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SUPREME COURT
STATE OF WASHINGTON

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SUPREME COURT
OF STATE OF WASHINGTON BY RONALD R. CARPENTER

TACOMA NEWS, INC., a Washington
corporation, d/b/a THE NEWS
TRIBUNE,

Petitioner,

v.

THE HONORABLE JAMES D. CAYCE,

Respondent.

NO.

CLERK

MANDAMUS ACTION AGAINST
STATE OFFICER

83645-1

Tacoma News, Inc. d/b/a The News Tribune ("The News
Tribune") alleges as follows:

1. The Parties

1.1 Petitioner The News Tribune operates a daily newspaper
in Pierce County, Washington.

1.2 The Honorable James D. Cayce is a King County Superior
Court judge presiding over the criminal Pierce County case of *State v.*
Hecht, Cause No. 09-1-01051-1.

2. Respondent's Court Closure

2.1 On September 16, 2009, The Honorable James D. Cayce
ordered that witness Joseph Pfeiffer provide his testimony in Court and
subject to video recording. Both the State and Defense would have an
opportunity to examine Mr. Pfeiffer and the Court would preside over
the hearing. There was no notice to the public regarding the time of
day this hearing would occur.

2.2 On September 21, 2009, The News Tribune's reporter Adam Lynn and Legal Counsel for The News Tribune, James W. Beck, entered the hearing described above. There was no notice indicating that the hearing was closed.

2.3 Prior to the time Mr. Lynn and Counsel entered the Courtroom, the direct and cross-examination of Mr. Pfeiffer had already occurred. Prosecution was beginning its examination on re-direct.

2.4 At the time Mr. Lynn and Counsel entered the Courtroom, The Honorable James D. Cayce stopped the proceedings. After allowing Counsel for The News Tribune to briefly speak, The Honorable James D. Cayce Ordered the Courtroom closed for the remaining portions of the hearing.

2.5 Counsel for The News Tribune argued that the question of the courtroom's closure was subject to the five requirements outlined in *Seattle Times v. Ishikawa*, 97 Wn.2d 30 (1982). The Honorable James D. Cayce disagreed and Ordered the Courtroom closed.

3. Relief Sought

3.1 Petitioner seeks to have this Court issue a writ of Mandate to the Honorable James D. Cayce requiring that he Order the production of a copy of the complete proceedings from the hearing,

including a transcript of the proceedings and a copy of the videotaped testimony.

3.2 Petitioner seeks to have this Court issue a writ of Mandate requiring the Honorable James D. Cayce to keep all similar proceedings in the trial of this matter open to the public unless the press and public first receive notice of the hearing and requirements of *Seattle Times v. Ishikawa* are satisfied.

3.3 Petitioner requests that this Court award Petitioner costs as provided in RCW 7.16.260.

3.4 For such other and further relief as the Court deems just and equitable.

DATED this 22nd day of September, 2009.

Respectfully submitted,

GORDON THOMAS HONEYWELL LLP

By William E. Holt

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