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SUPREME COURT  
STATE OF WASHINGTON  
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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON,	)	No. 91297-1
Petitioner,	)	
	)	MOTION TO
v.	)	SUPPLEMENT THE
	)	RECORD WITH A
CHARLES FARNSWORTH,	)	TRIAL COURT EXHIBIT
Respondent.	)	
	)	

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I. IDENTITY OF MOVING PARTY

Respondent Charles Farnsworth moves this Court for the relief requested below.

II. STATEMENT OF RELIEF SOUGHT

In order to serve the ends of justice, pursuant to RAP 1.2, RAP 9.6, and RAP 10.3, Mr. Farnsworth moves to supplement the record by designating an exhibit admitted in the trial court.

III. FACTS RELEVANT TO MOTION AND ARGUMENT

RAP 9.6 provides that a party may designate an exhibit from the trial court to an appellate court “by order of the appellate court, upon motion,” after the briefs have been filed in the Court of Appeals. RAP

Motion to Strike or Supplement Record

Washington Appellate Project  
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1.2(a) encourages this Court to interpret the Rules of Appellate Procedure “liberally” to “promote justice and facilitate the decision of cases on the merits.” RAP 1.2(c). It will facilitate the review of the merits of the case if the Court permits Mr. Farnsworth to supplementally designate an exhibit filed in the trial court and presented to the jury.

The prosecution’s petition for review discusses the appearance of James McFarland when he went into a bank with a note seeking money. It repeatedly asserts that “he looked like a ninja,” which is a characterization the State never asserted in its briefing to the Court of Appeals.

Ex. 31 is a still photograph of Mr. McFarland at the bank. It was admitted at trial and presented to the jury. It shows his appearance inside the bank.

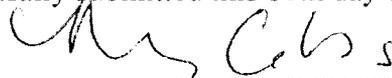
Supplementing the record with Ex. 31 is appropriate given the relevance of Mr. McFarland’s appearance and the State’s characterization of that appearance in the petition for review as looking like a ninja as part of its efforts to convince this Court that the Court of Appeals erred in its decision.

This additional information will aid the Court in deciding whether to grant review on the issue of whether Mr. McFarland was impliedly threatening that he would use immediate force by virtue of his appearance and conduct when inside the bank. Mr. Farnsworth respectfully requests permission to supplement the record with Ex. 31, a trial exhibit presented to the jury, that is pertinent to the issue raised in the State's petition for review.

III. CONCLUSION

This Court should permit counsel to supplement the record with Exhibit 31, admitted in the trial court.

Respectfully submitted this 11th day of March 2015.



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