

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

FILED
COURT OF APPEALS
DIVISION II

STATE OF WASHINGTON)
)
Respondent,)
)
v.)
)
FARON Williams ROPER)
(your name))
)
Appellant.)

09 APR 20 PM 12:09

No. 37949-0-II BY DM
STATE OF WASHINGTON
DEPUTY

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, FARON W. ROPER, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Additional Ground 1

XVI Did the court ERR by permitting the testimony of [four] state's witnesses.

These same [four] witnesses testified to having first hand knowledge of sexual abuse of S.H. (defendants confession), and yet these same four witnesses allowed continued contact and access to S.H. and other children for another month and a half, via family Bar-B-Q's and outings, e.g. two fairs and several parks. Jolly v. State, 314 S.E. 17, 443 S.E.2d 566 (1994)

Additional Ground 2

XVII Did counsel ERR by refusing to impeach state's main witness Det. Cynthia R. Bull

By her own admission she destroyed key physical evidence, (alleged notes), she also falsified court documents. Counsel had the duty of loyalty to his client to present this extensive information that would have cast great doubt on the credibility, honesty and veracity of the state's key expert witness. This is not strategy, but gross negligence. State v Simpson, 946 P.2d 890 (1997)

If there are additional grounds, a brief summary is attached to this statement.

Date: 3/29/09

Signature: Faron

37949-0

STATEMENT of ADDITIONAL Grounds

III Did the Court ERR by NOT honoring the Fifth and Sixth Amendment Right of SIERRA HALL MONOZ.

On the day of the interview with Deputy Cynthia L. Bull, while still at the park S.H. repeatedly told her mother, ANGELA HALL that she did not want or wish to talk to the Deputy. Quote, "I don't want to talk to ANYONE, AND LATER, "I'm not going anywhere."

As Reported by Bull, Cynthia L PSM # 3284, CASE # VAD - 07014791, Report IS. 09/27/2007 - 14:02 3284, REF CASE # - 07014791-13783. Page two, LINE ONE: "SHE (ANGELA) SAID SIERRA WAS NOW REFUSING to get in the car. SHE SAID, "SIERRA TOLD HER SHE DIDN'T WANT to talk to ANYONE." SHE (ANGELA), EVENTUALLY DECIDED that she would just tell SIERRA that "they had an appointment and they couldn't CANCEL it. P. 2 of 10 IN 3

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This exchange between mother and daughter, A.H. and S.H. lasted approximately ten to fifteen minutes. Later while S.H. was with Deputy Bull, during the interview S.H. was asked by Deputy Bull if she knew Faron.

Trial record, page 150, line 25, I asked her if she knew someone named Faron. She said "No." I asked her if someone named Faron ever came to visit her. She said, "No."

Later during the Ryan Hearing, RCW 9A.44.120. S.H. indicated while attempting to be placed under oath S.H. replied "I'm shy" RPR 4 and at RPR 5 she replied "SURE."

During trial, S.H. again stated, "I'm shy" RPR 20 when asked to take the oath. She later said "Yes." LN 25

During the interrogation of S.H. by Deputy Bull 09/14/07, S.H.

stated [two] different times that "I'm thirsty, I'm tired." page 4, line seven of Police Report # 07-14791. At approximately 1440 hours, Deputy Bull met with S.H. again. Angela was present. p. 4 in 36 SKE (S.H.) told me again she was tired and wanted to go home. I asked her if I could talk with her for just a few more minutes. She said, "Okay." 1M 47 & 48.

And yet Deputy Bull would not honor S.H.'s desire not to talk any more. After speaking with A.H. for about 25 minutes, Deputy Bull again began interrogating S.H. How many times must a child tell Deputy Bull that "I'm tired, I'm thirsty, and I want to go home"?

All Constitutional Rights are afforded to every citizen born in the U.S.A. regardless of age. S.H. had the right to remain silent, and have counsel present during questioning. S.H. tried several times to invoke that right. Many, many times while still at the park and again by telling Deputy Bull "I'm tired, I'm thirsty, I want to go home."

That right and privilege was not honored by either Angela Hall, Deputy Cynthia L. Bull or the prosecutor, Tonya R. Riddell. A.H. and Deputy Bull both knew that S.H. had refused to want to talk and was still refusing to talk when they reached the office. Quote, "I asked her (S.H.) if she knew why she had come to see me? she said, "I don't know." p 2 in 47 of police report # 0714791.

A five year old child does not know how to ask for a lawyer to help her enforce her rights. Nor does she know that she should need one. S.H. relied on the adults around her to uphold her rights for her. They failed her completely.

As to the issue of S.H.'s Fifth Amendment Right: The defendant believes the record clearly shows that S.H. indicated not once but twice, in court, that she did not wish to talk to Deputy Bull or to take the stand and testify against the defendant.

During the Ryan Hearing S.H. responded by saying "I'm shy." ~~PR 14~~
A month later at trial S.H. again responded by saying, "I'm shy" ~~PR 20~~
while trying to be placed under oath.

The question before the court is this: How does a five year old child, in this case a girl, make known to the court, and police force that she does [not] wish to talk to anyone, but rather wishes to invoke her Constitutional Right to remain silent? The defendant believe the child choose to use two very simple words, "I'm tired and I'm shy."

The state would contend that [one] S.H. does not possess either one of those Constitutional Rights at that age. And [two] if S.H. truly felt as the defendant suggest, as wanting to remain silent, then she would simply have said, "I don't want to talk or I'm not going to talk." Stating their reasoning as, that is what she told her mom.

However, as the court well understands, that is her mother. S.H. is comfortable with her mother, she knows her mother. As do most children at age five, S.H. knows that she can say "No" to her mom and [not] get into too much trouble.

But this now is a court of law. How does a five year old tell an official court proceeding that she desires to not talk to the police, to not talk to the courts, to invoke her fifth and sixth Amendment rights to remain silent and not incriminate ones self.

she speaks [two] simple words that she is comfortable with. she simply says, "I'm tired, I'm shy and I want to go home"

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IV Did Counsel ERR in limiting his closing argument to burden of proof. Fourteenth Amendment due process Right Violation. Sixth Amendment Violation. The United States Supreme Court has held that the Sixth Amendment Right to Counsel encompasses the delivery of a closing argument. *HERRING*, 422 U.S. @ 858, 95 S.Ct 2550.

The court explained: There can be no doubt that closing argument for the defense is the basic element of the adversary fact finding process in a criminal trial. Accordingly, it has universally been held that counsel for the defense has [A] right to make a closing summation to the jury, no matter how strong the case for the prosecution may appear to the presiding judge. *ERICKSON*, 55 WASH. @ 677, 104 P. 1128

It has been held that the Constitutional right to be represented by counsel includes the right of counsel to argue the case to the jury. *State v. Mayo*, 42 WASH. 510, 85 P. 251 (1906). Like wise, this same court has recognized the particular importance of closing argument to the effective exercise of this right. *Id* 160 WASH. 2d 765, 161 P. 3d 361 (2006).

Due process requires that the state prove every fact necessary to constitute a charged offense beyond a reasonable doubt. *State v. McHenry*, 88 WASH. 2d 211, 558 P.2d 188 (1977). Where the trial attorney limits its argument as to any fact necessary to constitute a charged offense, the trial attorney may have lessened the state's constitutionally required burden, thus implicating a defendant's due process right. *Conde v. Henry*,
PAGE FIVE

198 F.3d 734 (1999). (Concluding that trial attorney action in limiting scope of argument as to exclude any element of crime relieved the prosecution of its burden to prove its case beyond a reasonable doubt.)

"The Supreme Court has recognized, closing argument is the defendant's last clear chance to persuade the trier of fact that there may be reasonable doubt of the defendant's guilt." quoting *Herring*, @ 862.

The question before this court is whether it is constitutional error of counsel to limit his closing argument to the simple question of "Burden of Proof," without presenting to the jury any evidence to back up the claim, "Enough to make up stories? I submit to you, YES." PR 316, LN 24. The state has the burden of proving each and every element beyond a reasonable doubt. PR 317, LN 23. I don't think it's beyond common sense to ask the state to be a little more specific. PR 320 LN 19. "I think in cases of sexual abuse -- I think you need to... PR 322 LN 25. "There's ~~are~~ too many holes that have not been filled, and obviously, that's the state's burden. It's my job to point them out to you, but it's the state's burden. PR 323 LN 15.

