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KING COUNTY
SUPERIOR COURT CLERK
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CASE NUMBER: 17-1-07826-0 KNT

SUPERIOR COURT OF KING COUNTY FOR THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Plaintiff,

vs.

Kevin Allen Richards,

Defendant

Case No(s) .: 17-C-07826-0 KNT

**NOTICE OF APPEARANCE AND REQUEST
FOR DISCOVERY**

TO: Daniel Satterberg, King County Prosecuting Attorney
TO: Clerk, King County Superior Court

YOU WILL TAKE NOTICE that the undersigned is appearing as counsel for the defendant above-named.

YOU ARE HEREBY REQUESTED, pursuant to CrR 4.7, and LCrR 4.5(j), United States Constitution, Amendments 4, 5, 6 & 14, the Washington Constitution, Article I, Section 22, defendant demands that the State provide by the first case setting hearing, the following material and information within the knowledge, possession or control of the State, its agents and subordinates,

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1 or law enforcement agencies, which by the exercise of due diligence might
2 become known to them.

3
4 1. The name, date of birth, aliases, addresses, telephone numbers, and
5 prior counties of residence, of all persons the State intends to
6 call as witnesses at any hearing or trial, together with a copy of
7 all written or recorded statements of such persons and the substance
8 of any and all oral statements of such persons and the names,
9 addresses, and telephone numbers of persons present when such
10 statements were made. You are further requested not to assume that
11 any summary that already exists reflects all significant aspects of
12 any statement and to, instead, verify the substance of any statement
13 with the relevant witness.

14
15 2. Any and all documents, statements, reports or other information for
16 each State's witness regarding:

17
18 a. Any prior criminal convictions and/or arrests, whether in this
19 State or any other, and any evidence that the witness has
20 committed or is suspected of committing a crime, regardless of
21 conviction.

22 b. Any payments made to the witness and the dates of such payments,
23 whether in connection with this case or any other case, state or
24 federal.

25 c. Any implicit or explicit promises of benefit which have been made
26 by any government agent or agency, state or federal, to the
27 witness.

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- 1 d. Any actual or implied threats of investigation or prosecution
2 (including deportation or exclusion) made to any such witness.
- 3 e. Any payments, promises, benefits or threats (as outlined in
4 sections b through d above) made to the witness's family members
5 or close associates.
- 6 f. All known occasions on which the witness has made false
7 statements to any person, specifically including, but not limited
8 to, any aliases which the witness may have used.
- 9 g. All conduct or statements of the witness, whether or not in his
10 role as a witness, which reflect a lack of candor, truthfulness,
11 or law-abiding character. This request includes any drug use,
12 fraud, or other uncharged criminal conduct.
- 13 h. Any false identification document which has ever been in the
14 possession of and/or used by the witness, and each and every
15 occasion on which the witness is known to have used said
16 document.
- 17 i. Showing bias against the defendant, or a motive to falsify or
18 distort testimony.
- 19 j. Any prospective witness' ability to perceive, remember,
20 communicate, or tell the truth is impaired; or that a witness has
21 ever used narcotics or other controlled substance, or has ever
22 been an alcoholic or has ever been diagnosed with a mental
23 disorder that can affect accurate perception.
- 24 k. The case number and name of all court proceedings at which the
25 witness has testified concerning his own criminal activity,
26 payments or rewards provided to him by the State or any
27 governmental agency, or activities as an informant.
- 28

1 1. If given a polygraph exam, the results of any polygraph
2 examination performed on the witness and any information
3 concerning the witness's failure to submit to a polygraph
4 examination.

5 m. Any other information that adversely reflects on the credibility
6 of the witness.

7
8 3. All written or recorded statements and the substance of all oral
9 statements made by the defendant or co-defendants, and the names,
10 addresses and telephone numbers of any persons present when such
11 statements were made. You are further requested not to assume that
12 any summary that already exists reflects all significant aspects of
13 any statement and to, instead, verify the substance of any statement
14 with the relevant witness.

15
16 4. The names, addresses, and telephone numbers of all persons who have
17 information concerning the alleged offense, the nature of the
18 information they possess, regardless of whether the State intends to
19 call them as a witness. This request includes but is not limited to
20 the names of any "domestic violence advocates" who may possess
21 information concerning the alleged offense.

22
23 5. Any books, papers, documents, video and/or audio recordings,
24 photographs, or other tangible objects which the Prosecuting
25 Attorney intends to use at the hearing or trial, which were obtained
26 from or belonged to the defendant, or which are in any other way
27 related to this prosecution.

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2 6. To disclose whether the Prosecuting Attorney will rely upon prior
3 acts, statements, or convictions of the defendant to show motive,
4 opportunity, intent, preparation, plan, knowledge, identity, or
5 absence of mistake or accident, together with a statement of the
6 information to be relied upon and its purpose.

7
8 7. Any and all information and records concerning prior criminal
9 convictions of the defendant, co-defendant, and persons whom the
10 Prosecuting Attorney intends to call as witnesses at the hearing or
11 trial, whether from this State or any other. This request includes
12 the Federal Bureau of Investigation's record of arrest and
13 dispositions and the National Crime Information Center entries for
14 arrests and dispositions.

