

NO. 59995-0-I

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON,

Respondent,

v.

ROLAND SPEIGHT,

Petitioner.

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR SAN JUAN COUNTY

The Honorable Alan R. Hancock, Judge

PETITIONER'S THRID SUPPLEMENTAL BRIEF IN RE THE
MATTER OF APPLICATION FOR RELIEF FROM PETITIONER'S
PERSONAL RESTRAINT PETITION

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A. SUPPLEMENTAL ISSUES

1. Whether under the Supreme Court's recent decisions in State v. Wise,¹ State v. Paumier² and In re Personal Restraint Petition of Morris,³ the private questioning of 14 potential jurors – several of whom were excused for cause – violated petitioner Roland Speight's public trial right and entitles him to a new trial?

2. Whether, when the violation of the public trial right is raised on collateral review, Morris allows such relief absent an explicit claim of ineffective assistance of appellate counsel for failing to raise the issue on direct review?

B. FACTS RELEVANT TO SUPPLEMENTAL ISSUES

At a pre-trial telephonic conference held May 23, 2005, the parties and court discussed a jury questionnaire for voir dire, apparently provided by the court:

THE COURT: Okay. Thank you very much, counsel.

Let me just ask, since I know you've inquired about it informally, do counsel plan to have a written questionnaire for the jury panel?

¹ State v. Wise, 176 Wn.2d 1, 288 P.3d 1113 (2012).

² State v. Paumier, 176 Wn.2d 29, 288 P.3d 1126 (2012).

³ In re Personal Restraint of Morris, 176 Wn.2d 157, 288 P.3d 1140 (2012).

MS. KENIMOND [defense counsel]: Your Honor, I have it in my hand, and it is agreed to. Shall I give it to the clerk to ask that it be reproduced?

THE COURT: Well, we'd like to have counsel make the necessary copies of it, if possible.

MR. SILVERMAN [prosecutor]: I believe it was provided by the Court and defense attorney indicates she feels it's appropriate. I've looked it over, Your Honor. I have no objection to it. Since it is an alleged sexual assault, sometimes having a questionnaire make it easier for the jurors, if you find that appropriate.

THE COURT: Yes. I think it is appropriate to have a written questionnaire like this. I do want to make sure there's something in there that indicates that the person answering the questions can be interviewed individually and not in the presence of other members of the panel. Is there something like that in there?

MR. SILVERMAN: I believe that Your Honor has a cover sheet that says to prospective witnesses that I believe covers those issues, and we'll make sure that that cover sheet accompanies the questionnaire.

1RP (5/23/05) 5-6 (emphasis added).

As mentioned by the prosecutor, the court's cover page provided in relevant part:

Some of these questions may call for information of a personal nature that you may not want to discuss in public. If you feel that your answer to any questions may invade your privacy or be embarrassing to you, you may so indicate on the form that you would prefer to discuss your answer in private. The court will give you an opportunity to explain your request for confidentiality outside the presence of the other jurors.

See Cover Sheet and Questionnaire, attached as an Appendix. The cover sheet was signed solely by the judge. Appendix.

At the end of the questionnaire, jurors were asked:

If you have answered “Yes” to any of the above questions, would you prefer that the attorneys question you individually in court, or would you be comfortable discussing your answers in front of others?

I request individual questioning.

I do not request individual questioning.

Appendix (emphasis added).

On May 24, 2005, while the jury was filling out the questionnaires, the parties and the judge went privately into chambers, whereupon the judge ruled on several pretrial motions. See Supplemental Brief of Petitioner (SBOP) at 2-3.

The judge thereafter reviewed the jurors’ responses, identified those who requested individual questioning, and sent the clerk to bring back the first of the 14 jurors who would be questioned privately in the judge’s chambers. SBOP, Appendix H at 9-10. The court, the prosecutor and defense counsel subsequently inquired individually of juror 3, as well as jurors 5, 7, 8, 10, 22, 15, 21, 24, 28, 45, 23,⁴ 13 and 38. SBOP, Appendix H at 10-72. Jurors 3, 5, 10, 22, 15 and 38 were excused for

⁴ Juror 23 was questioned in chamber, but not because of her answers to the questionnaire. She forgot to check the box on her juror profile indicating she did not have a felony conviction. SBOP, Appendix H at 60-61.

cause during this private in-chambers questioning. SBOP, Appendix H at 14, 17, 35, 40, 43, 72.

There is no indication the trial judge advised Speight of his right to open voir dire or expressly afforded him the chance to object to private questioning. There is no indication the judge ever considered Speight's right to a public trial.