The most telling aspect of counsel's closing, is not so much what counsel said, but rather what he did not say. Counsel did not say, "my client is innocent of these charges and here is the evidence that strongly suggests it."

There is no evidence on record, no testimony, nothing to suggest that the bunk-bed incident was anything more than an accident by S.H. From playing on the bunk-bed.

S.H. was fully dressed and clothed and there is no testimony that suggests otherwise. As to the kissing game, again there is no testimony by any witness, S.H. or defendant that states S.H. was not dressed. Angela's statement is 5000 PR 52 "SHE (S.H.) had a dress on... AND HE KISSED HER ON THE CHEEK." WELL, THEN KISS ME ON MY CLIP." WELL, KISS ME, YOU KNOW, DOWN THERE ON HER PRIVATES. Chris Dawson states, PR 99, "SHE (S.H.) had a dress on." SHE asked Lim F.R. to give her a kiss, and so he did. And then they would say, "Now where."

Already Chris is demonstrating to this Court why "Hearsay" witnesses are not reliable, and why several states have ruled there use REVERSABLE ERROR. THE RESULTS OF A LIE DETECTOR TEST, ARE NOT ADMISSABLE. STATE V. ALLENWALT, 519 A.2d 741. WE HAVE NOT RECOGNIZED THAT A WITNESS MAY BE A MORE RELIABLE LIE DETECTOR THAN A POLYGRAPH MACHINE. JOHNSON V. STATE, 495 A.2d 1. WE HOLD THAT THE RECEIPT IN EVIDENCE OF, A WITNESS OPINION IN TESTIMONY THAT THE CHILD WAS IN FACT A VICTIM OF SEXUAL ABUSE, CONSTITUTES REVERSIBLE ERROR. BOHMERT V. STATE, 312 MD 266, 539 A2d 657 (1982).

"SHE (S.H.) would point to a section of her body, whether it be her hand or her elbow or just parts of her..." PR 99. "AND HIS WORDS WERE, EVENTUALLY SHE KIND OF RAN OUT OF PLACES TO PICK, AND THEN SO SHE POINTED INTO HER PRIVATES." AS TO THE TENT INCIDENT, CHRIS SAYS, I MEAN, HE (F.R.) DIDN'T SAY EXACTLY WHAT IT WAS WHEN HE WAS TELLING ME THAT INSTANCE, SO I DON'T KNOW WHAT "IT" WAS.

THERE IS NO EVIDENCE AT ALL THAT ANYTHING HAPPENED WITH S.H. DURING THE "TENT" INCIDENT, OTHER THAN CHRIS DAWSON'S

Claims that the defendant said that he did it, but did not know what it was. The "pee tasting" evidence continues as follows: SHE (S.H.) got up in the middle of the night, went down there and asked him (F.R.) to kiss her in her privates, and he did and said that he couldn't do it because it tasted like "pee". That again is CHRIS SARSON'S testimony, PR 100. CHRIS SARSON also said, "It seemed normal hanging out. Yeah." PR 93.

Q. So how many times do you think that you talked to him about the allegations? "Probably about ten times I would imagine... but around ten." PR 95

Q. How many conversations did you have with the defendant about that? PR 54 In 4-5

A. Well, it was probably a good six, seven times. In 8

Q. And you told him that it could've happened 17 or 18 times

A. No. He's referring to something else... PR 273 In 6

... we've had probably 17, 18, 19 conversations about the summer, not that I've done anything to S.H. 16, 17, 18 times. Those are the times that we had conversations about them, either between him (Chris) and I or Angela and I or the three of us and I, or RAELEEN and I and RAELEEN and S.H. and Angela. PR 273 In 4-14.

Q. You're saying you had 17, 18 conversations about S.H. In 15-16

A. Yeah. In 17

Q. Where people were accusing you of this?

A. The events that were all here for, not 17, or 18 incidents, No.

Q. Right. But you're saying you have been accused or confronted by people about what -- about doing inappropriate things with S.H. 17 or 18 times? 1 in 23

A. It's the same conversation over and over and over again.

The evidence is very strong to suggest that all involved, Chris, Angela, Raelen, Rafeal, and S.H. knew the facts, knew evidence and knew the defendant's innocence. All the above mentioned parties allowed continued close contact with S.H., including S.H. herself.

As Angela testified to, she was back to being all lovey-dovey. The state would contend that Chris did not want Mr. Poper around. Citing his complaint in court at trial.

Although Chris was mad at the defendant, it was not due to his conduct or actions with S.H. that initiated his complaint. It was Angela's conduct and actions with the defendant that caused his outrage.

Subsequent to Chris' feeling the defendant discussed the possibility of seeing the kids without Angela being around. Therefore Angela agreed to go tanning or something while defendant came over to visit the kids. And on other occasions was allowed to take the kids (S.H. and Pablo or Kimberly) to Chuck E. Cheese, Brother's Animal Farm or Sonja's House.

Prosecutor has in her possession photo's and evidence that strongly confirms this fact. Counsel would not present that evidence to the court to impeach Angela Hall's testimony of no contact, unchaperoned by adult.

WAS IT PROSECUTORIAL ERROR TO ALLOW THE KNOWN FALSE TESTIMONY OF ANGELA HALL, AND DEPUTY CYNTHIA L. BULL.

IT IS WELL SETTLED THAT OUR PROCESS IS IMPLICATED AND REVERSAL OF CONVICTION IS REQUIRED WHERE THOSE CONVICTIONS ARE OBTAINED THROUGH THE USE OF KNOWN FALSE TESTIMONY.

THE SAME RESULT IS WARRANTED WHERE THE STATE HAS NOT ELICITED FALSE TESTIMONY, BUT HAS SAT IDLY BY AND ALLOWED IT TO GO UNCORRECTED.

FALSE TESTIMONY EVEN AS TO CHARACTER OR CREDIBILITY IS EGREGIOUS AS WHERE THAT FALSE TESTIMONY BORE "DIRECTLY ON DEFENDANT'S GUILT. "A LIE IS A LIE NO MATTER WHAT ITS SUBJECT, AND, IF IS IN ANYWAY RELEVANT TO THE CASE, THE NO TEXT POS RULE, PRESENT HAS THE RESPONSIBILITY AND DUTY TO CORRECT WHAT HE OR SHE KNOWS TO BE FALSE AND ELICIT THE TRUTH. ... THAT THE [STATE'S] SILENCE WAS NOT THE RESULT OF GUILT OR A DESIRE TO PREJUDICE MATTERS LITTLE, FOR ITS IMPACT WAS THE SAME, PREVENTING, AS IT DID, A TRIAL THAT COULD IN ANY SENSE BE TERMED FAIR."

ON MARCH 28, 2008, WHILE TESTIFYING AT THE RYAN HEARING, (RCW 9A.44.120) ANGELA HALL MADE THE FOLLOWING STATEMENTS: RPR 33, LN 4, Q. DO YOU KNOW IF HE (F.R.) SWATTED LEE, (S.H.)? A. "NO. I WASN'T -- NO. I WASN'T THERE TO KNOW, SO, NO. I -- YEAH." AND SHE (S.H.) DIDN'T SAY ANYTHING ABOUT BEING SWATTED TO YOU? "SHE MAY HAVE, BUT I DON'T RECALL."

On April 21, 2008, at trial, while on the stand Angela Hall made the following statements: PR 70, LN 20-25.

Q. She (S.H.) was upset because she'd been punished. In fact, she had been swatted while she was there, wasn't she? She had been spanked or swatted? LN 20-22.

A. I don't recall her telling me she got spanked. She got disciplined. I remember him (F.R.) saying, 'Yeah. I had to discipline her because she wasn't listening.' 23-25

Q. Did she (S.H.) make any comments like, "I hate Faron or Uncle Faron," or anything like that? PR 71 LN 4-5.

A. "No"

Q. She'd been disciplined? LN 8-9.

A. Yeah. LN 10, Yeah. Yeah. LN 12, "I got in trouble." LN 13
I don't remember her saying she got spanked though.
LN 20-21.

Q. She said what? "I don't like Uncle" -- PR 72 LN 7

A. "I don't like Uncle Faron." LN 8

On July 20, 2007. The following statements were recorded or reported by Abdala, Sammy PSN #1336. VPS #07014791 Page 3 of 4.

