FILED
SUPREME COURT
STATE OF WASHINGTON
5/19/2023 9:45 AM
BY ERIN L. LENNON
CLERK

SUP. CT. No. 101740-5

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

GREGORY TYREE BROWN

Appellant,

-vs-

LAWRENCE FREEDMAN,

Respondent.

PETITION'S OBJECTION TO
CLERK'S MOTION TO STRIKE

GREGORY TYREE BROWN #281829
PRO SE PETITIONER
WASHINGTON STATE PENITENTIARY
1313 NORTH 13TH AVENUE
WALLA WALLA, WA 99362

I. INTRODUCTION

Petitioner, Gregory Tyree Brown, appearing pro se, hereby objects to the court clerk's motion to strike Reply Brief.

II. FACTS

In response to to the Petition for Review, Respondent Lawrence Freedman argues, in part, "There is No Reason to Accept Review," Freedman argues the Court of Appeals "did not reach Brown's arguments regarding the trial court's 2019 summary judgment ruling because Brown did not designate the order for review pursuant to RAP 5.3(a). The Court of Appeals affirmed the trial court's 2021 summary judgment order because Brown did 'not argue any error with regard to this order.'" See Answering Brief of Respondent, at 10.

Respondent further argues that "Brown does not cite any Washington Supreme Court or Court of Appeals decision that conflicts with the Court of Appeals rulings in this case that (1) Brown's failure to designate the 2019 summary judgment order for review pursuant to RAP 5.3(a) precludes review of the decision, and (2) Brown's failure to identify error by the trial court in connection with the 2021 summary judgment order doomed his appeal of that order." Id, at 10-11.

In his Reply Brief, Brown argues: (A) Brown's Failure to Designate the 2019 Partial Summary Judgment Order For Review Pursuant To RAP 5.3 Does Not Preclude Review Of The 2019 Partial Summary Judgment Order. Reply Brief, at 1;; (B) Brown's Failure To Identify Error By The Trial Court In Connection With The 2021 Summary Judgment Order Did Not "Doom"

His Appeal Of That Order. Reply Brief, at 2; (C) The Decision Of The Court Of Appeals Is In Conflict With This Court's Decision In Fox v. Sunmaster. Reply Brief, at 2; and (D) Brown Disputes The Respondent's Version Of His Criminal Conviction. Reply Brief, at 3.

III. ARGUMENTS

A. THE CLERK OF THE COURT MISCONSTRUED RAP 13.4(d)

The court clerk's reference to RAP 13.4(d) as reason to strike Petitioner Brown's Reply Brief is in error, in that Brown's Reply Brief directly responds to argument raised in Respondent's Answering Brief.

Because Respondent argued that "Brown's failure to designate the 2019 summary judgment order for review pursuant to RAP 5.3(a) precludes review of the decision," Brown is entitled under RAP 13.4(d) to argue that his "failure to designate the 2019 partial summary judgment order for review pursuant to RAP 5.3 does not preclude review of the 2019 partial summary judgment order." Simarly, because Respondent argued that "Brown's failure to identify error by the trial court in connection with the 2021 summary judgment order doomed his appeal of that order," Brown is entitled to argue "Brown's failure to identify error by the trial court in connection with the 2021 summary judgment order did not doom his appeal of that order." In support of this argument, Brown states "the partial summary judgment order is a part of the properly appealed 2021 final summaru judgment decision ultimately rendered in this case." Reply Brief, at 2. In further support of this

argument, Brown cites Fox v. Sunmaster, 115 Wn. 2d 498, 505, 798 P. 2d 808 (1990) to demonstrate that the 2019 partial summary judgment order is part of the properly appealed 2021 final judgment decision ultimately rendered in this case." Reply Brief, at 2-3.

As stated above, Respondent had repeatedly reminded this Court that Brown is convicted of aggravated murder, in order to persuade the Court to deny his Petition for Review. In reply, Brown disputed the basis of his aggravated murder conviction. Reply Brief, at 3.

The rules of appellate procedure are "liberally interpreted to promote justice and facilitate the decision of cases on the merits. RAP 1.2(a). Contrary to RAP 1.2(a), however, the clerk's motion presents a stringent interpretation of the rules for the purpose of defeating justice and denying Brown a decision on the merits.

The purpose of RAP 13.4(b) is to enable a petitioner to reply to arguments raised in Respondent's answering brief. The rule does not specify which or what types of arguments may be addressed in a Reply Brief, but only that it must be in reply to argument raised in Respondent's answering brief. RAP 13.4(d).

Liberally construing RAP 13.4(d), Brown's Reply Brief fully comports with the applicable rule. To say that Brown cannot reply to Respondent's arguments would be like saying Respondent cannot respond to Brown's Petition for Review.

Here, this Court should deny the clerk's motion to strike.

B. <u>THE COURT SHOULD WAIVE THE RULES OF APPELLATE PROCEDURE IN ORDER TO SERVE THE ENDS OF JUSTICE</u>

Under RAP 1.2, cases and issues are not to "be determined on the basis of compliance or noncompliance with these rules except in compelling circumstances where justice demands, ..." RAP 1.2(a). The Appellate Court may waive or alter the provisions of any of these rules "in order to serve the ends of justice, ..." RAP 1.2(c).

