

Pete Holmes
Seattle City Attorney
701 5th Ave, Suite 2050
Seattle, WA 98104-7095

December 13, 2019

Subject: Questions concerning your April 24 letter of complaint to Judge Ed McKenna

Dear Mr. Holmes,

I'm writing an article on Seattle Municipal Court Judge Ed McKenna for *The Blog Quixotic* and have some questions for you regarding an open letter that you and Ms. Anita Khandelwal of the King County Department of Public Defense sent to McKenna on April 24 of this year. A copy of that letter is attached to this letter.

I note for context that since the April 24 letter went out under your signature and bears the logo of the City Attorney's Office, it can be taken as an official communication. Although the letter is addressed to Judge McKenna, I consider it an "open" or public letter, since it was shared with the *Seattle Times* and possibly other news sources either immediately before or after you sent it. (The *Times* ran a story on it at 3:30 PM of the same day.*) Judge McKenna told me he heard about the letter in the media more or less at the same time he received it. He said that he was not the one who leaked it.

I've also attached an email from Lisa Daugaard of the Public Defender Association that was sent about a month earlier on March 23, 2019 to Ms. Khandelwal and several others. Although your name is not on the "To" list, I believe that it was in your possession sometime between March 23 and April 24, when you sent your letter. The Daugaard email covers many of the same issues you raise in your letter to Judge McKenna.

I would appreciate an answer to my questions no later than Friday, December 20. Thank you.

Sincerely,

David Preston, editor
The Blog Quixotic
<https://roominate.com>

Questions for Pete Holmes:

1. Did you discuss Ms. Daugaard's March 23 email with her or anyone else before sending your April 24 letter to Judge McKenna? Describe.
2. Besides Ms. Khandelwal, whom did discuss your April 24 letter with before sending it? What was the nature of those discussions?
3. What research did you do you (or direct to be done) to confirm the charges you made against Judge McKenna in the letter?
4. Did you bring any of the individual items in your letter to Judge McKenna before sending it? If so, which ones, and what did he say?
5. Did you give Judge McKenna advance notice that you would be sending him the letter? If so, how and when did you do that?
6. How did you send the April 24 letter to Judge McKenna? (Hand delivery? Certified mail? Interoffice mail?)
7. Why didn't you file a complaint with the Commission on Judicial Conduct on McKenna instead of sending him your letter?
8. Did you ever advise or suggest to any defense attorneys, directly or through third parties, that they file affidavits of prejudice against Judge McKenna? If so, on what basis?
9. In your letter to Judge McKenna, you claim that he invited a private citizen, Jennifer Coats, and KOMO reporter Matt Markovich to witness a sentencing in his courtroom. In the second full paragraph of the second page, you lead in with "... evidence suggests that Ms. Coats and Mr. Markovich came at your invitation to witness your unusual sentencing philosophy at work." –What evidence are you speaking of? Please document that for me.
10. Judge McKenna apparently felt his reputation was harmed by your and Ms. Khandelwal's letter. To clear his name, he filed a complaint against himself with the Commission on Judicial Conduct, using your specific charges as the basis. The CJC found no wrongdoing on McKenna's part. Did you ever apologize to him or make a retraction? If not, why not?

*<https://www.seattletimes.com/seattle-news/politics/seattles-top-prosecutor-and-public-defender-accuse-presiding-judge-of-improper-conduct/>