Angela Hall's statement:

Angela said that S.H. told her that she was "mad" at Roper. LN 35
Angela asked S.H. why, Roper cut in saying, "She's mad at me cause I swatted her for misbehaving." LN 36-37.

Angela said, Roper told Angela... he spanked her on the behind. LN 37-38.

The following is Faron Ropers statement. Page 4 of 4 of same report.

Roper said, so he sat her on his lap and swatted her once on the behind. LN 3-4

Roper said, S.H. told Angela that Roper had spanked her. 13-14

Roper explained to Angela that he spanked her because she was misbehaving at Son-Ha's. LN 14.

It is clear and evident as presented by the above information that Angela Hall was clearly aware of the fact that S.H. had indeed been swatted, spanked or both. And yet A.H. chose to perjure herself by denying that fact more than once on the stand.

On March 28, 2008, during the RCW 9A.44.120, Ryan Hearing, Angela Hall gave the following testimony. ~~R~~ RPR 28 L 20

A. THE NIECES AND NEPHEWS -- ACTUALLY, IT WOULD BE MY NIECES Kimberly and TIANA, if I recall, were the first ones to refer to him (F.R) and her (S.H.) as girl friend and boy friend. LN 20-22. Kimberly ^{OR} ~~AND~~ TIANA, ... "Oh, well, you're his girl friend." 23-24 And Key (K & T) would say, "Oh, well, he's not your girl friend," or "he's not your boy friend." RPR 27 LN 2-4.

You know, "You are not girl friend and boy friend." LN 4-5.

Q. Did S.H. ever say that she was Faron's girl friend? LN 9-10

A. Oh, yeah. LN 11

Q. What did she say? LN 14

A. She would tell me that Kimberly and Tiana think that they are girl friend and boy friend. And Uncle Faron -- it's okay with Uncle Faron if they're Gf, and Bf. LN 15-18

Q. who did she mean by "our secret"? RPR 30 LN 1

A. It was -- I guess before Kimberly and Tiana caught onto the BF-GF, whole thing, that it was supposed to be a secret, that -- LN 2-4.

Q. Between who? LS A. Faron and S.H. LN 6

Q. ... you indicated that you had had several conversations with S.H. over the course of several months, apparently, regarding the fact that a BF-GF. situation, correct? RPR 31 LN 13-16. A. Right. LN 17.

Q. And you said that that initially came up because your -- one of your other kids was (inaudible) with a BF-GF with somebody? LN 18-20

A. No. My nieces, Kimberly and Tiana -- LN 21

-- referred to Uncle Faron and S.H. as GF and BF. LN 23-24

Q. Do you think -- is that your opinion then? RPR 34 9.

A. Yeah. If he would see -- yes. LN 10.

A. "Well, Kimberly and Tiana call us BF and GF, ... and Uncle Faron says it's okay, that he's my girlfriend (sic), that it's our secret. RPR LN 23-25

ON April 21, 2008, during trial Angela Hall gave the following testimony. PR 44

Q. ... did S.H. EVER say anything to you that made you suspicious? LN 11-12

A. Yeah, Yeah, she would -- they would refer to each other -- or she would refer to him (F.R) as BF and GF. LN 13-15

A. My nieces, who were over a lot, would refer to them

AS BF AND GF. I think they were the ones that initially initiated that whole GF-BF, you know. "Oh, you guys ARE BF and GF," ... And -- Lⁿ 17-21

Q. So you ARE saying that Kimberly and TIANA would say that? 22-23

A. YES. Lⁿ 24.

Q. You indicated that you became suspicious a couple of months prior to July 20 of '07 because of the issue of the BF-GF thing, ... they were teasing S.H. about it or something? PR 60 Lⁿ 5-8

A. That to me was more just kid play. ... they were what, five and six then, nieces, and they're just more ... they looked at -- ... maybe it appeared to them that that's how BF-AND GF's act. They're really lovey-dovey, ... she would sit in his lap, but they would, too. Lⁿ 9-16.

A. But I think they K, T & P, only refer to that -- I don't know why they referred to it being that way, ...

The interesting thing about what ANGELA talks about and testifies to is the fact that she cannot make up her mind whether the nieces call S.H. and F.R. GF-BF and therefore convince S.H. of the idea.

"THE NIECES AND NEPHEWS -- actually, it would be my nieces Kimberly and TIANA, if I recall, were the first ones to refer to him and her as GF and BF." R PR 28 L 20-22.

"I think they were the ones that initially initiated that whole GF-BF ..."

This petitioner would like the court to know that the defendant
PAGE FOURTEEN

NEVER REFERRED TO S.H. AS HIS GF. IN FACT, THE DEFENDANT ASKED ANGELA HALL TO SPEAK WITH S.H. ABOUT HER REPEATED DESIRE TO REFER TO THE TWO (S.H. AND F.R.) AS BF-GF.

DURING THE MONTH OF MAY THERE WAS A ROUND TABLE DISCUSSION INVOLVING ANGELA, (PABLO ANGELA'S 10 YEAR OLD SON) KIMBERLY AND TIAMA SANCHEZ AND ROGER. THE TOPIC OF CONVERSATION WAS THE DEFENDANT'S WISH THAT THE KIDS STOP LEASING S.H. ABOUT THE BF-GF, ISSUE. S.H. WAS THINKING IT WAS TRUE AND WANTING IT TO BE SO. WHEN EVER THE DEFENDANT WOULD CORRECT S.H. ABOUT THAT ISSUE, S.H. WOULD SIMPLY STAMP OFF MAD YELLING BACK, "YOU ARE TOO, YOU ARE TOO."

THE DEFENDANT CANNOT THINK OF ONE GOOD REASON WHY THAT FACT WAS NOT BROUGHT FORWARD BY COUNSEL. YES, INDEED THERE WAS A SECRET ABOUT THAT ISSUE, THAT SECRET BELONGED TO S.H. AND YES UNCLE FRED WENT ALONG WITH IT, NOT WANTING TO UPSET S.H. WAS THAT THE BEST THING FOR THE DEFENDANT TO DO? PERHAPS NOT. BUT IN THE WORDS OF CHRIS SAWSON, "IT WAS THE FACT THAT SHE WAS HIS WORLD." PR98LMZ

ON APRIL 21, 2008, ANGELA HALL GAVE THE FOLLOWING TESTIMONY. PR 54

A. KIMBERLY AND TIAMA HAD SNUCK IN THE BATHROOM AND OPENED THE SHOWER CURTAIN AND SAW HIM IN THE SHOWER. LN 24-25

Q. OKAY. AND HIS EXPLANATION WAS THAT -- PR 55 9

A. WAS IT ^{WAS, IT} ~~WAS~~ IN HIS BEDROOM AND IT WAS JUST HER

THERE, but Kimberly and TIANA were with him that day -- wanted to go with him that day; AND HE WAS IN THE SHOWER AT DONNA'S, TAKING A SHOWER, AND SNUCK INTO THE BATHROOM AND OPENED THE SHOWER CURTAIN AND SAW HIM SHOWERING. PR 55 LN 9-14.

A. HE SAID IT HAPPENED WHEN KIMBERLY AND S.H. WERE THERE, AND THEY SNUCK INTO THE BATHROOM AND OPENED THE SHOWER CURTAIN. PR 64 LN 8-10.

Q. OKAY. ... DID YOU GO QUESTION ... KIMBERLY AND TIERRA (SIC) WERE THERE, TOO, DID YOU QUESTION THEM AS WELL? PR 65 LN 9-10.

A. WELL, HE TOLD ME THAT K.S. AND S.H. WERE TOGETHER AND THEY SNUCK INTO THE SHOWER. LN 12-13.

ON JULY 20, 2007, THE FOLLOWING STATEMENTS WERE RECORDED OR REPORTED BY ABDALA, SAMMY PSN #1336 VPD # 07014791 P. 3 of 4
ROPER TOLD ANGELA THAT IT DID HAPPEN, BUT SAID THAT HE WAS EXITING THE RESTROOM WHEN IT HAPPENED AND S.H. CAUGHT HIM PLACING HIS PENIS BACK INTO HIS PANTS. LN 14-16

ON SEPT 18, 2007, THE FOLLOWING STATEMENT WAS RECORDED OR REPORTED BY BULL, CYNTHIA L PSN #3284 VPD # 07-14791 P. 4 of 10
SHE (ANGELA) SAID SHE WOULD TALK TO HER SISTER (RAELEEN) AND HAVE HER TALK WITH HER NIECES. (K.S. AND T.S.). I GAVE ANGELA A FEW OF MY BUSINESS CARDS TO GIVE TO HER SISTER. I (BULL) TOLD HER TO HAVE HER SISTER CONTACT ME ... IF ANY OF THE GIRLS MADE ANY DISCLOSURES. LN 20-22.

