

CARL J. ORESKOVICH, WSBA 12779  
Etter, McMahon, Lamberson,  
Clary & Oreskovich, P.C.  
618 West Riverside Avenue, Suite 210  
Spokane, WA 99201  
Telephone: (509)747-9100  
Email: carl@ettermcmahon.com

Attorneys for Defendant Thompson

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA  
Plaintiff,

vs.

KARL F. THOMPSON, JR.,  
Defendant.

No. CR-09-0088-FVS

**Declaration of Carl J. Oreskovich  
in Support of Defendant's Motion  
for Leave to File Additional Pre-  
Trial Brief and Leave to File Over  
Length Brief**

Carl J. Oreskovich hereby declares, under penalty of perjury under the laws of the United States, that the following is true and correct to the best of his knowledge:

1. I am over the age of 18 and competent to testify herein.
2. I am the attorney for the Defendant Karl F. Thompson, Jr., and make

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this declaration in good faith.

3. The deadline for filing pretrial motions previously expired on July 21, 2011. ECF No. 491.
4. Since that date, there has been a marked upsurge of publicity and political attention surrounding this case, including dramatic public reaction to the 22 page declaration of Assistant Chief Nicks filed on August 5, 2011.
5. Since the pretrial motion deadline, issues surrounding this case have been thrust into the forefront of public debate and have become a political issue and a campaign platform in the 2011 Spokane mayoral race.
6. Before the increase in media and political coverage, I intended to bring a motion to change venue during jury voir dire if actual prejudice became evident.
7. Due to the recent politicizing and barrage of media coverage, I am compelled to bring a motion to change venue at this time because the coverage has resulted in presumed prejudice making it impossible for Officer Thompson to receive a fair trial in this venue.
8. News coverage has been intensive throughout the case, beginning with the date of the incident to the most recent increase in political and media attention.
9. If permitted, I intend to file a memorandum supporting my motion for change of venue which excerpts and analyzes a select portion of newspaper articles and news broadcasts.

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10. Due to the number and length of the excerpted articles along with the associated analysis, I have not been able to meet the 10 page limit set forth in Local Rule 7.1(f).
  11. Additional pages are necessary to fully and adequately inform the Court regarding the nature of the articles published and the effect such coverage has had on Spokane and its surrounding communities.
  12. Without additional pages to brief the Court regarding the full and true nature of the political and media coverage, Officer Thompson will not be able to fully articulate how his rights under the Sixth Amendment will be jeopardized if venue is not changed.
  13. Defendant's Motion and Supporting Memorandum for Change of Venue is complete and is ready to be filed upon receipt of the Court's permission.

21 RESPECTFULLY SUBMITTED this 15th day of September, 2011.

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23 ETTER, McMAHON, LAMBERSON,  
24 CLARY & ORESKOVICH, P.C.

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26 By/s/ Carl J. Oreskovich  
27 CARL J. ORESKOVICH, WSBA 12779  
28 Attorneys for Defendant Thompson  
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3 CERTIFICATE OF SERVICE

4 I hereby certify that on the 15<sup>th</sup> day of September, 2011, I electronically filed  
5 the following documents:

6 **Declaration of Carl J. Oreskovich in Support of Defendant's Motion for**  
7 **Leave to File Additional Pre-Trial Brief and Leave to File Over Length**  
8 **Brief**

9 with the Clerk of the Court using the CM/ECF System, which will send  
10 notification of such filing to the following:

11  
12 Timothy Michael Durkin  
13 [USAWAE.TDurkinECF@usdoj.gov](mailto:USAWAE.TDurkinECF@usdoj.gov)  
14 [mary.f.buhl@usdoj.gov](mailto:mary.f.buhl@usdoj.gov)

15 Victor Boutros  
16 [victor.boutros@usdoj.gov](mailto:victor.boutros@usdoj.gov),  
17 [victor\\_boutros@post.harvard.edu](mailto:victor_boutros@post.harvard.edu)  
18

19  
20 /s/Carl J. Oreskovich  
21 CARL J. ORESKOVICH, WSBA 12779  
22 ETTER, McMAHON, LAMBERSON,  
23 CLARY & ORESKOVICH, P.C.  
24 618 West Riverside Avenue, Suite 210  
25 Spokane, WA 99201  
26 (509)747-9100  
27 (509)623-1439 Fax  
28 Email: [carl@ettermcmahon.com](mailto:carl@ettermcmahon.com)

29 Attorneys for Defendant Thompson  
30  
31  
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