Indeed, the court's comments indicate its primary concern in conducting the questioning in chambers was to protect the jurors' privacy. When juror 3 was brought back, the court seemed to apologize for defense counsel and Speight's presence:

We're gathered here in chambers, as you know, because you had requested to be questioned outside the presence of the other jurors, and we'll certainly honor that request. I want you to know we're going to keep these as private as possible. It is required that the attorneys and the defendant be present for this process. So we're doing the best we can, ma'am.

SBOP, Appendix H at 10. With the exception of juror 23, the court offered this same contrite explanation to all other jurors who were questioned individually in chambers before questioning of each began. SBOP, Appendix H at 15, 18, 22, 27-28, 37, 42, 44, 49, 53, 56, 62, 66.

C. SUPPLEMENTAL ARGUMENT⁵

1. UNDER WISE AND PAUMIER, THE COURT'S QUESTIONING OF INDIVIDUAL JURORS IN CHAMBERS IN THE ABSENCE OF CONSIDERATION OF THE BONE-CLUB FACTORS VIOLATED SPEIGHT'S PUBLIC TRIAL RIGHT.

In the recent decisions in Wise and Paumier, the Supreme Court reconfirmed that the public trial right extends to voir dire and that private questioning of jurors in chambers in the absence of consideration of the Bone-Club⁶ factors is structural error that is presumed prejudicial and requires reversal of the conviction.

During voir dire in Wise, the judge instructed the jurors that if there was anything they did not feel comfortable discussing in a group setting to let the court know and they could be questioned privately in chambers. A total of ten jurors were questioned in chambers, two at the jurors' request and eight at the court's direction, due to the jurors' responses to questions by the court. The record reflected that the trial judge, the prosecutor and defense counsel were present in chambers for the questioning. Of the ten jurors, six were excused for cause. Wise, 176 Wn.2d at 6-8.

⁵ By order dated April 12, 2013, this Court lifted the stay in this case and ordered additional briefing to address the decisions in Wise, Paumier, Morris and State v. Sublett, 176 Wn.2d 58, 292 P.3d 715 (2012).

⁶ State v. Bone-Club, 128 Wn.2d 254, 258-59, 906 P.2d 325 (1995).

Before going into chambers, the court did not consider the right to a public trial, alternatives to closure or other Bone-Club⁷ factors. The record did not reflect whether any members of the public were present in the courtroom besides the venire panel. Neither the state nor the defense objected to conducting a portion of voir dire in the judge's chambers. The questioning in chambers was recorded and transcribed just like the portion of voir dire done in the open courtroom. Wise, 176 Wn.2d at 8.

Wise appealed his convictions, challenging whether his right to a public trial was violated when the trial court conducted part of voir dire in chambers, rather than in the open courtroom, without engaging in a Bone-Club analysis. A divided Court of Appeals affirmed his conviction, and the Supreme Court granted review. Wise, 176 Wn.2d at 8.

The Supreme Court reversed. Wise, 176 Wn.2d at 20. Relying on its earlier decision in State v. Strode,⁸ the court held there was a closure in Wise's case when the trial court questioned prospective jurors in

⁷ Under Bone-Club, five criteria that a trial court must consider on the record in order to close trial proceedings to the public are: (1) proponent must make some showing of compelling interest, and where that need is based on right other than accused's right to fair trial, proponent must show serious and imminent threat to that right; (2) anyone present when closure motion is made must be given opportunity to object; (3) proposed method for curtailing open access must be least restrictive means available for protecting threatened interests; (4) court must weigh competing interests of proponent and the public; and (5) order must be no broader in its application or duration than necessary to serve its purpose. Bone-Club, 128 Wn.2d at 258-61.

⁸ State v. Strode, 167 Wn.2d 222, 217 P.3d 310 (2009) (in chambers questioning of jurors and for cause challenges in absence of consideration of Bone-Club factors violated defendant's right to a public trial).

chambers, because the questioning occurred in a room that is ordinarily not accessible to the public. Wise, 176 Wn.2d at 12.

In determining that the public trial right attached to the proceeding at issue, the Wise Court noted it was unnecessary to engage in the “experience and logic” test of State v. Sublett,⁹ because “it is well settled that the right to a public trial also extends to jury selection.” Wise, 176 Wn.2d at 12, n.4 (quoting State v. Brightman, 155 Wn.2d 506, 515, 122 P.3d 150 (2005)). “The private questioning of individual jurors is part of jury selection.” Wise, 176 Wn.2d at 12, n.4.

