

68971-1

68971-1

FILED
COURT OF APPEALS DIV I
STATE OF WASHINGTON
2013 FEB -7 PM 1:15

In the Court of Appeals
For Division I

Keith Blair,
Appellant
vs.
State of Washington,
Respondents.

Supplemental Brief
to Statement of Add-
itional Grounds RAP 10.10.

case # COA 68971-1-1

I. Facts.

The appellant counsel had requested a continuance in regards to filing a Supplemental brief on the issue of the Trial Judge Excusing (Dismissal of Jurors) jurors for hardship without a show of cause; without the presence of any counsel being present and had prejudice the defendant herein.

(Pg. 1 of 2)

II. Argument

Did the Dismissal of Jurors
by the Trial Judge now cause
Prejudice and an unfair Trial?

Under Washington State Statutes, members of the Jury panel must be randomly selected. E.g. R.C.W. 2.36.010(12), 063, 065, State v. Tingate, 117 Wn.2d. 595, 600 & n.3, 817 P.2d. 850 (1991), Brady v. Fibreboard Corp., 71 Wn. App. 280, 282, 857 P.2d. 1094 (1993). Where the selection process is in substantial compliance with the statutes, the defendant must show prejudice. If there has been a material departure from the statutes, prejudice will be presumed. Tingate, 117 Wn.2d. at 600 (citing W.E. Roche Fruit Co. v. N. Pac. Ry., 18 Wn.2d. 484, 139 P.2d. 714 (1943)).

A Trial Court's decision to excuse members of the Jury venire is reviewed under an abuse of discretion standard. Tingate, 117 Wn.2d. at 599-600. Challenges to the Jury Panel shall be sustained only upon a material departure from the procedures provided by Law. CrR 6.4(a).

I swear under the penalty of perjury
that all statements are true to the best of my

Dated this 4th day of February, 2013. Knowledge.

(Pg. 2 of 2)

Keith B. C.
Appellant

DECLARATION OF SERVICE BY MAIL
GR 3.1

FILED
COURT OF APPEALS DIV I
STATE OF WASHINGTON
2013 FEB -7 PM 1:15

I, Keith Blair, declare and say:

That on the 4th day of February, 2013, I deposited the following documents in the Stafford Creek Correction Center Legal Mail system, by First Class Mail pre-paid postage, under cause No. 68971-1-1 :

addressed to the following:

Casey Grannis
Nielsen Broman & Koch
1908 E Madison St.
Seattle Wa 98122

James Whisman
King Co. Prosecutors Office
516 3rd Ave Ste W554
Seattle Wa 98104

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED THIS 4th day of February, 2013, in the City of Aberdeen, County of Grays Harbor, State of Washington.

Keith Blair
Signature

Keith Blair
Print Name

DOC 345896 UNIT H5-A30
STAFFORD CREEK CORRECTIONS CENTER
191 CONSTANTINE WAY
ABERDEEN WA 98520