

21-1-00676-34  
00R 50  
Omnibus Order  
11400518



FILED  
SUPERIOR COURT  
THURSTON COUNTY, WA

2021 NOV 18 PM 12:15

LINDA MYHRE ENLOW  
THURSTON COUNTY CLERK

**SUPERIOR COURT OF WASHINGTON  
THURSTON COUNTY**

STATE OF WASHINGTON,

Plaintiff,

No. 21-1-00676-34

vs.

CONSOLIDATED OMNIBUS ORDER

SELENA SMITH,

Defendant.

Docket # 8 @10:00

The Clerk shall not docket dates from this order.

*At the conclusion of the omnibus hearing, the parties submit the following stipulations and the court orders the following:*

**I. HEARING DATES**

TRIAL CONFIRMATION: 12/30/21 @ 9:30am

TRIAL DATE: 1/10/22 @ 8:30am

**II. PROCEDURAL HISTORY**

PRELIMINARY HEARING: 7/19/21.

ARRAIGNMENT HEARING: 8/03/21

**III. DEADLINES**

WITNESS LIST FILED: 12/9/21 (details below).

EXPERT WITNESS NOTICE: 12/9/21 (details below).

DISCOVERY DEADLINE: 12/9/21 (details below).

WITNESS INTERVIEW DEADLINE: 12/9/21 (details below).

MOTIONS BRIEF FILING & NOTING DEADLINE: 12/20/21 (details below).

PRETRIAL SUBMISSIONS: noon Friday prior to trial (details below).

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**IV. TRIAL**

The date for Trial of this matter is agreed to by the parties and is set for 1/10/22.  
The period between the arraignment or any previously scheduled trial date and the trial date contained in this order shall be an excluded period in computing the allowable time for trial.  
CrR 3.3(e)(3). Last date available for trial is 2/9/22.

The parties agree the dates are realistic based upon current case information, and no continuance will be granted beyond these dates unless meets the terms as outlined in the Thurston County Superior Court Felony Continuance Policy.

The Trial of this matter is set pursuant to the order of the Court for \_\_\_\_\_.  
The court finds good cause to continue the trial date in this matter beyond the dates called for in CrR 3.3(b). The trial date set by the Court is required in the administration of justice pursuant to CrR 3.3(f)(2). The Court finds the defendant will not be prejudiced in the presentation of his or her defense by commencement of the trial on the date indicated in this order.  
Last date available for trial is \_\_\_\_\_.

**LENGTH:** The trial will be a  jury  bench trial estimated to last 45 days. (If requesting a bench trial, a separate written and accepted waiver is required.)

**GENERAL NATURE OF DEFENSE:**

General Denial  Consent  Alibi  Diminished Capacity  
 Insanity  Self-Defense  Other: Defense of others.

**V. DISCOVERY**

**PROSECUTOR'S OBLIGATIONS:**

The Prosecutor has provided to the defendant a complete list of the defendants Criminal Convictions.  
 The Prosecutor has provided to defense all discovery in their possession and control pursuant to CrR 4.7(a)  
 The Prosecutor has contacted law enforcement agencies to request and/or obtain any additional supplemental police reports, forensic tests, and evidence and will make them available to defense counsel no later than the Discovery Deadline.

The State is aware of the following reports, tests or evidence which has not been made available to the defense: none state is aware of

**DEFENSE OBLIGATIONS:**

The defense has met with the defendant about this case and fully discussed it.  
 Defense attorney has received a plea offer from the State.  
 Defense attorney has conveyed State's offer to the defendant.  
 Defense attorney will give discovery to prosecutor no later than the Discovery Deadline  
 Defense attorney states that continuous chain of custody of evidence:  
 Is stipulated  Must be proved.

**PHYSICAL AND DOCUMENTARY EVIDENCE.** Identification of all physical and documentary evidence in each party's possession, and the opportunity to inspect and copy:

Have been provided to opposing party.

1  Shall be provided no later than the Discovery Deadline noted in Section III: *if additional*

2 The parties acknowledge the ongoing obligation to identify and provide other evidence that becomes  
3 available after the above date.

4 **DUTY TO CONFER.** Prior to the entry of this Omnibus Order (preferably within 2 days prior to this  
5 omnibus date).