Because the trial court did not consider the Bone-Club factors before closing the proceeding, the questioning of jurors in chambers violated Wise’s public trial right. Wise, Wn.2d at 12-13. In so holding, the court found no basis to distinguish Wise’s case from the other cases in which it had found a violation based on the trial court’s failure to expressly consider the Bone-Club factors on the record:

We do not find any discussion by the trial court in the record that would allow us to distinguish this case like we did in Momah¹⁰ based on constructive consideration of

⁹ State v. Sublett, 176 Wn.2d 58, 75, 292 P.3d 715 (2012) (adopting “experience and logic” test to determine whether public trial right attaches to a particular proceeding); Sublett, 176 Wn.2d at 141-42 (Stephens, J., concurring).

¹⁰ State v. Momah, 167 Wn.2d 140, 152, 217 P.3d 321 (2009) (although de factor closure occurred, private questioning of jurors did not violate Momah’s right to a public trial, as trial court was aware of right to public trial, implicitly considered Bone-Club factors and defense counsel affirmatively sought individual counseling in private and sought to expand the number of jurors subject to such private questioning).

the Bone-Club factors. See Strode, 167 Wn.2d at 233, 217 P.3d 310 (Fairhurst, J., concurring) (“The record [in Momah] shows that safeguarding Momah’s rights to an impartial jury and a fair trial required the closure that occurred, and that all the attorneys, the defendant, and the trial court knew that all the proceedings were presumptively open and public.”).

Wise, 176 Wn.2d at 13, n.5.

In contrast to the trial court in Momah, the trial court in Wise’s case “simply decided to privately question individual prospective jurors and indicated to all that this is the regular practice.” Wise, at 13. Moreover, the Supreme Court indicated its general refusal to “comb through the record or attempt to infer the trial court’s balancing of competing interests where it is not apparent in the record. Wise, at 12.

Relying on Strode and United States Supreme Court precedent, the court concluded the error was structural. Wise, 176 Wn.2d at 13 (citing inter alia, Waller v. Georgia, 467 U.S. 39, 104 S. Ct. 2210, 81 L. Ed. 2d 31 (1984)). Again, the court distinguished Momah, in which it held not all closures are structural error:

Momah was distinguishable from other public trial violation cases on two principal bases: (1) more than failing to object, the defense affirmatively assented to the closure of voir dire and actively participated in designing the trial closure and (2) though it was not explicit, the trial court in Momah effectively considered the Bone-Club factors.

Wise, 176 Wn.2d at 14.

The unique facts of Momah were not present in Wise's case, however. Indeed, the court emphasized: "it is unlikely that we will ever again see a case like Momah where there is effective, but not express, compliance with Bone-Club." Wise, 176 Wn.2d at 15.

Moreover, the court held to its longstanding rule that a defendant does not waive his right to a public trial by failing to object to a closure at trial. Id. Although Wise did not object when the trial court moved part of the voir dire proceedings into chambers, his silence was not sufficient to constitute a waiver of his public trial right. Id.

Finally, considering the importance of the public's scrutiny in ensuring the defendant a fair trial, and because it would be "impossible to show whether the structural error of deprivation of the public trial right is prejudicial," the court held a presumption of prejudice was appropriate to protect a defendant's public trial right. Wise, 176 Wn.2d at 17-19. Typically, as in Wise's case, the appropriate remedy is a new trial, unless the violation occurred at some easily separable part of trial, such as a suppression hearing. Wise, at 19. Id.

The facts of Paumier are remarkably similar to those in Wise. During voir dire, the trial judge individually questioned four potential jurors in her chambers. The trial judge sua sponte offered to privately question any juror on sensitive matters if a juror so chose. Specifically,

the court directed that if there was anything the jurors would prefer not to discuss in a group setting to let the court know, and they would be questioned privately in chambers, “because we don’t want to embarrass you in any way.” Paumier, 176 Wn.2d at 33.

The private matters discussed included personal health issues, criminal history, and familiarity with the defendant or the crime. The prosecution, defense counsel, and Maumier were all present for the questioning and offered no objections. Further, the in-chambers questioning was recorded and transcribed by the court. But the trial judge never conducted a Bone-ClubError! **Bookmark not defined.** analysis prior to privately questioning the potential jurors. Of the four privately questioned, two were excused. Paumier, 176 Wn.2d at 33.

