

FILED

SEP 10 2008

THOMAS R. FALLQUIST
SPOKANE COUNTY CLERK

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

In re the Detention of:)	
)	No. 06-2-03843-1
KEVIN COE)	
)	MOTION TO SEAL RESPONSES TO
A/K/A FREDRICK HARLAN COE)	JUROR QUESTIONNAIRE
)	
<u>Respondent.</u>)	

COMES NOW the Respondent, Kevin Coe, by and through his attorney Timothy Trageser, and moves this Court for an Order to file the responses to the juror questionnaire under seal.

LAW

GR 15(c)(2)(B) permits "on motion of any party to a civil proceeding, or on the court's own motion, and after reasonable notice to the nonmoving party and a hearing, the court may order the sealing of any files or records in the proceeding...(ii) under compelling circumstances where justice so requires." GR 15 is subject to the constitutional requirement of public records and proceedings set out in *Seattle Times Co. v. Ishikawa*, 97 Wn.2d 30, 36-39, 640 P.2d 716 (1982). The court in *Ishikawa* requires that:

Motion to Seal Responses
To Juror Questionnaire

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1 victims of sexual assault. They will also be asked to disclose the circumstances of any sexual
2 assault. The jury questionnaire in this case also request prospective jurors to disclose whether
3 they have ever been accused of committing a crime of a sexual nature. Again, this is highly
4 sensitive, private, and potentially embarrassing information. These jurors have a significant right
5 to privacy that will be seriously and immediately jeopardized if the juror questionnaire is filed in
6 the public court file that would be accessible to any person or entity. The public should have
7 little to no interest in the disclosure of this highly sensitive information. Jurors may not be
8 willing to disclose the information if the questionnaires are not filed under seal.

9
10 Mr. Coe has a significant right in ensuring that jurors fully disclose all necessary and
11 relevant information in order to ensure that he receives a fair trial. Any interest that any other
12 person or entity has in the juror questionnaire responses is substantially outweighed by the
13 prospective jurors' right to privacy.

14 This writer also anticipates that the jurors will be asked about their personal feelings
15 regarding Mr. Coe and his family. The responses to these questions may be embarrassing to
16 certain members of the Coe family. Jurors may not be forthcoming in their responses about what
17 they believe about Mr. Coe or the Coe family if their responses are going to be made public.
18 Mr. Coe has a significant right in ensuring that jurors fully disclose all necessary and relevant
19 information in order to ensure that he receives a fair trial.
20

21 CONCLUSION

22 For the above stated reasons significant and compelling circumstances require that the
23 questionnaires be filed under seal.
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Motion to Seal Responses
To Juror Questionnaire

Dated at Spokane, Washington, this 10th day of SEPTEMBER, 2008.

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Timothy D. Trageser, WSBA #18704
Attorney for Respondent

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