6  The parties have conferred about all open Omnibus items.

7 The parties agree that Discovery is:  Complete  Not Complete in the following respects: The  
8 Defense is not currently aware of any missing discovery, *nor is the PE.*

9 **WITNESS LIST.** The names, address, and contact information of each person whom either side intends  
10 to call as a witness, and any written or recorded statement or the substance of any oral statement made  
11 by said person together with any record known to the plaintiff of prior criminal convictions of the  
12 defendant or of persons the plaintiff intends to call as a witness shall be provided to opposing counsel  
13 and filed no later than the date noted in Section III.

14 **EXPERT WITNESSES.** The parties shall provide notice to opposing counsel and the Court of their  
15 intent to offer expert testimony during their respective cases-in-chief by the date noted in Section III. In  
16 a timely manner so as not to interfere with the commencement of trial the parties shall identify the name  
17 and address of each expert if available, as well as the subject(s) in which counsel seeks to have the  
18 witness qualified as an expert under ER 702. The notice shall include a summary of the witness's  
19 expected testimony, including any opinions to be rendered plus any reports or statements submitted by  
20 the expert in connection with this case if then available; results of physical or mental examinations and  
21 scientific tests, experiments or comparisons, data, or information considered by the expert in forming his  
22 or her opinion; and a recitation of the witness' qualifications.

23 **WITNESS INTERVIEW DEADLINE:** All interviews of opposing party witnesses shall occur or be  
24 scheduled by the date noted in Section III.

25 **DEFENDANT'S STATEMENTS.** Disclosure of all oral, written, or recorded statements made by the  
defendant(s) to investigating officers or to third parties in the plaintiff's possession:

Have been provided.

Shall be provided no later than: \_\_\_\_\_.

Defendant's statements may be admitted into evidence without hearing by stipulation of the parties.

A CrR 3.5 hearing is anticipated and will be filed no later than Motions Filing Deadline in Section

No custodial statements will be offered in the plaintiff's case-in-chief.

#### **MOTION TO SUPPRESS EVIDENCE.**

No motion to suppress physical, oral or identification evidence will be made.

A CrR 3.6 hearing may be required and will be scheduled no later than Motions Filing Deadline in  
Section III.

## **VI. MOTIONS**

**MOTIONS DEADLINE.** All motions other than standard motions *in limine* shall be filed and a copy  
served on the opposing party by the date in Section III. The moving party shall schedule all hearings  
sufficiently in advance of the trial date so as not to interfere with the commencement of trial. Parties are  
responsible to plan for, and accommodate, calendar availability.

1 All motions should be supported by briefs filed and served on the following schedule:

- 2 Opening Brief (10 court days before hearing)  
3 Response Brief (5 court days before hearing)  
4 Reply Brief, if any (Noon- 2 court days before hearing).

5 **PRETRIAL SUBMISSIONS.** The parties' trial brief or memorandum, proposed jury instructions,  
6 plaintiff's restraint memorandum, if any, and standard pretrial motions *in limine*, proposed jury  
7 questionnaire and other similar documents shall be submitted to the Court by the Pretrial Submissions  
8 deadline in Section III.

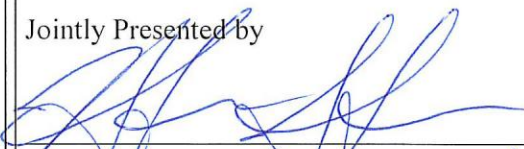
9 **TOPICS NOT ADDRESSED BY THIS ORDER:**

10 Any other issues / motions not addressed in this order cited in CrR. 4.5(h) shall be consistent with the  
11 dates set in Section III of this order.

12 **SO ORDERED:**

13 Entered: 11/18/2021

14 Jointly Presented by

15   
16 Deputy Prosecuting Attorney, WSBA *42093*

17   
18 JUDGE

19 John Skinder

20 /s/ S. Skye Frison

21 S. Skye Frison  
22 Attorney for Defendant, WSBA 53651

23 *I certify that I have reviewed this document with  
24 my attorney and I am aware of all future court  
25 dates currently scheduled in this case. I waive  
my presence for the presentation of this order.*

client notified and in agreement  
Defendant