On appeal, Paumier argued the trial court violated his right to a public trial. The trial court agreed and reversed his convictions. The Supreme Court granted the state’s petition for review. Paumier, 176 Wn.2d at 34. But for the reasons already articulated in Wise, the Court affirmed the court of appeals reversal of Paumier’s convictions. Paumier, 176 Wn.2d at 35-37.

As in Wise and Paumier, the record here lacks any hint the trial court ever considered Speight’s public trial right or the other Bone-Club factors before deciding to close the courtroom. Accordingly, the in-

chambers questioning of potential jurors violated Speight's public trial right.

As in Wise and Paumier, there is no basis to distinguish Speight's case from the others in which the court found a violation based on the trial court's failure to expressly consider the Bone-Club factors on the record. First, unlike the circumstances in Momah, there is no evidence the court was aware of Speight's public trial right. It was never mentioned.

Second, unlike the trial court in Momah, the trial court here was not concerned with ensuring Speight's right to a fair trial. Rather, the court was concerned with protecting the jurors' privacy.

Finally, this is not a situation where defense counsel affirmatively assented to the closure of voir dire and actively participated in designing the closure. Rather, as the telephonic conference indicates, it was the court's prerogative to provide jurors with an opportunity to request private questioning. It was the court's cover sheet that indicated jurors could be questioned privately if there was information of a personal nature "that you may not want to discuss in public." Appendix. The questionnaire itself, which was agreed upon by the parties, merely gave jurors the opportunity to request individual questioning "in court." As in Wise, the court simply decided to question individual jurors in chambers.

As the Supreme Court acknowledged, Momah represents a unique set of facts the likes of which will not likely be repeated. They have not been repeated here.

Under the Supreme Court's recent decisions in Wise and Paumier, this Court should hold the court's in-chambers questioning of potential jurors violated Speight's right to a public trial. Although he did not object, he did not waive his public trial right by virtue of his silence.

2. THE SUPREME COURT'S DECISION IN MORRIS EXPLICITLY UPHOLDS ITS PRIOR DECISION IN ORANGE, AND ORANGE REQUIRES REVERSAL IN THIS CASE.

In 2005, Speight appealed his convictions and was represented by undersigned counsel. On Speight's direct appeal, the present issue was not raised despite the fact that a courtroom closure was clearly prohibited by existing case law. Morris, 176 Wn.2d at 167 (lead opinion) and 174 (Chambers, J., concurring); see also November 27, 2006 unpublished opinion in case no. 56760-8-I (Supp. Brief of Petitioner at Appendix E). This Court affirmed Speight's convictions. Id.

Having failed to raise the public trial issue on the appellant's direct appeal, and recognizing it should have been raised on direct appeal under then-existing case law, undersigned counsel soon filed this personal

restraint petition on Speight's behalf, on May 4, 2007, six years ago.
Supp. Brief of Petitioner.

The claims raised by undersigned counsel in that petition were guided by the holding of In re Personal Restraint of Orange, 152 Wn.2d 795, 100 P. 3d 291 (2004) for the proposition that Speight was entitled to relief based on the trial court's error, as well as undersigned counsel's failure to raise the issue on direct appeal, notwithstanding any explicit ineffectiveness claim. Supp. Brief of Petitioner at 8 (citing Orange, 152 Wn.2d at 814).

In Orange, the claim of public trial violation was raised in a personal restraint petition. Orange was tried in 1995 for murder, attempted murder, and assault. Id. at 799. The trial court closed the courtroom during part of the jury selection process. Orange was convicted, and he appealed. Appellate counsel did not raise the closed jury selection issue. Id. at 814. Orange's convictions were affirmed on appeal. Id. at 803.

Orange filed a personal restraint petition in 2001, six years after his trial. Id. at 803. The Court of Appeals denied the petition, but the Supreme Court granted discretionary review and ordered a reference hearing. Id. Findings from the reference hearing indicated the trial court closed the courtroom during voir dire. Id. at 808-10. The Supreme Court

held trial court's failure to analyze the Bone-Club factors before ordering the courtroom closed violated Orange's right to a public trial. Id. at 812.

Although no explicit ineffective assistance claim was made, the Orange Court also held the constitutional violation would have resulted in a new trial had the issue been raised in Orange's direct appeal. Id. at 814 (citing Bone-Club, 128 Wn.2d at 261-62). The Supreme Court reasoned that because there was no legitimate tactical or strategic reason for appellate counsel's failure to raise the issue, Orange was denied his right to effective assistance of counsel on appeal and was entitled to a new trial, the same remedy he would have received had counsel raised the issue on appeal. Id.