If this Court should find that Brown's Reply Brief does not comport with RAP 13.4(d), then waiver or alteration of RAP 13.4(d) in its application to this case would serve the ends of justice in relieving Brown from the oppression of structural racism. <u>See</u> Letter from All Membesr of Washington State Supreme Court Justices to the Judiciary and the Legal Community, dated June 4, 2020.

In the Letter, each of the Justice of this Court found it to be a "moral imperative to eradicate racism and systemic injustice," to "make just decisions in individual cases," and to "administer justice and support court rules in a way that brings greater racial justice to our system as a whole." The instant case presents a grand opportunity for eradicating structural racism and the application of Jim Crow law, which has brought Brown to this Court today.

Respondent's answering brief repeatedly refers to Brown's criminal conviction in order to prejudice this Court against him (as it succeeded in prejudicing the Court of Appeals against him), to disregard the fact that Respondent cites zero

legal authority to support its position, to disregard numerous binding legal precedent cited by Brown, and to apparently apply Jim Crow law instead.

From the very beginning, Brown's criminal charges, convictions, and sentences are based on Jim Crow law designed to disempower African-American, men by placing African-American women "in charge of" African-American families and prohibiting African-American men, such as Brown, from making decisions regarding his own biological child. See Understanding the Assault on the Black Man, Black Manhood and Black Masculinity, by Wesley Muhammad, Ph.D, pp.20-24 (Attachment A).

Brown's biological daughter, Shanika Brown, was both born and lived under Brown's roof. Brown's name is on Shanika's birth certificate, and Shanika's paternity has never been disputed. With implicit racial overtones, King County Deputy Prosecuting Attorney Lee D. Yates vaguely accused Brown of "taking his daughter without permission." However, the only law that required Brown to get permission to take his daughter anywhere is Jim Crow. Id.

Yates' racist attack upon Brown's manhood was malicious. Indeed, Yates was fully aware that Dorothy had abandoned Shanika to Brown because Brown had refused her demands that he marry her, and that Brown then "took" Shanika to a Family Crisis Center (for 72 hours) for Abandoned Children, in order that he may be able to study and pass his college trimester exams. See Attachment P to Petitiopner's Reply Brief. Yet

according to Yates, Jim Crow required that Brown leave his daughter where Dorothy had left her until Dodothy's return. Because Brown did not conform his actions to Jim Crow law, Brown must be imprisoned for the rest of his natural life.

Yates' use of Jim Crow law inevitably made it okay that Dorothy had committed the crime of custodial interference against Brown by bringing Shanika from Phoenix, Arizona to Seattle, Washington, for the sole purpose of using Shanika as bait and leverage to force Brown to agreeing to marry her. See Attachment P to Petitioner's Reply Brief. see also State v. Lund, 63 Wn. App. 553, 560-61, 821 P. 2d 508 (Wa. App. Div. I, 1991)(withholding child as "bait" until parent submits to demand of reconciliation is cutsodial interference), review denied, 118 Wn. 2d 1028 (1992); State v. Moats, 2003 Wash. App. LEXIS 2283 (Wash. App. Div. I, Oct. 6, 2003)(mother guilty of custodial interference for moving out-of-wedlock child away from father whose name was on child's birth certificate); RCW 9A.40.070; Arizona Revised Statute §13-1302(A)(2). Under Jim Crow, there is no such thing as custodial interference with an African American man's child.

Mr. Yates enforced Jim Crow law by using allegations that Brown premeditated and planned the retrieval of his daughter from Dorothy, so that Yates could charge Brown with first degree premeditated murder, which carried a sentence of 20 years in prison minus 6 years and 8 months for good time. In re Pers. Restraint of Mayner, 107 Wn. 2d 512, 518, 730 P. 2d 1321 (1986). Yates then used the same premeditation and plan

in order to further increase Brown's punishment to life without parole under the guise of punishing him for violating the "common scheme or plan" component of Washington state's aggravated murder statute. See Former RCW 10.95.020(8). Under established law which applies to caucasian people, it is unlawful to use the same evidence twice to increase Brown's punishment. See State v. Workman, 90 Wn. 2d 443, 454-55, 584 P. 2d 382 (1978)(evidence that gun was used during robbery constituted first degree robbery and therefore could not be again used to impose additional sentence for possession of weapon); State v. Stubbs, 170 Wn. 2d 117, 124, 240 P. 3d 143 (2010)(element of base offense cannot be used to aggravate crime); State v. Dunaway, 190 Wn. 2d 207, 218, 743 P. 2d 1237 (1987)(plan to commit murder already included in offense of premeditated murder charge cannot be used to impose additional sentence).

Had Yates not twice used this same premeditation to twice increase Brown's sentence, Brown would have been found guilty of first degree murder and required to serve a total of 26 years and 8 months in prison, which would have released Brown from prison no later than June 2008.