The testimony in this case by Angela Hall is very disturbing to say the least. She is a prime example of why most courts do not recognize "hearsay" testimony. She is extremely confused about the events she is trying to describe. The defendant reportedly tell her that S.H. see's his penis while he is exiting the bathroom. They are alone with no other kids around.

And yet Angela would have the jury believe that K.S and T.S. are somehow there opening the curtains, while he is showering. No wait it is S.H and K.S. that open the curtains. No wait that is not right either, because they in fact, "were together and they snuck into the shower." PR 55 L 12-13. Now they are taking a shower with the defendant, and he doesn't know they are there, "snuck."

On April 21, 2008, at trial on the stand Angela Hall gave the following testimony: PR 74

Q. Did you -- did Mr. Roper continue to come over and visit after that? July 20, '07. L 24-25.

A. Yes. PR 75 L 1, " -- but yes, he was. L 12

Q. In fact, you had -- correct me if I'm wrong, you would agree that he could take S.H. places provided there was somebody with him, either another one of the kids or another adult or somebody?

PR 77 L 11-14.

A. AFTER July 20th? No. PR 77 LN 15.

Q. OKAY. So he never took say, for example, Pablo and S.H. to chuck & cheese for a birthday by himself. 16-17

A. No.

Q. OKAY. How about to the fair? LN 19

A. WE ALL WENT TO THE FAIR TOGETHER. LN 20.

A. HOWEVER, WE SEEMED TO HAVE LOST EACH OTHER ONE OF THE FAIR DAYS, ... S.H. HAD FELL ASLEEP IN HIS ARMS WHEN WE WERE WATCHING A -- ... SHOWS. LN 22-25

A. -- SEEMED LIKE IT MAY HAVE BEEN A HOUR OR TWO THAT WE WERE SEPARATED. I THINK I HAD TO GO TO THE BATHROOM, AND THEN WE WERE GOING TO MEET UP --
PR 78 LN 3-6

A. -- AND WE HAD GOT LOST. ... AND HE WAS APPARENTLY AT THE TRUCK AND -- LN 8-9.

Q. WAITING FOR YOU? LN 10

A. YEAH. LN 11.

Q. SO ANYTHING COME OF THAT? WAS THERE ANY PROBLEMS?

A. No. LN 14

Q. OKAY. IN FACT, FROM JULY 20th UNTIL SEPT. 18th, THERE WAS NO MORE COMPLAINTS FROM S.H., WAS THERE? LN 17-18.

A. No. SHE WAS JUST AS LOVEY-DOVEY AS BEFORE. SHE NEVER SAID ANYTHING OR ANYTHING, BUT HE WASNT -- THERE WAS NO OPPORTUNITY THERE. THE OPPORTUNITY WASNT THERE. THEY WERE NOT -- I MEAN, IT WAS ALWAYS CHAPERONED.

There was always somebody present, an adult,
not a child -- PR 78 ln 19-23.

Q. OKAY. LN 24

A. -- AFTER July 20th. LN 25.

ON SEPT. 18th 2007, THE FOLLOWING STATEMENT WAS RECORDED OR REPORTED BY BULL, CYNTHIA L. PSN # 3284 VAS # 07-14791, PAGE 6 OF 10.

I ASKED HER ABOUT HIM (F.R.) COMING TO SEE S.H. OFF TO SCHOOL. SHE (ANGELA), SAID HE WASN'T ALLOWED AT THEIR HOUSE AT ALL. SHE SAID HE HADN'T SEEN S.H. SINCE THE ALLEGATIONS WERE REPORTED TO THE POLICE AND HE WAS TOLD TO LEAVE. LN 29-31 SHE SAID SHE DIDN'T KNOW WHAT SONJA MEANT WHEN SHE SAID FAPON SEES S.H. OFF TO SCHOOL EACH MORNING. LN 33-34 ~~SHE~~ ANGELA ADDED, SONJA HAS ISSUES. SHE HAS EVEN TRIED TO MAKE IT LOOK LIKE I HAD A CRUSH ON HIM IN THE PAST. SHE WANTS TO BE WITH HIM. P. 6 OF 10 LN 39-40.

AGAIN ANGELA HALL PROVES HERSELF TO BE A FALSE WITNESS. SHE CLAIMS ON SEPT. 18 OF '07 THE DEFENDANT DID NOT HAVE CONTACT WITH S.H. IN FACT, STATES, "HE HADN'T SEEN S.H. SINCE" THE REPORT WAS MADE LN 29-31. AND AGAIN AT TRIAL, SHE SAID, "NO." PR 77 LN 15, WHEN ASKED "YOU WOULD AGREE THAT HE COULD TAKE S.H. PLACES PROVIDED THERE WAS SOMEBODY WITH HIM, EITHER ANOTHER ADULT OR SOMEBODY. PR 77 LN 11-14. AND YET SHE STATES AT PR 75 LN 1, YES, BUT YES, HE WAS. LN 12, TO MR. ROOPER COME OVER AND VISIT AFTER, JULY 20, '07. IN FACT, TWO PEOPLE COULD HAVE TESTIFIED THAT SHE LIED WHEN SHE SAID "NO" TO PABLO AND S.H. GOING TO CHUCK E.
PAGE NINETEEN

CHEESE with ROPER by himself, PR 77 LN 16-17, both Pablo and S.H. ANGELA HAS LIED CONTINUALLY, ABOUT EVERYTHING THROUGHOUT, ON JULY 20, '07, ON SEPT. 18TH '07, ON MARCH 28, '08 AND ON APRIL 21, '08.

ON MARCH 28, '08, RPR 27 LN 25. ANGELA STATES:

Q. DID SHE (S.H.) EVER TELL YOU THAT THAT WAS THEIR SECRET? LN 24

A. YES. LN 25.

ANGELA KNEW THAT (ROPER) HAD COME TO HER AND ASKED HER TO ASKED THE KIDS TO STOP TEASING S.H. ABOUT B.F.-GF WITH S.H. & F.R.. SHE KNEW WE HAD ALL HAD A DISCUSSION ABOUT IT, AND THAT IT WAS NOT (ROPER'S) SECRET, BUT S.H.'S, STILL.

SEE PAGE 15 OF S.A.G.

IT IS NOT A SECRET IF IN FACT IT IS BROUGHT TO THE ATTENTION OF THE PARENTS.

SEE. RPR 30 LN 2-4.

THERE ARE WAY TOO MANY INCIDENTS OF FALSE TESTIMONY BY ANGELA HALL TO GET INTO ALL OF THEM AT THIS TIME. THE DEFENDANT BELIEVES HE HAS DEMONSTRATED TO HIS COURT THAT ANGELA HALL IS NOT A CREDIBLE WITNESS.

AS TO THE ISSUE OF DEPUTY CYNTHIA L BULL PSN #3284, THE FOLLOWING EVIDENCE IS BEING PRESENTED.

DEPUTY BULL FALSIFIED A COURT DOCUMENT, E.G. A POLICE REPORT TITLED SYNOPSIS. IN THAT SYNOPSIS DEPUTY BULL CLEARLY MISREPRESENTED THE FACT, TESTIMONY, OR AND STATEMENTS PRESENTED TO HER. THERE IS NO STATEMENT, NO TESTIMONY, AND NO EVIDENCE THAT S.H. DECLARED THE LIVING ROOM AS A PLACE OR LOCATION OF SOME WRONG DOING BY THE DEFENDANT. IN FACT, S.H.'S ONLY OFFERING OF

EVIDENCE TO A FOURTH PLACE OF WAIVING DOING WAS, WHEN ASKED BY DEPUTY BULL WAS "I CAN'T REMEMBER." PR 156 LN 9. DEPUTY BULL CLEARLY TOOK IT UPON HERSELF TO ASSUME SOMETHING HAD HAPPENED THERE. IN FACT, IN LER'S ORIGINAL REPORT DATED 9/18/07, VPS # 07014791 ON PAGE 6 OF 10 LN 3. SHE STATES.