Morris does not overrule Orange in any respect. Morris, 176 Wn.2d at 168 (lead opinion) and 173-74 (concurrence). This Court remains bound by Orange, which requires reversal of Speight's convictions. Orange, 152 Wn. 2d at 814.

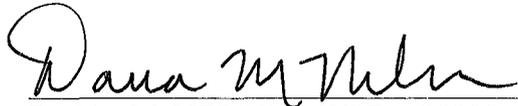
D. CONCLUSION

For the reasons stated above and the three previous briefs in support of Speight's personal restraint petition, the petition should be granted.

Dated this 14th day of June, 2013.

Respectfully submitted,

NIELSEN, BROMAN & KOCH

A handwritten signature in cursive script, appearing to read "Dana M. Nelson".

DANA M. NELSON, WSBA 28239

Office ID No. 91051

Attorneys for Petitioner

MAY 24 2005

TO PROSPECTIVE JURORS

MARY JEAN CAHILL ✓
SAN JUAN COUNTY, WASHINGTON

This questionnaire is designed to elicit information with respect to your qualifications to sit as a juror in a pending case. This questionnaire will substantially shorten the process of jury selection.

This questionnaire is part of the jury selection process. You must answer the questions to the best of your ability and you must fill out the questionnaire by yourself. As you answer the questions that follow, please keep in mind that there are no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long questioning unnecessary and by doing that, they shorten the time that it takes to select a jury.

Please make every effort to answer each one of the questions. During the questioning by the attorneys and the court, you will be given an opportunity to explain or expand any answers if necessary. If you wish to make further comments regarding any of your answers, or if you feel that there is something important that we failed to ask, please include this information on the final sheet of the questionnaire.

Some of these questions may call for information of a personal nature that you may not want to discuss in public. If you feel that your answer to any questions may invade your privacy or be embarrassing to you, you may so indicate on the form that you would prefer to discuss your answer in private. The court will give you an opportunity to explain your request for confidentiality outside the presence of the other jurors.

After you have completed the questionnaire, please hand it to the Bailiff.

Thank you for your cooperation.

5/24/05



Hon. Alan R. Hancock, Judge
San Juan County Superior Court

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juw

JUROR QUESTIONNAIRE

Juror Number: _____

Introduction

The purpose of this questionnaire is to allow you to answer questions about your personal experiences that may relate to the current trial and to do so in a way that reduces embarrassment and maintains some privacy. The attorneys in the case may ask you about your answers to the questions in individual voir dire, without the public and other jurors present, to further maintain your privacy if you prefer. Please answer these questions as fully and honestly as you would any other voir dire questions.

Fill out the questionnaire and hand it to the bailiff when you are done. If a question does not apply, please indicate "N/A".

1) a) Have you ever been charged with, or arrested for, any sex crime or crime committed with "sexual motivation"?

Yes ___ No ___

b) If yes, please list the crime(s) below.

c) How was the case above closed (e.g., charges dropped, arrested but never charged, acquitted at trial, found guilty at trial, case being appealed, etc.)?

d) If the charges were dropped or not filed, why?

e) How do you feel about the above experience?

2) a) Have you ever been privately accused of a sexual assault or other sexual impropriety (e.g., sexual harassment, etc.)?

Yes ___ No ___

b) If yes, please describe the circumstances below.

c) Was any legal action suggested or mentioned by anyone on the matters in 2)b)?
Yes ___ No ___ Please explain below.

d) How was the accusation resolved (e.g., accuser left town, I denied it, got fired, accuser's parents kept it quiet, etc.)?

e) How do you feel about the above experience?

3) a) Do you personally know anyone who has been accused of any sex crime or other sexual impropriety, either officially or privately?
Yes ___ No ___

b) Please describe the circumstances below.

c) What do you think about the above circumstances?

4) a) If you answered yes to any of the above, do you think that you could be fair in deciding similar issues in this case?
Yes ___ No ___ Please explain below.

5) a) Are you ever concerned that someone would accuse you or a friend or loved one?
Yes ___ No ___ Do not know ___

b) Why?

6) a) Are you concerned that a sexual offense may be committed against you, a friend, or a loved one?

Yes ___ No ___

b) Why?

7) Do you believe that these topics should be kept more private?

Yes ___ No ___ Do not know ___ Please explain below.

8) Have you ever been the victim of a sexual assault; rape or other sexual impropriety?

Yes ___ No ___

9) If the answer to #8 is yes, do you know who committed the act?

