

3

FILED
SUPERIOR COURT
THURSTON COUNTY, WA

2021 DEC 14 PM 1:43

LINDA MYHRE ENLOW
THURSTON COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

STATE OF WASHINGTON)	NO. 21-1-00676-34
)	
Plaintiff,)	NOTICE OF APPEARANCE
)	PLEA OF NOT GUILTY
vs.)	ARRAIGNMENT WAIVED
)	DEMAND FOR DISCOVERY
SELENA URSA SMITH,)	DEMAND FOR JURY TRIAL
)	DEMAND FOR BILL OF PARTICULARS
Defendant.)	★CLERK'S ACTION REQUIRED

To: Court Clerk and the Prosecuting Attorney

PLEASE TAKE NOTICE that the below named attorney hereby enters his appearance on behalf of the above named Defendant. The Defendant hereby enters a plea of Not Guilty, demands a jury trial, and demands discovery.

FURTHER, PLEASE TAKE NOTICE that, pursuant to the authority of CrR 4.7, CrRLJ 4.7, CrCLJ 6.13(c)(2), ER 705, RCW 10.58.010, 10.37.050, et seq., 46.61.502, 504 and 506, 42.17.260, the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution, and Article 1, Section 3, 7, 29, and 30, and the Tenth Amendment to the Washington State Constitution;

THE DEFENDANT HEREBY makes the following demands, motion, and requests for discovery in this matter:

Notice of Appearance

Bruce Finlay
Attorney at Law
P.O. Box 3
Shelton, WA 98584
360-432-1778 Fax 360-462-1779

1 1. A written Bill of Particulars, including a description of all facts upon which the
2 prosecution intends to rely to support the charge pending against the defendant, and a statement of
3 the specific statute under which the defendant is charged;

4 2. Copies of any and all police or investigative reports and statements of claimed experts
5 made in connection with this particular case, including all documentation of results of physical or
6 mental examinations and/or scientific tests, experiments, or comparisons made in connection with
7 the charge pending against the defendant;

8 3. The names and addresses of any and all persons whom the plaintiff intends to call as
9 witnesses at the hearing or trial, together with any and all written or recorded statements, and the
10 substance of any oral statements of such witnesses, together with a summary of the expected
11 testimony of any witness the plaintiff intends to call if the substance of the expected testimony is not
12 contained in the materials otherwise provided;

13 4. Copies of any and all forms read to or signed by the defendant containing information
14 regarding his rights under CrRLJ 3.1 and /or RCW 46.61.506 and 46.20.308, including information
15 regarding the claimed basis for the arrest of the defendant and allegedly giving rise to the mandatory
16 provisions of RCW 46.20.308;

17 5. Copies of any written or recorded statements and the substance of any oral statements
18 made by the defendant. Take notice that the defendant hereby demands a hearing pursuant to CrRLJ
19 3.5 if the prosecution intends to offer any such statements in its case in chief said matter to be heard
20 either pre-trial or at time of trial;

21 6. A list of, copies of, and access to any books, papers, documents, photographs, or
22 tangible objects which the prosecuting attorney or any of its witnesses intend to use or rely on at
23 hearing or trial;

24 7. A list of all items or things which were obtained from or belonging to the defendant,
25 regardless of whether the prosecutor intends to introduce said items at hearing or trial;

26 8. A description of any other tangible or demonstrative evidence which the prosecution
27 intends to use at hearing or trial
28 which are not contained in the materials otherwise described or alluded to in these demands;

9. Copies of or access to any recordings, video-tapes or tape recordings made of the
defendant for viewing or listening by the defendant and/or his attorney prior to trial;

10. Any record or prior criminal conviction known to the prosecuting attorney of the

1 defendant or persons whom the prosecuting attorney intends to call as witnesses at the hearing or
2 trial;

3 11. Any material or information within the prosecutor's knowledge which tends to negate
4 the defendant's guilt as to the offense charged;

5 12. The names of any expert witnesses the prosecuting attorney will or may call at the
6 hearing or trial, the subject of their testimony, the basis of their expertise including qualifications,
7 education, training and experience, and any reports or documents they have in their possession
8 relevant to any aspect of their testimony;

9 13. A copy of any tape recordings made of all radio broadcasts and transmissions
10 occurring between the trooper and/or officer who detained, arrested and/or transported the defendant
11 on the date of the alleged incident herein, and any other agency, officer or station during the course
12 of the detention, arrest, transportation, testing and booking or charging of the defendant;

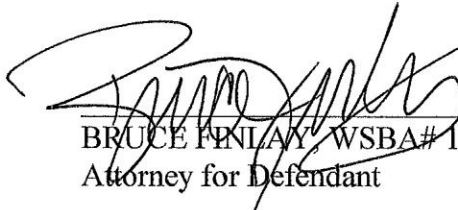
13 14. The production of any expert witness or other witness who has submitted a written
14 report pursuant to CrRLJ 6.13 is hereby demanded at hearing or trial along with a copy of his or her
15 certification permit, together with the effective dates thereof.

16 15. Defendant objects to the date of arraignment, demands trial within the time period
17 required by CrRLJ 3.3, objects to any trial date not so set and moves the court for an order setting
18 a trial date within the speedy trial rule time limits;

19 16. Defendant further objects to the failure of the prosecution to properly verify the
20 complaint herein, objects to the untimely filing of same and moves to dismiss all charges pending
21 herein.

22 YOU ARE FURTHER NOTIFIED that the failure to comply with these requests will result
23 in the defendant moving for appropriate relief at time of hearing or trial.

24 DATED this 8 day of December, 2021.

25
26
27 
28 BRUCE FINLAY, WSBA# 18799
Attorney for Defendant