"I TOLD HIM LER WAS UNDER ARREST FOR THREE COUNTS RAPE OF A CHILD IN THE FIRST DEGREE." THE THREE COUNTS STEM FROM THE STATEMENT S.H. MADE TO DEPUTY BULL ON 9/14/07. INTERROGATION AS FOLLOWS: I ASKED LER WHERE THIS HAD HAPPENED; AND SHE (S.H.) SAID, "HE DID IT IN MY FAMILY ROOM. HE DID IT AT HIS FRIEND'S HOUSE, JONNA. SHE'S IN A WHEELCHAIR." I ASKED LER IF IT HAPPENED ANYWHERE ELSE, AND SHE SAID, "MY BEDROOM." PR 156 LN 4-8.

AS YOU CAN PLAINLY SEE THERE IS [NO] MENTION OF THE LIVING ROOM. IN FACT, NO WHERE IN THE COURT TRANSCRIPTS IS THERE MENTION OF THE LIVING ROOM BY S.H. NOT DURING THE RYAN HEARING, NOT AT TRIAL. AND YET DEPUTY BULL STATES IN THE SYNOPSIS THAT S.H. DECLARES, QUOTE. "SHE SAID THESE INCIDENTS OCCURRED AT LER (S.H.) RESIDENCE... BOTH IN THE LIVING ROOM AND IN LER BEDROOM. CLEARLY IT IS EVIDENT THAT DEPUTY BULL FABRICATED THE LIVING ROOM BECAUSE S.H. STATED, "I CAN'T REMEMBER," WHEN ASKED ABOUT A FOURTH PLACE. THE DEFENDANT STRONGLY BELIEVES THAT IF S.H. CAN REMEMBER EVENTS THAT HAPPEN IN HER BED ROOM AND FAMILY ROOM, ~~she~~ SURELY SHE CAN REMEMBER HER OWN LIVING ROOM. THIS FACT RAISES THE QUESTION? IS THERE EVEN A FOURTH PLACE, OR IS THE ALLEGED FOURTH PLACE IN A REMOTE LOCATION OF WHICH SHE CAN'T REMEMBER? I.E. THE STATE OF OREGON? S.H., PABLO, KIMBERLY AND THE DEFENDANT MADE FREQUENT TRIP TO BEAVER CREEK, OREGON TO VISIT ROPER'S BROTHER'S ANIMAL FARM. THESE TRIPS OCCURRED BOTH BEFORE AND AFTER 7/20/07.

The following false statement is reported as fact in the Report Synopsis AS PREPARED by Deputy Cynthia Bull.

" AND HAD ASKED HER TO TOUCH HIS PENIS ON ONE OCCASION."

AGAIN THE EVIDENCE SHOWS THAT STATEMENT TO BE FALSE AND ANOTHER FABRICATION OF LIES REPORTED BY DEPUTY BULL. TWO FACTS SUPPORT THAT CONCLUSION.

THE FOLLOWING IS S.H.'S STATEMENT AS REPORTED BY DEPUTY BULL ON 9/14/07. ALSO AS RECORDED ON APRIL 22 '08. PR 157 LN 1-10.

Q. I ASKED HER (S.H.) IF FAYON HAD EVER ASKED HER TO TOUCH HIM?

A. "NO, I HAD ANOTHER BOYFRIEND, JUSTIN. HE'S FIVE. WE ALWAYS KISS ON THE LIPS. WHEN I BROKE UP, HE STILL LOVES ME." 10

Q I ASKED HER IF FAYON HAD EVER HAD HER TOUCH HIM IN ANY WAY. 1-2

A. "I NEVER EVER TOUCHED HIM IN MY WHOLE LIFE BEFORE, NOT IN HIS PRIVATES, NOT IN HIS BUTT." 2-4

AS YOU CAN PLAINLY SEE S.H. NOT ONCE BUT TWICE DENIES DEPUTY BULL'S CLAIMS AND YET WE ARE NOT FINISHED. ON 9/14/07 DURING THE SAME INTERROGATION OF S.H., THE FOLLOWING STATEMENT IS RECORDED. PAGE 3 OF 10

Q. I ASKED HER IF SHE KNEW SOMEONE NAMED FAYON. LN 2

A. "NO" LN 8 2

Q. I ASKED HER IF SOMEONE NAMED FAYON EVER CAME TO VISIT HER. LN 2-3

A. "NO" LN 3

AND YET AS REPORTED IN THE SYNOPSIS PREPARED BY DEPUTY BULL #3284.

FAYON WAS BOOKED INTO THE CLARK COUNTY JAIL FOR THREE COUNTS OF RAPE OF A CHILD 1.

Twenty two

ONE COUNT FOR EACH LOCATION THAT THE INCIDENTS OCCURRED. LN 22-23
IF IN FACT THERE ARE ONLY THREE LOCATIONS REPORTED BY ALL WITNESSES,
INCLUDING BUT NOT LIMITED TO S.H., ANGELA, CHRIS AND THE DEFENDANT. WHY
THEN WAS THE DEFENDANT CHARGED AND LATER CONVICTED OF FOUR COUNTS? THE
ANSWER IS SIMPLE DEPUTY BULL ADDED THE LIVING ROOM TO THE POLICE
REPORT, SYNOPSIS. THE ACTIONS ON THE PART OF DEPUTY BULL ARE A CRIME.

Obstruction of Justice, AS DEFINED BY FEDERAL LAW:

- 1). PRODUCING OR ATTEMPTING TO PRODUCE A FALSE, ALTERED, OR COUNTERFEIT DOCUMENT OR RECORD DURING AN OFFICIAL INVESTIGATION OR JUDICIAL PROCEEDING.
- 2). DESTROYING OR CONCEALING EVIDENCE THAT IS MATERIAL TO AN OFFICIAL INVESTIGATION OR JUDICIAL PROCEEDING.
- 3). PROVIDING MATERIALLY FALSE INFORMATION TO A JUDGE OR MAGISTRATE, "MATERIALLY" MEANS THAT YOUR FALSE INFORMATION ACTUALLY HAD AN EFFECT, OR REASONABLY COULD HAVE AN EFFECT, ON THE PROCEEDING.

IN THIS CASE BEFORE THE COURT IT IS EXCEPTIONALLY CLEAR THAT [1].
DEPUTY BULL FALSIFIED A COURT DOCUMENT, (POLICE REPORT) [2]. PROVIDED
MATERIALLY FALSE INFORMATION TO A JUDGE, (THE COURT). [3] DESTROYED
EVIDENCE THAT IS MATERIAL TO [A] JUDICIAL PROCEEDING. THE FOLLOWING
IS DEPUTY BULL'S TESTIMONY DURING PART OF THE 3.5 HEARING. RPR 132

Q. WHEN YOU SAY YOU TAKE NOTES -- LN 5

A. MM-HMM LN 6

Q. -- ON WHAT? LN 7

A. ON A NOTEPAD. LN 8

Q. Do you have that notepad? L~9

A. No, sir. L~10

Q. Where is it? L~11

A. I take those notes and I put them into my report, and then they are destroyed after that. L~12-13

The reason this issue of falsifying evidence, or statements, or reports is now being presented or addressed by Ms. Riddell in the following statements. RPR 134 L~9-19

The court: Doesn't it come down to just the credibility? 9-10

Ms. Riddell: That's true. And we have two witnesses saying different things, so -- L~16-17

The court: ... It's a credibility thing, ... L~19

The defendant feels as though he must apologize to the court for subject them to the following. However, the defendant is sure that you understand he is fighting for his life. So with the court's indulgence,

Ms. Riddell's argument: RPR 137 L~17-

We have two people testifying about what happened during that interview. We have one person who is trained in interviewing. We have one person who has done this before. One person who was taking notes during this interview, (who also unprofessionally destroyed those notes) and one person who turned those notes into a report soon after this interview.

The issue before the court today is this. Does it matter that a person, in this case Deputy Bull, is trained to take notes when she falsifies the information and statements that are given to her. The defendant in this case made it very clear to counsel that it is very important that the court is aware of Deputy Bull propensity to lie, falsify and manipulate reported statements. i.e. police report, synopsis and potentially S.H.'s statement.

Deputy Bull would like you to believe her hands are clean, spotless in fact, white gloves. Let's see just how clean her hands are using her own words. RPR 126 L 13-

Q. If a suspect was to say that he wanted a lawyer or ask you for a lawyer, would you have put that in your statement?

A. Absolutely. L 16

Q. would you remember that? L 17

A. Yes, because my report would have been very short. 18-19

Q. After hearing those words, "I want a lawyer," "should I get a lawyer?" or "I need a lawyer," would you continue an interview?