In fact, were it not for Jim Crow, Brown would have received a reduced sentence of less than 26 years and 8 months because the victim, Dorothy Thomas, was the instigator, willing participant, and provoker of the incident by committing the crime of custodial interference against Brown. See RCW 9.94A.535(1)(a)(The court may impose an exceptional sentence

below the standard range if it finds that "[t]o a significant degree, the victim was an instigator, willing participant, aggressor, or provoker of the incident."). Were it not for Jim Crow, Brown would have been released from prison long before the year 2008.

As shown in Brown's Reply Brief and its attachments, Mr. Yates hired two jailhouse informants to lie on Brown by claiming Brown confessed to them.

Brown's dealings with Respondent have been wrought with racial undertones and oppression. Brown is a poor Aferican-American man. Freedman is an economically, socially, professionally privileged, advantaged, and entitled white man whom is well connected with a systemically white racist establishment. Freedman thrives in a racist socio-economic structure that was passed down to him by slave-owners and has made him financially and socially superior to Brown to this day.

Because the prison system continued to harass, abuse, and oppress Brown, Brown filed a pro se civil rights complaint and won a monetary settlement. Brown has used his settlement money in an attrmpt to gain assistance from Freedman. However, Freedman viewed Brown as a little black slave boy whom he could take advantage of by taking all of Brown's settlement money and leaving Brown again broke and powerless.

Freedman demanded that Brown send him thousands of pages of transcripts and other papers for Freedman toreadand charge Brown $250 per hour for claiming to have read them. However,

Freedman had already falsely claimed to have read legal papers which Freedman had not read at all. Being unable to trust Freedman, Brown asked Freedman to return his money back to him.

Freedman became furious over this little black slave boy telling him what to do. Freedman refused to return any of Brown's money to him.

In the face of their mutually agreed upon written contract that Freedman would not charge Brown any money until after Freedman has performed 12 hours work, and in circumstances as where Freedman never did perform 12 hours work, Freedman nonetheless insisted upon charging Brown $250 per hour for Brown finding Freedman's name and phone number in a library phone book and calling and asking Freedman if he is a licensed attorney practicing civil law--a conscious or unconscious view that African-American men are not supposed to be able to read.

Brown had to file his own pro se PRP against the Indeterminate Sentence Review Board (ISRB) in order to obtain a judicial clarification of his prison sentence. In response, the Court of Appeals informed Brown that he is, in fact, serving life without parole.

Respondent's efforts at creating a false impression that this case is about Brown suing Freedman for failing to obtain a parole hearing for Brown is ridiculous. Because Brown's judgment & sentence merely states "life" and does not state life without parole (see Attachment B), Brown needed some court ruling to clarify that his conviction of aggravated murder increased his first degree murder sentence from life with

parole to life without parole, so that Brown might then be able to attack his criminal conviction under authority of Apprendi v. New Jersey, 530 U.S. 466, 494 n.19, 120 S.Ct. 2348, 147 L.Ed 2d 435 (2000), which held that a so-called sentence enhancement which increases a defendant's maximum sentence is actually a crime, not a sentence enhancement.

Brown was thrilled by the loss of his pro se action taken against the parole board, which resulted in the judicially determination that Brown's aggravated murder conviction did increase his first degree murder sentence from 26 years and 8 months to life without parole. In State v. Allen, 192 Wn. 2d 526, 431 P.3d 117 (2018), the Washington State Supreme Court, applying Apprendi v. New Jersey, 530 U.S. 466, 494 n.19, 120 S. Ct. 2348, 147 L. Ed. 2d 435 (2000), and Alleyne v. United States, 570 U.S. 99, 103, 133 S. Ct. 2151, 186 L. Ed. 2d 314 (2013)(relying on Apprendi), unanimously held that, because the "common scheme or plan" component of Washington state's aggravated murder statute increases a defendant's first degree murder punishment from life with parole to life without parole, the "common scheme or plan" component of the aggravated murder statute--the exact same statute under which Brown was charged and convicted--constitutes a crime, not a sentence enhancement.

Thus, Allen in 2018 accomplished precisely what Brown was attempting to accomplish with Freedman in 2016 had Freedman provided Brown ethical assistance.

Brown, acting pro se, has attempted to get his money back from Freedman. In attempting to defend his offensive actions,

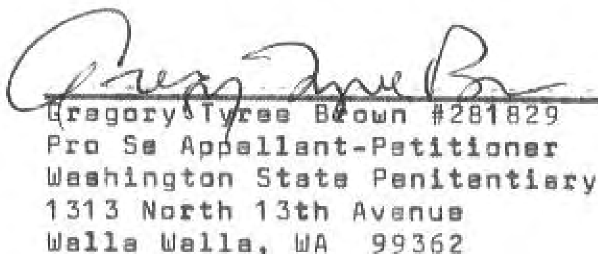
Freedman is simply unable to cite a single court opinion that would support his argument that an amended complaint does not supersede an original complaint. Freedman's only apparent defense is that (a) Freedman is privileged to hire an attorney who zealously represents him to a fault; and (b) Brown is a convicted felon too poor to hire an attorney who will zealously represent him.

