

II. ARGUMENT

The public has a right to understand how an action was adjudicated. As pointed out by the State, the public has an interest in "analyzing certain types of case[s] and how they are treated by the courts,

and members of the public who are employers also have a right to know relevant information about an applicant's past." See State's Response at 2-3. This right applies to all members of the public equally.

While an individual may be able to obtain a ruling whereby they are "released from all penalties and disabilities resulting from [a] matter, including the right to own and possess firearms, and that for all purposes, including responding to questions related to employment, the Defendant may truthfully state that he has never been convicted of an offense[.]"—as occurred here—this should not cause court records to be fully shut off from public access. The Public must be permitted to view how this conclusion was reached, absent specific findings to the contrary made pursuant to Seattle Times v. Ishikawa, 97 Wn.2d 30, 640P.2d 716 (1982) and GR 15—none of which was done here. In such instances, sealing orders should be presumed void. See State's Response at 7.

Further, as the State points out, these cases are rarely successfully appealed because the standards for discretionary review may be difficult to meet in the case of orders reviewed for abuse of discretion, though defendants often seek to have them sealed. See State's Response at 4-5. This highlights not only the problem of over-sealing of court records, but also the problems with path to review in cases such as this. However, contrary to the State's position, Siegel urges this Court to rule that orders

on sealing, at least in the case of an intervenor involved in a case which has otherwise concluded, are appealable as a matter of right. It is difficult to ascertain how allowing for review as a matter of right in such instances could be problematic, and indeed allowing for direct review will save parties, as well as courts, the additional step of undergoing motions practice in order to obtain review.

III. CONCLUSION

Based on the foregoing, Siegel again requests this Court to accept this matter on direct review, and to address the issues pertaining to sealing of records as well as the path to review when sealing orders are challenged.

RESPECTFULLY SUBMITTED this 6th day of May, 2011.



Attorneys for Mike Siegel.

By 

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CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on May 6, 2011, I delivered a copy of the foregoing Motion for Discretionary Review to:

James M. Whisman
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King County Courthouse, Room W554
516 Third Avenue
Seattle, WA 98104
via email with backup via U.S. Mail pursuant to agreement

Klaus O. Snyder & Kelly J. Faust Sovar
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via email with backup via U.S. Mail pursuant to agreement

Matthew Richardson
14807 Rivergrove Dr.
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Via U.S. Mail as courtesy until withdrawal of Snyder firm on May 18,
2011

Dated this 6th day of May, 2011, at Seattle, Washington.



Chris Roslaniec

OFFICE RECEPTIONIST, CLERK

To: Chris Roslaniec; 'Supreme@courts.wa.gov'; Kelly.Faust@sumnerlawcenter.com; 'Klaus Snyder'; Denise Manning; 'Jim.Whisman@kingcounty.gov'
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Subject: RE: Supreme Court No. 85665-6, State v. Matthew Richardson; Mike Siegel Intervenor/Appellant

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Cc: Michele Earl-Hubbard

Subject: Supreme Court No. 85665-6, State v. Matthew Richardson; Mike Siegel Intervenor/Appellant

Please see for filing the attached Reply to State's Answer to Motion for Discretionary Review in the above-referenced matter.

Thank you,
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