A. Well, the difference is, is "I need a lawyer. I want a lawyer," as opposed to "I should have a lawyer."

Please refer to page RPR 129 L 5-12. Deputy Bull is saying she would stop the interview. See page 128 L 3-9. But how can I say this, she's not and she didn't. She tries to convince the court that I did not invoke my right to remain silent on this issue.

PAGE TWENTY FIVE

Again we cannot rely on Deputy Bull to represent the truth. Line 10, on page RPR 128, should have read as follows:

A. "Your just trying to give me another charge." Lw 10 Line 12, is not the truth. Defendant did not say that at all. Lines 13-15, get to the truth of this whole conversation - turned into a confession. If you will bear with me, we will find out what was really said. To answer lines 13 & 14 Defendant had no idea that what he was saying was being manipulated like it was. As I testified in court, all the questions asked of me on the morning of 9/18/07 were open-ended questions, that had the door slammed shut on them when Deputy Bull made her report. As to lines 23-25, & on to page 129 Lw 1-2. The defendant reserved his rights, it was not a "flippant statement in his demeanor." Defendant was getting upset she would not listen and kept talking about the camera. Contrary to what line 2 says, it was an emphatic No. Deputy Bull is trying to suggest that saying "I reserve my right on that one," is [Not] invoking ones right to remain silent. See RPR 129 Ln's 9-11

Q. Did you ask him at that point -- did you ask him if he wanted an attorney?

A. Oh, absolutely not.

Lines 14 to 25 will show Deputy Bull's true colors, sadly.

A. That's not what he said. Ln 16

Q. ... it's in your report. Ln 17

A. No. Ln 18

Q. ... "That's going to be another charge." Ln 19-20

A. No. He said, "I reserve on that one." And then he told me, "It would be another charge." ...

Her reported statement is "That's gonna be ... " You are all intelligent people. Which one sounds [more] right to you? "Going". As Mr. Kutz says on LN 19, or "would". As Deputy Bull states on LN 23. As I stated earlier neither is right. The true statement should read "You're just trying to give me another charge." which in fact she did, because a few days later at defendant's first arraignment, Deputy Bull fabricated the living-room as a place where S.H. told her that defendant had done something and the defendant was given the fourth count. see RPR 130

A. Not in the tone of voice that he was using, No. LN 1

Q. So his voice at that point had changed then during the rest of the conversation? LN 4-5

A. Yeah. LN 6

Q. The rest of the conversation was different than this one --

A. No. ... LN 9

So which is it Deputy Bull, did the defendant's voice and demeanor change at this point, or didn't it? The truth of this whole matter is coming up on line 24.

A. "I don't want to talk about that." LN 24

more importantly the matter of time, the duration of the interview and the amount of recorded material is now the issue of question. As stated on RPR 132 LN 1 indicates:

Q. So two pages in 50 minutes? This is the whole conversation you guys had?

A. That would be correct because I take notes as I talk to him, and I have to pause to catch up on my notes. 3-4

This response, reply or answer is not true. There is perhaps two pages of material or conversation missing from this report. Deputy Bull was not always writing as we were talking. As she herself states on page 130. "Actually, it was very cooperative, very jovial, very forthcoming, correcting me when I was mistaken..."

The defendant has stated from the beginning that the atmosphere of and conduct of this interview was one of a conversation, talk and a chat.

Deputy Bull, wrote during our conversation what she wanted when she wanted and recorded what she wanted, in the manner and text in which she wanted. As page 132 in 3-4 states,

A. ... "I take notes as I talk to him" ...

Page 133 in 7-10 is a perfect example of what I am talking about, she does not take complete notes, she records what she chooses to. If you read back through the whole police report of which the court is now referring from or to, there is not one word of what she now states prior to this statement now.

Ms. Riddell would now like to suggest that the (pound - 8320) in Bull's report is a simple type-o, and not where the defendant asked about the need to have counsel present. If this court looks at the original report the defendant added to his S.A.G. Brief. On three separate occasions it is very clear and evident that there are many words

Page 133 in 7-10

missing from that, those sentences. Observe page 7 of 10 line 13 of police report # VPD 07014771. line 13 states in pertinent part:

I was #8230; I have a problem...

The defendant maintains that, that is where he asked about the need for an attorney. Deputy Bull and Ms. Riddell would have you believe that there are no words missing from in front of #8230 and there fore proves I did not invoke my right to counsel or inquire of Deputy Bull the need for one. And again on page 8 of 10 in ¶ 8. As to line one it reads in pertinent part:

Until one time #8230 in 1

I told her if I or we do #8230 in 8

They are not glitishes as they would have you believe. See p. RPR 134
... It's only -- it's a printer printing error. In 5-6.

The court: Doesn't it come down to just the credibility? In 9-10
To go into all the statements that are just not true would take too much time and pages. However, Ms. Riddell brings up the next important statement or phrase that is not right, that needs to be addressed RPR 138 3-4.

"I think the exact question was, 'Do you feel that I've been fair to you.'" And he says, "Yes, you have."

RPR 138 In 5-6. He clearly didn't have a problem with the interview until now.

That is not true, that is not what I said, and there lies the problem. In fact, what Deputy Bull report is not what I said either. Deputy Bull contends defendant made the following statements. RPR 138 p 8 of 10 in 31-32

Bull: I asked Aaron if he thought I had treated him fairly during the

interview. He said,

Yeah, extremely. You're pretty good. Page 8 of 10 ln 31-32

Now, there is two things wrong here. First of all, that is not what the defendant said. And according to Ms. Riddell it's wrong as well. She stated on RAR 138 ln 3-4, "Do you feel that I've been fair to you?" ln 3

And he says, "Yes, you have." ln 4

OKAY, let's just back up a little and see if we can find the truth. P. 8 of 10 lines 28 to 32, should read as follows:

Bull: I asked Aaron if he would be willing to make a taped statement?

F.R: "No. I don't think so."

Bull: I asked him if he would be willing to write a statement?

F.R: "No. You can type out what you have if you want and I'll sign it." In fact, defendant never did.

HOWEVER, that last sentence is not what I said, once again nothing is as I say, but what she would have me say. what I said was, quote.

F.R: "No. But you can type up what you have and if I ~~agree~~ agree with it I'll sign it."

And now to the true statement made on page 8 of 10 ln 30-32.

Bull: I asked Aaron if he thought I had treated him fairly,-- (during the interview?) I don't know that she said anything about an (interview).

F.R "I don't know, that depends on what that says, pointing to her papers in hand, " and what you intend to do with them "

In deed the defendant found out the first time Counsel read the police report to him with Dr. Johnson present. Defendant at that time ~~he~~ broke into tears and told both men present that about 90% of what Counsel was reading were lies.

Why is all this so important? Credibility! Credibility to what went on during the talk, conversation, chat/interview. See page RPR 144. This whole page speaks volumes as to the importance of Counsel bringing forward the falsification and manipulation of statements made and the Synopsis. RPR 144 speaks for itself. And RPR 145 points to the fallacy of the Court to not pre-read documents being brought forward as evidence in a court hearing.

The Court: -- and, again, I haven't even read this, but it sounds like to me he's already made some admissions prior to that. RPR 145 LM 5-7

The defendant made "no" admissions prior to the station or prior to the first #8230. The defendant simply agreed with what was being said at the house as opposed to arguing with anyone. That is not admissions. The presiding Judge on 3/28/08 was simply ill informed, or he would have known that no comments were made about the Summers events till 20 times after the first inquiry about the need of a lawyer being present. See the rest of RPR 145, 146, 147 and 148 to LM 15.

I'm truly sorry your honours, but the reasoning of the presiding Judge escapes me.

Page Thirty One

There are (3) issues the presiding Judge mentions as perfectly logical explanations for the defendant's reasoning and actions. Let us take a look at a statement by the Judge. RPR 147 1n 23 to 148 1.

Judge: ... why would he ever need an attorney because they are just chitchatting, because it has no effect whatsoever because he hasn't signed a waiver. 1n 24 to 1n 1

Judge: They are just chitchatting. 1n 7

Two facts are very important with what the Judge just stated. If indeed they were talking, chatting all along as has been testified to by the defendant, then that clearly is not an intelligently, knowingly, intentionally and willing waiving of one's right to counsel. As stated by the presiding Judge on RPR 148 1n 1.