To this day, Freedman, having zero facts and zero case law to support his position, continues to rely solely and entirely on structural racism--that his slave-master forefathers and the white racist establishment has left him enough money to hire an attorney who submits documents that look "neater" and "more professional" than Brown's documents--as his only defense to refusing to return Brown's settlement money to him. Were it not for this structural racism, Brown would have won this case in the superior court or in the Court of Appeals.

IV. CONCLUSION

Wherefore, this Court should deny the clerk's motion to strike, should consider Brown's Reply Brief and attachments thereto, and should grant review of the Court of Appeals decision.

Respectfully submitted this 19th day of May, 2023.



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ATTACHMENT

A

greater; 3.8 times as many Afro-American men as Afro-American women could expect to die within the year. A major factor contributing to both the low life-expectancy rates and the high death rates is the much higher rate of death from violence and accidents among Afro-American men...Afro-American men die from violence and accidental causes at disproportionally greater levels throughout all age categories. Note, in contrast, that the gap between Euro-American and Afro-American women is negligible for most age groups and virtually disappears after age sixty-five...Afro-American men committed suicide at 6.2 times the rate at which Afro-American women did. What is more, Afro-American men are the only group for whom the rate is rising steadily...the suicide rate for Afro-American women is among the lowest in the nation.[32]

These facts are startling. There can be no question whether the Black male in America suffers a double burden - ethnic and gender - in America. He most certainly does. Patterson asks:

> How do we explain all of this? Why are the fortunes of Afro-American men declining so precipitously while those of Afro-American women are getting better? Why, in particular, are Afro-American women now poised to assume leadership in almost all areas of the Afro-community and to outperform Afro-American men at middle- and upper-middle-class levels of the wider society and economy?[33]

The answer is undeniable: kill the male, spare the female. American hostility to Black manhood never abated.

IV. *Rise of the Black Matriarchy*

Jessie Bernard was an American sociologist and radical feminist scholar. Nevertheless, she had an important candid moment in her book, ***Marriage and Family Among Negros*** (1966):

> Negro men have been more feared, sexually and occupationally, than Negro women. In fact, Negro women have more often proved attractive to the white world...not only as sex partners but also as nurses or 'mammies.' As a result, Negro women have been less isolated from the white world; they have more intimate contacts with it; they have lived in the homes of white families; they have had greater opportunity to mingle with white people. More doors-back doors to be sure-have opened for them. They have, therefore, felt more at ease in the white world. Even in their contacts with social-work agencies and the world of bureaucracy, they have known their way around. Negro

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[32] Patterson, "Broken Bloodlines," 12-14, 15-16.

[33] Patterson, "Broken Bloodlines," 23.

men and women have, in brief, tended to live in somewhat different worlds, both under slavery and after emancipation...

> [The] institution of slavery in the United States subverted the relations between the sexes. And in so doing it inflicted grievous wounds on the Negro man...*The Negro man had to be destroyed as a man [in order] to 'protect' the white world.* Unwittingly, unintentionally, even against her own will, the Negro woman participated in the process...The Negro man...was put in a situation in which *conformity to masculine norms was all but impossible*...One does not have to resort to psychoanalytic figures of speech to see that the Negro men were castrated by the white world-sometimes literally as well as figuratively (emphasis added).

Mrs. Bernard's candor here is appreciated. American White Supremacy had to castrate and destroy the Black male in order to protect itself. Masculinity itself was virtually proscribed for the Black male. As William H. Grier and Price M. Cobbs note:

> Whereas the white man regards his manhood as an ordained right, the Black man is engaged in a never ending battle for its possession. For the Black man, attaining any portion of manhood is an active process. He must penetrate barriers and overcome opposition in order to assume a masculine posture. For the inner psychological obstacles to manhood are never so formidable as the impediments woven into American society.[34]

Daniel P. Moynihan was the Assistant Secretary of Labor in Pres. Lyndon B. Johnson's administration. In 1965 he wrote and distributed a strictly in-house, non-public report to the President and his deputies entitled "The Negro Family: The Case for National Action." This Report was intended to motivate the President and his deputies to launch massive federal employment and anti-poverty initiatives directed at Black Americans. This strictly in-house Report fell into the hands of some governmental mischief makers who were not pleased with either the Report's conclusions or objective. They leaked small quotes torn from their context to the press and the public. A fire-storm ensued. Once the already scandalized Report was finally released to the public many, including American feminists, launched a campaign to discredit it and neutralize the Report's perceptive, candid observations and

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[34] William H. Grier and Price M. Cobbs, ***Black Rage*** (New York: Basic Books, 1968) 49.

thwart its recommendations.[35] Having read the so-called Moynihan Report for myself, I am very clear on why white American conservatives and radical American feminists were both so bent on misrepresenting and neutralizing it, and I am clear on its relevance to us today in 2016. Moynihan wrote:

> the racist virus of America still afflicts us…(T)hree centuries of sometimes unimaginable mistreatment have taken their toll on the Negro people. The harsh fact is that, as a group, at the present time, in terms of ability to win out in the competitions of American life, they are not equal to most of those groups with which they will be competing. Individually, Negro Americans reach the highest peaks of achievement. But collectively, in the spectrum of American ethnic and religious and regional groups, where some get plenty and some get none…Negros are among the weakest…It is more difficult for whites to perceive the effect that three centuries of exploitation have had on the fabric of Negro society itself. Here the consequences of the historic injustices done to Negro Americans are silent and hidden from view. But here is where the true injury has occurred: unless this damage is repaired, all the effort to end discrimination and poverty and injustice will come to little…'Of the greatest importance, the Negro male…became an object of intense hostility, an attitude unquestionably based in some measure on fear…Keeping the Negro "in his place" can be translated as keeping the Negro male in his place: the female was not a threat to anyone…The very essence of the male animal, from the bantam rooster to the four star general, is to strut. Indeed, in 19th century America, a particular type of exaggerated male boastfulness became almost a national style. Not for the Negro male. The 'sassy nigger' was lynched…(T)he Negro community has been forced into a matriarchal structure which…seriously retards the progress of the group as a whole, and imposes a crushing burden on the Negro male and, in consequence, on a great many Negro women as well.

The "Negro" community has been forced into a matriarchal structure. The Black Matriarchy in America is real. What did Moynihan mean by Black Matriarchy? He meant that either fathers were absent from the home, as were ¼ of the Black homes in 1965 or, while physically present, the lack of gainful employment forced a role reversal in the home, disempowering the Black father as head of his household. Moynihan rightly observed that, "At the heart of

[35] See for example Kay S. Hymowitz, "The Black Family: 40 Years of Lies," ***City Journal*** Summer 2005; James T. Patterson, "Moynihan and the Single-Parent Family: The 1965 Report and its Backlash," ***Education Next*** Spring 2015: 6-13; Serena Mayeri, "Historicizing the 'End of Men': The Politics of Reaction(s)," ***Boston University Law Review*** 93 (2013): 729-744.

the deterioration of the fabric of Negro society is the deterioration of the Negro Family." You weaken the family, you weaken the nation. Moynihan documented his case with 24 pages of charts and tables. He suggested that, until Black men reclaimed their proper place as breadwinning heads of households, poverty, violence and dysfunction would mar the hard-won progress of the Civil Rights movement. So Moynihan urged in his Report a national effort of focusing government policy and resources on improving employment opportunities for Black men in particular with an eye toward reinstating them as primary breadwinners in the marital household. Feminists don't like that talk at all.

Despite all of the negative press the Moynihan Report received and still receives, while certainly not flawless, it *did* correctly identify the problem, its root, and the consequences. Erol Ricketts, sociologist-demographer with the Russel Sage Foundation, in a 1989 follow-up study disputed the Report's claim that the contemporary Black family formation emanated directly from slavery.[36] However, it is in fact the case that:

> In the plantation domestic establishment, the woman's role was more important than that of her husband. The cabin was hers and rations of corn and salt pork were issued to her. She cooked the meals, tended the vegetable patch, and often raised the chickens to supplement the rations. If there was a surplus to sell, the money was hers. She made the cloths and reared the children. If the family received any special favors it was generally through her efforts.[37]

Patterson rightly points to the "ethnocidal assault on gender roles" during slavery, particularly the "certain consequence of slavery," i.e. "it was most virulent in its devastation of the roles of father and husband."[38] He goes on to say: "While this male emasculation did not lead to a 'matriarchy,' it did change the position of women in relation to men."[39] It is to be conceded that 'Black Matriarchy' is not an apt description of the situation during slavery, nevertheless the post-slavery Matriarchy described by Moynihan perfectly comports with the data on Black male and

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[36] Erol Ricketts, "The origin of black female-headed families," *Focus* 12 (Spring-Sumer 1989): 32-37.

[37] Maurice Davie, *Negroes in American Society* (New York: McGraw, 1949) 207.

[38] Patterson, "Broken Bloodlines," 27.

[39] Patterson, "Broken Bloodlines," 32.

female roles in society as presented by Patterson. And even Ricketts confessed: "the *Report* turned out to be an accurate piece of social forecasting in that it predicted rapidly increasing rates of female headed families among blacks."[40] Ricketts points out as well: "as black male labor force participation and employment have declined since World War II, the employment position of black women remained relatively stable."[41] The result is the total realization of Moynihan's prediction. Entrenched, multigenerational poverty is largely Black and is intricately intertwined with the collapse of the nuclear family. While 26% of American children were born into single parent homes in 2005, 72% of Black children were. At the time of Moynihan's Report (1965), 24% of Black children were born into single-family homes.[42]

