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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)	
)	No. 09-0088-FVS
Plaintiff,)	
)	SUPPLEMENT TO
v.)	UNITED STATES' MOTION
)	FOR RECONSIDERATION
KARL F. THOMPSON JR.,)	OF COURT'S VENUE SELECTION
)	
Defendant.)	

The United States provides this Supplement to its Motion for Reconsideration of the Court's oral change of venue decision at yesterday's hearing.

Good Cause Exists For Reconsideration of Court's Venue Decision

The United States submits that following additional information further supports the Court's reconsideration of venue decision and provides an additional

SUPPLEMENT TO UNITED STATES' MOTION FOR
RECONSIDERATION OF COURT'S CHANCE OF VENUE DECISION

good cause basis for modifying the Court's venue order (i.e., Select jury in Yakima; hold trial in Spokane):

- Spokane Police Department administrators have informed the United States Department of Justice that sixty one (61) of its law enforcement officers, mostly from its Patrol Enforcement Division, have been subpoenaed to appear and testify at the trial in this matter that was set to proceed in Spokane. Administrators have advised that the Spokane trial setting location presented its own scheduling and local law enforcement coverage concerns for SPD Administrators.

- These administrative challenges for the SPD and the measures needed to ensure adequate local law enforcement coverage have been significantly compounded by the Court's moving of the trial venue from Spokane (which is easily accessible for local law enforcement) to Yakima, which is an approximate 7 -8 hour round trip, excluding witness preparation and actual court time. SPD administrators have advised that the Court's change of venue has exponentially increased the difficulties, challenges, time and expense that the SPD faces in having so many officers absent to travel to Yakima, attend to and appear in court proceedings, possibly be held over or delayed and having to appear the following day, and then having to travel back to Spokane.

Conclusion & Request for Relief

The United States proposes that the Court proceed with jury selection in Yakima on October 11, 2011, as scheduled. Upon completion of the selection of a fair and impartial jury from the Division jury panel, the United States proposes that the Court, jury and parties return to Spokane and commence with the evidentiary trial phase of the case on October 12, 2011, as previously scheduled.

Performing jury selection in Yakima and holding the trial in Spokane reasonably accommodates the largest number persons involved in this case (i.e., the victim's family members, the approximately 120 witnesses, the 12 jurors, law enforcement (local and federal), and the trial participants (i.e., the Judge, counsel, and our respective staff members and personnel).

Further, holding the trial in Spokane will avoid the substantial, unnecessary cost and expense that the interested parties' and participant (i.e., the victim's family members; the percipient witnesses, federal (i.e., U.S. Marshal Service) and local (SPD) law enforcement; the Clerk of the Court staff; the Prosecution and its staff, Defendant's counsel and their staff, and the Court and its staff) will have to incur, during these difficult and challenging financial times, to move the 4-6 week trial in this case to Yakima, a venue location that neither party requested.

RESPECTFULLY SUBMITTED this 5th day of October 2011.

MICHAEL C. ORMSBY
United States Attorney

s/ Aine Ahmed

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Certificate of ECF and/or Mailing

I hereby certify that on the date of the filing of this document with the Clerk of the Court using the CM/ECF System that the Clerk's ECF system will send notification of such filing to all counsel and/or I hereby certify that I have arranged for mailing by United States Postal Service and/or arranged other delivery of the document the following day to non-CM/ECF participant(s):

Carl Oreskovich, Esq.

And to the following non-ECF participants: N/A

s/ Aine Ahmed
Assistant United States Attorney