Judge: ... because he hasn't signed a waiver. 1n 1

Judge: ... And if he's been -- gone through this before in the past and he's always signed a waiver in the past, well, that's inter -- that's great, but the, you know --

Court: -- past performance isn't a guarantee of future results.

The defendant respectfully disagrees. As stated, Id @ 1023, "and circumstances surrounding that case, including the background, experience and conduct of the accused."

When an accused is talking with law enforcement, whether there has been a mutual understanding that it is a conversation off the record, when that police official begins to appear to take notes, it is only
Thirty two

COMMON SENSE TO INQUIRE OF THE LAW ENFORCEMENT OFFICER IF COUNSEL BEING PRESENT WAS NECESSARY. DEFENDANT DIDN'T DEMAND COUNSEL HE MERELY INQUIRED (3) TIMES WHETHER ONE WAS NECESSARY OR NOT.

THEREFORE DEFENDANT STIPULATES THE PROSECUTION DID NOT SATISFY THE [HEAVY BURDEN] TO DEMONSTRATE THE DEFENDANT KNOWINGLY, INTELLIGENTLY, INTENTIONALLY, VOLUNTARILY AND WILLINGLY WAIVED HIS RIGHT TO COUNSEL.

IF AN ACCUSED CANNOT COUNT ON UNIFORMITY OR PROCEDURAL UNITY OR CONFORMITY IN POLICE PROCEDURES AND CONDUCT IN REGARDS TO [A] RIGHT AS IMPORTANT AS MIRANDA, IN THE SAME COUNTY, IN THE SAME STATE, FROM A SEPARATEMENTALLY SUPERIOR POLICE FORCE, THAN A GROSS MISCARRIAGE OF JUSTICE EXISTS IN OUR CRIMINAL JUSTICE SYSTEM.

THEREFORE THE FIVE ELEMENTS OF WAIVER OF RIGHT IS NOT MET.

A WAIVER IS ORDINARILY AN INTENTIONAL RELINQUISHMENT OR ABANDONMENT OF A KNOWN RIGHT OR PRIVILEGE. JOHNSON V. ZERBST, 58 S.Ct 1019.

IT WAS STRESSED THAT THE OPPORTUNITY TO EXERCISE THE RIGHT TO COUNSEL'S PRESENCE MUST BE AFFORDED TO A PERSON [THROUGHOUT] THE INTERROGATION.

MIRANDA V. ARIZONA, 87 S.Ct 11. BY LAW THEN, DOES THAT MEAN THAT [A]N INTERROGATOR MUST, OR IS COMPELLED TO INQUIRE OF THE ACCUSED, AT A TIMELY INTERVAL, [THROUGHOUT] THE INTERROGATION WHETHER AN ACCUSED WOULD LIKE TO INVOLVE THEIR RIGHT TO COUNSEL BEING PRESENT. SEE RPR 147 LN 15
COURT: CORRECT. "THAT'S THE BEST CASE SCENARIO FOR YOU."

ON April 22, '08 while on the stand UNDER OATH Deputy Cynthia L. Bull #3284, gave the following testimony. PR 145

Q. What kind of specialized training have you had to -- AS FAR AS interviewing children? IN 8-9

A. I think I've had close to -- I want to say 400, 450 hours of -- specialized hours of specialized training, maybe even 500. I haven't kept track. We have 180 hours of in-house training, then we have 40 hours at a federal school that I went to in San Francisco. I've had 40 hours in San Diego. And they are all surrounded around interviewing children in a non-leading, non-suggestive manner. IN 10-17

Q. What does that mean to interview children in a non-leading, non-suggestive manner. IN 18-19

A. Well, when you start out interviewing them, you interview them using words that they will understand based on the age that they are, and then we continue to use the words that they use after we've identified what they are talking about, specifically like their private parts or whatever, whatever words they use. IN 20-25. P. 146

A. And then when you interview them about what ever happened, you start out broad and not giving them the "Yes" and "No" responses. You ask them, "Well, what happened?" "Well, what happened next?" IN 9-12

Those type of things. And then -- you would then take it and funnel it down to more specific, more pointed questions as you would go. PR 146 12-15

Q. Why do you start out with such broad questions? In 16

A. BECAUSE you don't want to suggest answers to the child. A lot of cases come in and somebody's heard just a little bit of information, and you want to be able to explore that but let the child tell you so that they are not using my words or someone else's words, and they can just basically tell you the story about what happened.

The testimony we have just received indicates that Deputy Bull's job, responsibility and specialized training demands that she sit quietly by and listen to the child tell their story without any.

A. "Yes" or "No" responses. In 11 PR 146. Only asking them.

A. "Well, what happened" In 11-12 PR 146. And then again

A. "Well, what happened next." In 12

Q. Why do you start out with such broad questions? In 16 PR 146

A. ... you don't want to suggest answers to the child. In 17

So what happened to that, "I want to say 400, 450 hours of -- specialized training Deputy Bull received? As the record will show once again Deputy Bull does not know how to adhere and abide by the law, training, or protocol. The interview with S.H. on the afternoon of Sept, 14'07 starts, continues and never stops, of the [ONE] thing Deputy Bull is not suppose to do, questions.

The interrogation of S.H. as given by Deputy Bull on Sept 14, '07 was thus reported as follows. see PR 150

Bull: I asked her if she knew someone named Aaron? 1M 25

S.H.: "No." PR 151 1M 1

Bull: I asked her if someone named Aaron ever came to visit her?

S.H.: "No." 1M 2

The defendant at this point has [] concerns. [1] why, is this interrogation continuing? [2] why, is Deputy Bull asking "Yes" or "No," response questions [3] why, is Deputy Bull asking any questions at all. [4] obviously, one of three things is coming into play here. [1] S.H. does not know Mr. Roper. [2] S.H. has decided to lie about her knowing Mr. Roper. [3] S.H. is trying to invoke her Constitutional Right to remain silent and to not incriminate herself. As she has ~~tried~~ tried [2] other times by stating "I'm tired" and "I'm shy." I now direct your attention to page PR 149 1M 21-22

Bull: I asked S.H. what it meant to tell the truth? 1M 21-22

S.H.: "Tell about what you really did." 1M 22-23

If S.H. is ~~being~~ lying about knowing Mr. Roper, how much more of her testimony is also a lie? However, the more telling aspect of this interrogation is the fact that it is [Highly] improper. It goes against all established protocol, and should have been ruled inadmissible by the Court. Not only are the questions highly improper, (2) are extremely vulgar and derogatory. see. PR 157 1M 4-5 and PR 158 1M 20-21.

Bull: I asked her if he'd ever put anything in her mouth. 1M 4-5

S.H.: "No." 1M 5

Bull: I asked her if anything had ever come out of Aaron's privates.

S.H.: "No." 1N 21

Deputy Bull is highly unprofessional. Many of her acts are criminal. And the trial is extremely tainted due to her personal involvement in it.

The reason the defendant mentioned self-incrimination for S.H. can be found at PR 158 1N 24

Bull: I asked her if she had ever touched his privates? PR 158 1N 21

S.H.: "No." 1N 22

Bull: I asked her if he had shown it to her? 1N 23

S.H.: "No. I asked him to see his wiener." 1N 24

Two facts are highly apparent with her last statement. Defendant has not shown S.H. his privates. And S.H. has asked to see it. There is a great deal of testimony during the initial investigation, pre-trial and trial that ^{suggests} ~~confirms~~ that S.H. initiated sexual contact with Mr. Roper. To what degree? Nobody knows. Regardless of age, every U.S. citizen has the Constitutional Right against self-incrimination, even S.H., or perhaps, especially S.H., taking into consideration her age, and her inability to make that choice or enforce her rights.

How far is Deputy Bull willing to go to break from protocol and training in her efforts to gather otherwise inadmissible evidence against the defendant?

The answer can be found on pages PR 145, PR 146 and PR 158

A. And they are all surrounded around interviewing children in a non-leading, non-suggestive manner. PR 145 1N 15-16

A. ... you don't want to suggest answers to the child, PR 146 1N 17-18

Bull: I ASKED HER AGAIN HOW SHE ENDED UP SEEING HIS WIZARD?