In order for Black America to heal from our slavery-inflicted wounds, grow and genuinely progress as a people the Black Family must be reconstituted and strengthened. No strong Black Family, no strong Black Nation. And it is the case that in order for the Black Family to be strengthened the Black man *must* be re-constituted, empowered and re-integrated into the family in his proper role. Moynihan knew like we know today that, as long as the Black man is disempowered in the home, he can never go out and become empowered in this hostile society that has literally been at war with his manhood for over 400 years. Sisters, if you want your husband to be a man *out there* you must help him be *the* man in the home. You have to help place him on his throne in the home. But it doesn't start Brothers with her *letting* you be the man. It starts with you determining to be the man in your home whether she or anyone else likes it or not. In order to be treated as the man we have to *be* the man. But Moynihan also knew then as we know now that in order for the Black male to actually *be* the man in his home he must be able to perform the *duties* of the man of the home, and that requires gainful employment and/or access to resources. And so Moynihan appealed to the President to make the government resources available to help reconstitute the Black man as a Man in his home and thus in society. What was the government's response

[40] Ricketts, "origin of black female-headed families," 34.
[41] Ricketts, "origin of black female-headed families," 35.
[42] Kay S. Hymowitz, "The Black Family: 40 Years of Lies," *City Journal* Summer 2005.

ATTACHMENT

B

In the Superior Court of the State of Washington

For the County of King

THE STATE OF WASHINGTON, Plaintiff,

vs.

GREGORY TYREE BROWN, Defendant.

No. 83-1-03420-7

[Stamp: 83 APR 14 PM 2:40 — [illegible] SUPERIOR COURT CLERK, SEATTLE, WA.]

Judgment and Sentence

The Prosecuting Attorney with the above-named defendant and counsel Jim Lamont came into court. The defendant was duly informed by the Court of the nature of the amended information found against him for the crime(s) of AGGRAVATED MURDER IN THE FIRST DEGREE, COUNTS I AND II, (WHILE ARMED WITH A DEADLY WEAPON AND FIREARM AS TO BOTH COUNTS)

of his arraignment and plea of "Not guilty of the offense charged in the amended information," of his trial and the verdict of the jury/~~finding of the court~~ on the 30th day of March, 19 83, "guilty

The defendant was then asked if he had any legal cause to show why judgment should not be pronounced against him, to which he replied he had none.

And no sufficient cause being shown or appearing to the Court, the Court renders its judgment: That whereas the said defendant has been duly convicted by the jury in this Court, it is therefore,

ORDERED, ADJUDGED and DECREED that the said defendant is guilty of the crime(s) of AGGRAVATED MURDER IN THE FIRST DEGREE, COUNT I AND II, Class "A" Felony, RCW 9A.32.030; (WHILE ARMED WITH A DEADLY WEAPON, PURSUANT TO RCW 9.95.040; AND A FIREARM, PURSUANT TO RCW 9.41.025 AS TO BOTH COUNTS)

and that he be sentenced to imprisonment in such penal institution or correction facility, under the jurisdiction and supervision of the Department of Corrections pursuant to the provisions of RCW 72.13.120, for a maximum term of not more than *Life on each count, to run consecutively* — *[illegible]* years, ~~[illegible]~~.

~~[illegible]~~

The Defendant is hereby remanded to the custody of the King County Department of Rehabilitative Services to be by them detained until called for by the transportation officers of the Department of Corrections, authorized to conduct him to the Washington Corrections Center.

DONE IN OPEN COURT this *13* day of *April*, 19*83*.

H. Joseph Coleman
JUDGE

Presented by:
[illegible signature]
Deputy Prosecuting Attorney

Rev. 4/6/82

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CERTIFIED COPY TO COUNTY JAIL APR 14 1983

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P

THE TRUE FACTS

In order to answer questions that will arise while reading this presentatio, I will start at the beginning.

In 1975 Linda Stigars trapped me into a long-term relationship by deliberately getting pregnant against my knowledge and wishes. Nearly 2 years later while stationed at the Sheppard Airforce Base in Witchita, Texas, we had to get married because our newborn twin son needed to be immediately flown to Leckland Airforce Base hospital's special care unit for premature babies. Initially the military paperwork couldn't be done because we were not married. The marriage license was rushed, and we got married there in the hospital.

after that, my son (Tyree) was only home for a couple of weeks before Linda smothered him to death. She said she threw a blanket over his head because he was crying while she was trying to sleep. When she woke-up and checked on him, he was dead. I was at work being a jet mechanic. The military police came and rushed me to the hospital because Linda was hysterical qnd they needed me to calm her down. The hospital called it "crib death." I didn't find-out what really happened until after I got home. Of course I kept it to myself.

Linda nearly killed our daughter (Tyree's twin) LaTeece Brown, by throwing her down stairs at our apartment in San Jose, California. QAnambulance had to be called. There were no scrape marks on LaTeece's knees. There wouild have been scrape marks had she fallen on her own. That morning I had ridden to school withmy frien", Steven Ricks, so the hospital had to contact my school counselor, who then drove me to the hospital. When I arrived, the nurses showed me whip marks all over my daughter's bottom.

I was shocked, beyond furious, heartbroken, devastated, and disgusted. I had failed my baby girl by not knowing she was being abused right under my nose. I had missed the signs. I thought about how LaTeece would cry whenever I left, and always ran and clung to me whenever I came home. I thought it was because she missed me. I didn't know she was needing me to protect her from her mother. And all this time I thought Linda was being a "good wife" by never having me change any diaper ever. I swore to myself that I would never let anything like this happen again ever.