Yes ___ No ___

10) If the answer to #9 is yes, was the act committed by a relative of the victim (please specify) _____

a friend of the victim _____

an acquaintance of the victim _____

a stranger to the victim _____

11) If you were sexually assaulted, etc., please indicate how old you were at the time. Age _____

12) If you were sexually assaulted, etc., please indicate if you were assaulted more than once and/or if by more than one person.

13) If you were sexually assaulted, etc., did you report the incident to anyone (e.g., a parent, counselor, friend or the police).

Yes ___ No ___

14) If the answer to #13 is yes, to whom did you report the incident and what were the circumstances of your disclosure?

15) If you did report the act, was anyone ever prosecuted?

Yes ___ No ___

16) If they were prosecuted, were they convicted?

Yes ___ No ___ Please explain below.

17) If you were sexually assaulted, etc., did you suffer any physical injury as a result of the incident?

Yes ___ No ___

18) If you were sexually assaulted, etc., did you suffer any emotional distress as a result of the incident?

Yes ___ No ___

19) If you were sexually assaulted, etc., and if you did report the incident, do you believe you were treated fairly or reasonably by those to whom you reported the assault (e.g., relatives, friends, counselors, the police, etc.)?

Yes ___ No ___

20) Do you know if any friend, relative or acquaintance of yours has ever been sexually assaulted, raped or subjected to any sexual impropriety?

Yes ___ No ___ Please explain below.

21) If the answer is yes, do you know who committed the assault?

Yes ___ No ___

22) If the answer is yes, was the assault committed by

a relative of the victim _____

a friend of the victim _____

an acquaintance of the victim _____

a stranger to the victim _____

23) How old was the victim when he or she was sexually assaulted?

24) Do you know if the victim of the sexual assault, etc. was assaulted more than once and/or by more than one person?

Yes ___ No ___ Do not know ___

25) Was the sexual assault reported to anyone?

Yes ___ No ___ Do not know ___

26) Was the perpetrator of the sexual assault ever prosecuted?

Yes ___ No ___ Do not know ___

27) Was the perpetrator of the sexual assault ever convicted?

Yes ___ No ___ Do not know ___

28) Was the victim of the sexual assault physically injured?

Yes ___ No ___ Do not know ___

29) a) Did the victim of the sexual assault suffer emotional distress?

Yes ___ No ___ Do not know ___ Please explain below.

30) Do you believe the victim of the sexual assault was treated fairly and reasonably by the authorities?

Yes ___ No ___ Do not know ___ Please explain below.

31) Do you believe you have any special training, knowledge or expertise in the subject matter of sexual assaults?

Yes ___ No ___ Please explain below.

32) If you were the victim of a sexual assault, etc., and/or if you know a relative, friend or acquaintance who was a victim of sexual assault, etc., do you believe you would tend to favor or be prejudiced against either party to this case?

Yes ___ No ___ Please explain below.

33) Have you ever contacted or had Child Protective Services, the police, or any social welfare agency come to your home regarding a child?

Yes ___ No ___

34) Have you ever participated in any juvenile court proceeding involving a child?

Yes ___ No ___

35) Do you belong to any organizations involved in protecting the rights of abused children or parents of abused children?

Yes ___ No ___

If you have answered "Yes" to any of the above questions, would you prefer that the attorneys question you individually in court, or would you be comfortable discussing your answers in front of others?

___ I request individual questioning.

___ I do not request individual questioning.

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

In re Personal Restraint Petition of
Roland Speight,)
)
STATE OF WASHINGTON,)
)
Respondent,)
)
vs.)
)
ROLAND SPEIGHT,)
)
Petitioner.)

COA NO. 59995-0-1

DECLARATION OF SERVICE

I, PATRICK MAYOVSKY, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOLLOWING IS TRUE AND CORRECT:

THAT ON THE 14TH DAY OF JUNE, 2013, I CAUSED A TRUE AND CORRECT COPY OF THE **PETITIONER'S THIRD SUPPLEMENTAL BRIEF IN RE THE MATTER OF APPLICATION FOR RELIEF FROM PETITIONER'S PERSONAL RESTRAINT PETITION** TO BE SERVED ON THE PARTY / PARTIES DESIGNATED BELOW BY EMAIL AND/OR DEPOSITING SAID DOCUMENT IN THE UNITED STATES MAIL.

- [X] JAMES BURI
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SIGNED IN SEATTLE WASHINGTON, THIS 14TH DAY OF JUNE, 2013.

X *Patrick Mayovsky*

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STATE OF WASHINGTON
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