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

STATE OF WASHINGTON,

Plaintiff,

v.

DINO J CONSTANCE,

Defendant.

No. 07-1-00843-8

STATE'S RESPONSE TO DEFENDANT'S
CrR 4.7 DISCOVERY MOTION

FACTS

The defendant was convicted at trial of three counts of Solicitation to commit Murder in the First Degree and one count of Solicitation to commit Assault in the Second Degree. The defendant has appealed his conviction. The defendant's conviction was affirmed by the Court of Appeals. The defendant has filed multiple public disclosure requests. The State has answered the multiple requests, which has generated several volumes of documents.

Subsequent to his conviction in the trial court and affirmation of his conviction in the Court of Appeals, the defendant has filed a CrR 7.8 motion. The defendant has based the CrR 7.8 motion on the documents he received pursuant to his public disclosure requests. A hearing

1 is currently set for the CrR 7.8 motion. The defendant now brings a motion for discovery under
2 CrR 4.7.

3 ARGUMENT

4 The defendant has filed a request for discovery under Criminal Rule 4.7. CrR 4.7
5 specifically relates to the State's obligation to provide discovery before trial. CrR 4.7 does not
6 require the State to search for evidence and or provide evidence to a defendant after trial. The
7 defendant in this mater is asking the court to require the State to engage in pre trial discovery
8 practice in a case that went to trial years ago. This concept is without legal authority.
9

10 CONCLUSION

11 The defendant has obtained the information he has requested pursuant to his public
12 disclosure requests, he has filed a motion based on the document he has received, and the
13 mater is set for hearing. CrR 4.7 does not apply in this matter. Therefore the State objects to
14 the defendant's CrR 4.7 discovery request.
15

16
17 DATED this 10th day of January, 2011
18

19 Respectfully submitted,
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21 
22 Anthony F. Golik
23 Prosecuting Attorney
24 WSBA# 25172
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