Hospital staff saw my reaction and knew I did not know LaTeece was being abused. The CPS took LaTeece away temporarily. Linda was charged with stuff, pled guilty, and received probation. Linda had been severely abused as a child, and she barely knew her father. She always threatened that my kids would not know me if I ever left her. The drama that succeeded in driving me away is another story. To this day my kids do not know me.

I left everything in California, and was now back in Phoenix rebuilding my life. Around 1980 my friend, Jeffrey Graves, told me that another woman would come along and trap me

with another baby. I assured Jeff I would not let that happen to me again. The conversation started over beers and Jeff telling me that he had a vasectomy because his wife had trapped him by getting pregnant on purpose. He persuaded another woman to have an abortion. Then he got a vasectomy. So we debated vasectomies and abortions, both of which I was personally against.

About a year later my friend, Clennon Jackson ("Bawany") asked me to move in withhim and his friend, Danny (X-Black Panther). They had rented a large house, butthey didn't hav efurniture or electricity. At first I didn't want to move because I was enjoying the peace and solitude of my bachelor apartment. But my partner needed me, and he promised me the master bedroom. So I agreed. I took my furniture and electricity to the house.

Following my divorce, I just w anted to take a break from relationships for at least a year, maybe two. I just wanted to focus on school and rebuilding my life. Only my closest friends knew my address and phone number. I had gotten pretty good at politely cutting conversation short with excuses for leaving any place where I had been talking with someone. But after living in this house for about a week or so, suddenly there was a girl sitting in our livingroom for hours at a time all by herself. (She was cousin of Bawany's girlfriend. I guessed Bawany and his grilfriend were in his room making out). I would come out of my room for a sandwich or something, say hello, continue what I was doing, and usually go back to my room. But she was there 3-4 times a week, and it started feeling kinda weird being there and ignoring her. I was obviously expected to play host, and I thought I could. So, each time after a few minutes of talking and before we could get too personal, I made an excuse to bounce. But this was not like being out on the town staying on the move. Now I was cornered in my own home with nowhere else to go, 3-4 days a week. After doing this for a while, it became obvious that I was deliberately avoiding getting involved with her. So one day Bawany came home laughing, talking about these girls think I'm gay. Bawant thought it was funny. He told them I'm not gay. I didn't think it was funny. I could never be gay. So I was like, "Aw, hell naw!!!" At 24 years of age, my ego was not mature enough to stick to my routines and let people think whatever they wanted to think. So that was all ittook to get me to act the way they wanted me to act.

Her name was Dorothy Thomas. She told me that she was 21 years old. She had a few grey hairs, drove a car, and had a baby. I didn't even have any grey hair, so I believed her. Later her mother lied and said she was 19 years old. She tricked me into getting her pregnant, and then started demanding that I marry her. Her mother, Mary Thomas, was telling her what to do, teaching her how to "snag a good man." We ended-up living together. I was trying to stay close to my would-be child because Dorothy was way worse than Linda and her family. Mary routinely brought old men to the house and told Dorothy to "be nice to them for money."

Dorothy barely knew her father. Her toddler, Stephanie Thomas, was spoiled worse than any baby I had ever seen. Stephanie didn't know her father, whom was my first cousin, Dwight Hawkins. Dwight was actually a good dude. Dorothy's mother ran him off.

Dorothy's mother lived off babies and welfare money. Her mother couldn't have babies anymore, so Dorothy had dropped out of grade school to have babies for her mother. Dorothy never finished grade school. She gave Stephanie to her mother because Mary was disabled and needed a baby to sit around and hold all day for company. Once the baby got big enough to run and get away from her, Mary needed to get another baby to sit around and hold all day. My baby.

Our daughter, Shanika Brown, was born in August 1982. Dorothy wasn't terrible, she just did what her mother told her to do. So for my child's sake, I gave us a chance. But her mother was always starting stuff. While I was at work or school, Dorothy would go over to her mother's house, and each time Mary would pump her up to fight with me when i got home. I was studying for tri-mester exams (deVry Institute of technology) when her mother told her to make me marry her right away before I finish school because [Mary said] I would leave Dorothy after I finish school. When I refused to marry her again, she left, walked down the street with me following her telling her to take Shanika with her. She got on a bus, leaving me there with Shanika. Because I needed to study, I spent house looking for someone to keepo Shanika, until I found a family crisis center (for abandoned children) to keep Shanika for 72 hours.

When Dorothy arrived at her mother's house, her mother asked her where is that baby at? She made her come back for Shanika. Then they took Shanika to seattle, saying I would never see her again unless I marry Dorothy.

