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STATE OF WASHINGTON
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COURT OF APPEALS, DIVISION II OF THE STATE OF
WASHINGTON

STATE OF WASHINGTON,
Respondent,

NOs. 79339-5 & 79371-9

v.

MICHAEL ALLEN BOYD, Petitioner,
MAUREEN WEAR and LEE GILES

MOTION TO STRIKE THE
NATIONAL CENTER FOR
MISSING AND EXPLOITED
CHILDREN AMICUS BRIEF OR
IN THE ALTERNATIVE TO
DISMISS THE MOTION TO
STRIKE THE WACDL/NACDL
AMICUS BRIEF

1. Identity of Moving Parties

Mary Kay High, attorney for defendant Maureen
Wear, Michael Schwartz, attorney for defendant Lee Giles
and Barbara Core, attorney for defendant Michael Boyd,
request the relief designated in Part 2.

2. Statement of Relief Sought.

Defendants request the Court strike the amicus curia

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2 brief filed by the National Center for Missing and Exploited
3 Children and the Amicus Curia Brief filed by WAPA, in
4 the alternative, defense counsel request the Court deny the
5 State's Motion to Strike Portions of the Amicus Brief filed
6 by WACDL/NACDL.

7 3. Grounds for Relief and Argument

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9 The brief submitted by the National Center for Missing
10 and Exploited Children is entirely comprised of information
11 not argued, presented or considered by the trial courts
12 below. RAP 10.7 authorizes a party to move to strike a
13 brief that fails to meet the requirements of RAP 10.

14
15 Defense counsel are mindful that this court is being
16 asked to review and decide a issue that will have far
17 reaching implications on how discovery is conducted in
18 cases involving the visual depictions of juveniles in sexual
19 contexts. However, if this court is inclined to permit the
20 amicus brief submitted by the National Center for Missing
21 and Exploited Children then it must also, in fairness, deny
22 the State's Motion to Strike the WACDL/NACDL amicus
23 brief. Moreover, if the Court strikes the WACDL/NACDL
24

1 amicus brief, defendants' counsel will seek to re-open the
2 record at the trial court level to include the materials being
3 stricken.
4

5 5. Conclusion

6 Defendants Wear, Giles and Boyd request
7 this court strike the amicus brief submitted by the
8 National Center for Missing and Exploited
9 Children if the Court grants the State's motion to
10 strike portions of the WACDL/NACDL brief.
11

12 Respectfully submitted this 5th day of March, 2007
13

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MOTION TO STRIKE AMICUS BRIEF -3

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