15
16 8. Any and all electronic surveillance, including wiretapping, of the
17 defendant's premises or conversations to which the defendant or any
18 witness was a party and any record thereof.

19
20 9. To indicate the relationship, if any, of the State's witnesses to
21 the prosecuting authority.

22
23 10. Any and all information or material which may tend to exculpate the
24 defendant or which tends to negate defendant's guilt as to the
25 offense charged, including any exculpatory witness statement,
26 including negative exculpatory statements, i.e., statements by
27 informed witnesses that fail to mention the defendant.

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11. The names, addresses, phone numbers, and e-mail addresses of any and all expert witnesses the Prosecuting Attorney intends to call at the hearing or trial together with a summary of their testimony, the nature of the opinion and their qualifications, background, education, training and the treatises or texts they rely upon, and any reports they have submitted to the Prosecuting Attorney

12. Any and all reports, statements, draft reports, notes, test results, test procedures or other work product of experts, made in connection with this case, including, but not limited to, the results of physical or mental examinations and scientific tests, experiments or comparisons, bench notes, graphs, charts, preliminary results, drafts, computer records or notes, and all communications between the requesting party and the agency performing the analysis.

13. Any and all reports made by agents of the state pertaining to the investigation of this case, including, but not limited to, arrest reports, police reports, "use-of-force" statements and follow-up reports, and internal investigation statements or interviews.

14. To disclose any and all information regarding pre-trial identification procedures employed in this case, including, but not limited to, the following:

a. The time, date, location and type of identification procedure employed.

1 b. The names and addresses of all persons present at the
2 identification and any statements made in regard to the offense
3 or identification.

4 c. Whether an identification was made; the name and address of
5 person identified; the name and address of the person making the
6 identification together with any and all statements made
7 pertinent to the identification or the offense.

8 d. Any and all photographic, photostatic, or computer-generated
9 depictions of the montage, line-up, show-up, or other
10 identification procedure employed.

11
12 15. To disclose any and all information and material regarding any
13 search and/or seizure relating to this case; the time, date,
14 location, and name of individual or place searched and material
15 sought or seized; together with the names and addresses of persons
16 present or who have information regarding the search or seizure and
17 any statements they have made.

18
19 16. The time, date and location of the defendant's arrest; together with
20 the names and addresses of persons who were present and/or arrested,
21 the defendant and any and all statements or reports made with
22 respect to the arrest of the respondent. If the defendant was
23 arrested on the authority of a warrant, the affidavit in support of
24 the warrant, the warrant itself, and the return of the warrant.
25 This request applies even if the warrant which resulted in
26 defendant's arrest was for another unrelated case or a bench
27 warrant.

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17. All radio logs, dispatch recordings, police vehicle recordings, detention facility recordings, and any other audio or visual recordings that relate to the circumstances surrounding the arrest, detention or any questioning of the defendant.

18. All repair logs, maintenance logs, operations manuals, protocols, and other documents or computer records relating to instruments and techniques used to conduct forensic analysis in this case.

19. Any law enforcement daily bulletins concerning the defendant and witnesses.

20. If you are providing discovery in electronic format, please provide an index of materials contained on each disc or drive, together with the names of any programs/software needed to open and operate the electronic files.

21. Any information which the Prosecuting Attorney has indicating entrapment of the defendant.

22. The title, date, and description of any and all documents obtained through the use of a Special Inquiry subpoena or other Special Inquiry proceeding process.

1 YOU ARE REQUESTED to provide notice of the defendant's criminal history
2 (RCW 9.94A.030(11)) and the aggravating factors (RCW 9.94A.535) upon which
3 the State will rely.

4
5 1. With respect to criminal history, the crime or crimes (with specific
6 statutes violated for out-of-state convictions), the date of
7 conviction, the date of release from custody, the state and county
8 of conviction, and the cause number.

9
10 2. If the State intends to argue or present evidence of aggravating
11 circumstances to justify a departure from the guidelines pursuant to
12 RCW 9.9A.535, the specific evidence the State intends to present to
13 the Court on that issue.

14
15 3. Real facts upon which the State intends to rely. RCW 9.94A.530.

16
17 Pursuant to *Kyles v. Whitley*, 514 U.S. 419 (1995), you must undertake
18 every effort to discover the existence of all material or favorable evidence
19 requested above that may be known to any law enforcement agency that is
20 involved in this case or that has past dealings with any witness in this
21 case.

22
23 YOU ARE REQUESTED to preserve all physical evidence relating to the
24 alleged offense and the scene of the alleged crime, and the defendant's
25 arrest and detention, including, but not limited to, police communications,
26 911 recordings, and video recordings, until final disposition of this cause
27 or until further order of this Court. Request is made pursuant to State v.

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1 Boyd, 29 Wn.App. 584 (1981) and U.S. v. Agurs, 427 U.S. 97, 49 L.Ed.2d 342
2 (1976). This request includes, but is not limited to, all police video
3 recordings, including on-board police car video, and detention cell video.
4

5 YOU ARE FURTHER NOTIFIED that defendant demands live testimony from all
6 experts pursuant to CrR 6.13b(3).
7

8 This is an ongoing request for discovery.
9

10 Dated this 14th day of November, 2017.
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15 s/Hong Thi Tran
16 WSBA Number 25198
17 E-Mail: Hong.Tran@kingcounty.gov
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