This was crazy. First of all, i was not about to marry anyone who got pregnant on purpose just to trap me. And I was not about to marry anyone whom I did not love. But I couldn't leave my daughter alone with these ignorant people. (For example, one time while Dorothy was smoking weed, she tried to spank our 1-montyh-old daughter for crying for no reason. Then she laughed and said she was laying on Shanika's leg). My probation officer told me it's illegal (custodial interferece) to take a child across state lines for the purpose of depriving a parent access to the child. And my cousin had agreed to take care of Shanika along with her child if I gained custody of her. So I told Dorothy I was coming to Seattle to have her arrested for custodial interference, and then while she was in jail, I would take Shanika back to Phoenix with me. Dorothy knew she couldn't win, so she said she was bringing Shanika back to Phoenix. But she was taking too long, and I thought she was stalling for time to file for child custody in Washington state in order to avoid being arrested for custodial interference. So I had to hurry-up and go to Seattle to have her arrested and take Shanika back with me.

Meanwhile (this came out incourt) Dorothy had told her

gang member uncle David King that she was going back to Phoenix. Dorothy was living with David in Seattle. When I arrived in Seattle, I got a motel room withplans on having her arrested in the morning. I had never had anyone arrested before, so I really didn't know how the process worked. When i work-up the next morning, I saw on the news that Dorothy and her uncle had been killed. Becaues teh news didn't give details, I made phone calls and cound-out the police were looking to blame me! They said I was running from Seattle police.

At that point I wasn't thinking about no damn police in Seattle. I had more important things to think about. First, I needed to find-outwhat happened so I could decide what to do about whoever killed Dorothy. And I was trying to figure-out what to do with my daughter. My cousin had agreed to keep Shanika for a while, my mother was not an option, and I was not prepared to raise Shanika all by myself. I was terrified of the thought of changing diapers 5-10 times a day. I'm not cut-out for that. I thought I would die changing diapers.

Also, I realized I had acted hastily in leaving Arizona w/o permission from my probation officer, Richard Utter. (I believe I was on probation for trespassing, or something). My P.O. was halfway cool and happy to have a probationer who was studying to be an electronics engineer. I made him look good, and I knew he would overlook my quietly bringing Shanika back from seattle with me (so long as his supervisor didn't find-out), since putting me in jail for a technical violation would have messed-up my schooling. I had used a fictitious name to travel because I didn't want my probation officer's supervisor to find-out about my leaving w/o permission. But now things were messed-up because, with Dorothy having been killed in Seattle, my probation officer's supervisor would likely find-out about my going to Seattle w/o permission, and my P.O. would have to violate my probation for going w/o permission.

Then I talked with Jeffrey Graves on the phone. He said my mother was about to have a nervous breakdown because police were talking about shooting me "on sight." My mother had a bad heart. So she could have had a heart attack. I decided to first deal with my moher's issue by confronting the police. I would just have to be straight-forwqard and deal with whatever happens. But I had seen enough movies to wonder if they would frame me as soon as I came in contact with them.

I wrote a letter to Jeff telling him I had done what he warned I would do. But I had to word my letter carefully for two reasons: First, I didn't want his wife to know what I was talking about. She might have opened my letter and saw I was talking about her or someone who did the same thing she did to Jeff--trapped him with a baby. Had that happened, Jeff may never have gotten the letter, and/or my letter may have started arguments between them. The second reason is because I didn't want police to think Jeff was somehow mixed-up with Dorothy being killed.

So, I wrote the letter several times, changing the wording until I made it clear I did not kill anyone, and saying I did

what he waqrned that I would do, still without saying what he warned that I would do. I mailed this final version to Jeff.

I went and threw away the former versions of the letter, and then I called the police and said I was wanted for questioning in the case of Dorothy's death, and told them that I am making myself available, but that I wa nt an attorney and had nothing to say to them. I was met by two officers, Moret and Dolan. Later Detective Boutwell spoke with me. After that I learned Bouutwell told Moret to lie and say I signed his miranda right scard and confessed to him. Since I had not signed any card nro confessed to anyone, they also had to say Moret lost this signed card.

They stuck with their lie for a long time. But Dolan refused to go along with it. So in the end, they had to abandon this lie.

The year 1982/1983 was election year in Washington state. Somehow (I don't know how) they found-out I had lived in teh same house with a former Black Panther, and this made them hate me.There was a serial killer on the loose called "The Green River Murderer." There was huge public outcry, and people were losing their jobs over it. there were accusations that the police was deliberately letting the serial killer remain on the loose to terrorize Washington state citizens into being at the police's mercy and turning Washington into a police state. So they used me to appease the public, to save their jobs, and to get re-elected. They charged me under their crazy serial killer law (common scheme or plan/aggravated murder) in order to score political points off me, and gave me life w/o parole. They could have given me the death sentence, but that would have brought more media scrutiny and exposed their lies. Their scheme worked. My trial judge was promoted to the Court of Appeals, the prosecuting attorney was re-elected, and my lawyer (Carl Hultman) was promotyed to being a prosecutor. This makes me a political prisoner.

I have been told that in the year 1982 California gang members were coming to Seattle making Seattle males into junior gang members and giving them crack cocaine to sell. Many would smoke it and get hooked. Then the California gang member (or a lieutenant in Seattle0 would make an example out of them by killing them all. This adds-up in my case. Dorothy wanted to return to Phoenix, but was told she could not leave until she helped her uncle pay for crack cocain they had smoked together. When I arrived, she said she was leaving, and the gang members killed her and David.

INMATE

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