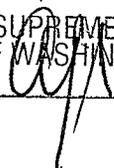


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CLERK

SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,	)	
	)	
Respondents,	)	No. 81096-6
	)	
vs.	)	
	)	STATEMENT OF ADDITIONAL
CHARLES MOMAH,	)	CITATIONS TO THE RECORD
	)	
Petitioner,	)	
	)	
	)	
	)	

At oral argument on June 10, 2008, counsel for Momah -- referring to a quotation from the record (12 RP 4) -- said: ""This was the first time anyone had talked about courtroom closure." Oral Argument Tape at 08:50.<sup>1</sup> Below-signed counsel disagreed with that assertion, and noted that the logistics of jury selection, including the limited space and the need for individual questioning, was discussed several times before October 11, 2005, i.e. before the quote at 12 RP 4. Oral Argument Tape at 31:40.

<sup>1</sup> <http://www.tvw.org/media/mediaplayer.cfm?evid=2008060030D&TYPE=V&CFID=1985760&CFTOKEN=3878aca53bfb572e-B02CD8AF-3048-349E-4EC742C3736B0549&bhcp=1>

Justice Richard Sanders asked for a citation to a page in the record before October 11<sup>th</sup> which shows discussions about the individual questioning of jurors. Oral Argument Tape at 34:50. Counsel for Respondent indicated he would supply the precise pages after argument. Oral Argument Tape at 35.15. The citations to those parts of the record are set forth below:

September 12, 2005 (pretrial hearing)

- 5 RP 2-5 (courtrooms, jury selection, number of jurors)
- 5 RP 20-21 (media order discussed)

Monday, October 03, 2005 (first day of trial)

- 7 RP 7-10 (jurors, logistics)

Wednesday, October 5, 2005

- 9RP 3-5 (jurors, logistics, questionnaires)

Thursday, October 6, 2005

- 10 RP 4 (email from KING5-TV)
- 10 RP 68-95 (discussion about jury voir dire)
- 10 RP 75 (regarding sealing of jury questionnaires defense counsel states: "Right, I would say so. I would think that there would be exceptions to releasing those, given privacy. I know courts oftentimes keep juror information confidential.")
- 10 RP 76 (individual questioning discussed)
- **10 RP 80 ("Court: "...there is no jury room on 942. So if we are going to do individual questions, we have no place to keep them while we bring them out one at a time...." Bailiff mentions "staff offices" and a retrofit that left only "tiny offices." Prosecutor refers to that space as "chambers.")**

- 10 RP 91-94 (Defense objection to televised voir dire. "Court: There is a new court rule on it that presumes all proceedings are open. ... The presumption is all proceedings are open.")

Monday, October 10, 2005 (first day of voir dire)

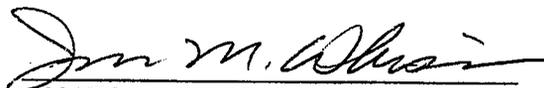
- 11 RP 3 (begin discussion of voir dire logistics)
- 11 RP ("Court: **We will bring them all in here. Can we move back into chambers?**")
- 11 RP 51 (list of "hardship" and "cannot be fair" jurors)

Tuesday, October 11, 2005

- 12 RP 2 ("Court: We can't use this courtroom this afternoon. I was seeking input from counsel about what to do. I made a list of jurors who wanted to have private questioning about various issues. On that list I have eight jurors who wanted private questioning.")

Dated this <sup>16<sup>th</sup></sup> ~~18<sup>th</sup>~~ day of June, 2008.

DANIEL T. SATTERBERG  
Prosecuting Attorney



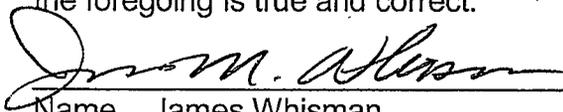
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Seattle, WA 98104  
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Certificate of Service by Mail

Today I sent by electronic mail to Sheryl Gordon McCloud, the attorney for the appellant, a copy of the Statement of Additional Citations to the Record, in STATE V. CHARLES MOMAH, Cause No. 81096-6 in the Supreme Court for the State of Washington.

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



Name James Whisman  
Done in Seattle, Washington

  
Date 6/16/08