S.H.: "I DON'T REMEMBER." PR 15B IN 14

Bull: I ASKED HER ~~AGAIN~~ IF SHE REALLY COULDN'T REMEMBER OR IF IT WAS JUST HARD TO TALK ABOUT. IN 14-16

S.H.: "HARD TO TALK ABOUT." IN 16

Deputy Bull HAS [NO] BUSINESS ASKING S.H. QUESTIONS AT ALL. SHE IS TRAINED TO LISTEN TO A CHILD TELL A STORY IN THEIR OWN WORDS AND MANNER. SHE IS NOT TO ASK QUESTIONS, AND MOST ASSURIDLY ~~ARE~~ IS NOT TO ASK LEADING AND SUGGESTIVE QUESTIONS. DEPUTY BULL GAVE S.H. THE ANSWER TO THAT QUESTION. AND A FALSE ANSWER CONSIDERING S.H. HAS ALREADY TALKED SEVERAL TIMES ABOUT IT.

ANGELA HALL AND DEPUTY CYNTHIA L BULL'S INVOLVEMENT IN THE DEFENDANT'S TRIAL EXTREMELY TAINTED THE PROCEEDINGS AND OUTCOME OF THE TRIAL. THE CONDUCT OF TRIAL ATTORNEY AND PROSECUTOR IS ARGUABLY TAINTED AS WELL. THE FOLLOWING ARE ERRORS THE DEFENDANT BELIEVES WERE COMMITTED IN THE CASE BEFORE HIS COURT. JURY INSTRUCTION NO 8, PR 291 IN 15-16. 000 ON A DATE SEPARATE FROM THAT IN COUNTS TWO, THREE, AND FOUR, DEFENDANT HAD 000. THERE IS [NO] TESTIMONY BY ANY WITNESS THAT WOULD SUGGEST THAT ANY ONE OR ALL ALLEGED OFFENSES [DID NOT] HAPPEN ON THE SAME DAY. TWO ARE BELIEVED TO HAVE HAPPENED AT THE SAME TIME, SAME INCIDENT BY TWO WITNESSES. 000 THAT BETWEEN FEB 1, '07 & JULY 20, '07, AGAIN, ANY ONE OR ALL THE ALLEGED OFFENSES COULD HAVE HAPPENED AFTER JULY 20, '07 AND AS LATE AS SEPT. 14 '07. 000 AND FOUR, THAT THE ACT'S OCCURRED IN THE STATE OF WASHINGTON. AND AGAIN ANY ONE OR ALL FOUR ALLEGED ACTS COULD HAVE HAPPENED OUT OF THE STATE OF WASHINGTON, AND IN OREGON. ANY ONE OF THE THREE ELEMENTS OF JURY INSTRUCTION NO 8, MAY NOT BE MET.

MISTAKING AN ELEMENT OF THE OFFENSE: THERE IS NO EVIDENCE THAT ANYONE OF THE [FIVE] INCIDENTS ARE AN ELEMENT OF THE CRIME CHARGED. ERRONEOUS EXCLUSION OF A DEFENDANT'S TESTIMONY REGARDING CIRCUMSTANCES OF THE DEFENDANT'S CONFESSION: COUNSEL KNEW THE ALLEGED CONFESSION CONTAINED INFLAMMATORY LANGUAGE AS REPORTED BY DEPUTY BULL THAT POTENTIALLY WAS NOT ACCURATE AND NEEDED EXPLANATION TO THE JURY. RESTRICTION ON A DEFENDANT'S RIGHT TO CROSS-EXAMINE A WITNESS FOR BIAS: COUNSEL HAD THE RESPONSIBILITY TO CONDUCT PRE-TRIAL EVIDENTIARY HEARINGS FOR BIAS OF ALL STATES WITNESSES.

UNDER THE "OVERWHELMING UNTAINTED EVIDENCE" TEST, THE APPELLATE COURT "LOOKS ONLY AT THE UNTAINTED EVIDENCE TO DETERMINE IF THE UNTAINTED EVIDENCE IS SO OVERWHELMING THAT IT NECESSARILY LEADS TO A FINDING OF GUILT." STATE V. GULOV, 104 WASH. 2D 412, 705 P.2D 1182 (1985). 475 U.S. 1020, 106 S. CT 1208 (1986).

MORE OVER, IT IS GENERALLY PERMISSIBLE FOR DEFENDANTS TO ARGUE INCONSISTENT DEFENSE SO LONG AS THEY ARE SUPPORTED BY THE EVIDENCE. MATHEWS V. U.S., 485 U.S. 58, 108 S. CT 883 (1988). STATE V. FERNANDEZ-MEDINA, 141 WASH. 2D 448, 6 P.3D 1150 (2000). STATE V. CONKLIN, 79 WASH. 2D 805, 489 P.2D 1130 (1971).

A FINDING OF HARMLESS ERROR REQUIRES PROOF BEYOND A REASONABLE DOUBT THAT "ANY REASONABLE JURY WOULD HAVE REACHED THE SAME RESULT IN THE ABSENCE OF THE ERROR." *Id.* @ 425, 705 P.2D 1182.

Narrative

ATTACHED DOCUMENTS:

- Copy of original incident report authored by VPD Officer Abdala
- Copy of CPS referral # 1834683
- Copy of related search warrant for 1019 NE 279th Street, Ridgefield, Washington
- Cartoon drawing labeled by Sierra Hall-Munoz
- Copy of prebook

1 SYNOPSIS:

2
3 During a follow up investigation relating to the original incident report authored by VPD Officer Abdala, I
4 interviewed Sierra Hall-Munoz, DOB 5/19/02 (5 yoa). She told me that a family friend, Faron Williams Roper, DOB
5 8/31/59, had kissed her on her vagina with his lips and his tongue on more than one occasion. She said he had
6 attempted to insert his "pointer finger" into her vagina on one occasion and had asked her to touch his penis on
7 one occasion. She said these incidents occurred at her residence, 2613 NE 151st Avenue, Vancouver,
8 Washington, both in the living room and in her bedroom. She said they also occurred at Faron's house, 1019 NE
9 279th Street, Ridgefield, Washington, in his bedroom. Sierra said the incidents all occurred when she was
10 between the ages of four-years and five years, 05/19/2006 (4th b-day) - 07/20/07 (date of report).

1
2 On 9/18/07, Deputy Nelson and I contacted Faron in his vehicle as he drove into his residence. I placed Faron
3 under arrest at that time. He was wearing a digital camera around his neck. During an interview with Faron, after
4 having been read his Miranda warnings, he confirmed the information that Sierra had provided. He told me that he
5 was in love with her and knew he shouldn't have done those things to her. He said he didn't do anything to her
6 that she hadn't allowed him to do. It should be noted that Faron is a convicted sex offender with a previous
7 conviction for Rape of a Child I. The previous victim was a nine-year-old girl. When I inquired about the camera,
8 Faron told me that he didn't want to talk about that because it would just lead to more criminal charges. I seized
9 the camera and later obtained a search warrant for it's contents, along with other various items. His vehicle was
10 also seized and impounded pending a search warrant for it's contents.

1
2 Faron was booked into the Clark County Jail for three counts Rape of a Child I. One count for each location that
3 the incidents occurred.

4
5 It should be noted I seized three computers, along with various other items, during the service of a search warrant
6 at Faron's residence. The computers and the digital camera are being submitted for processing. Detailed
7 narrative to follow, including additional information regarding Faron's vehicle.

NARRATIVE:

Detailed narrative to follow.

RECOMMENDATION/DISPOSITION: Suspect arrested. Additional information to follow.

I certify or declare under penalty of perjury under the law of the state of Washington, that to the best of my knowledge the attached report(s), documents, and information contained therein are true, correct, and accurate. (RCW 9A.72.085)

Reporting Officer Bull, Cynthia L	PSN 3284	Ref Case Number S07-13783	Report ID 09/18/2007 17:40 3284	Agency/Case Number VPD 07014791
Approving Officer	PSN			
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Vancouver Police Department

Report No.
07-14791

Narrative

1 Chris and his uncle, Faron Roper. Angela told me that Faron has lived with them off and on for approximately one
2 year and normally resides at the residence of Donna Schymanski at 1010 NE 279th St in Ridgefield Washington.

3
4 Angela told me that she had been having some concern for about two months about Roper. Angela told me that
5 Roper was a convicted sex offender. Angela said she began having suspicions that Roper might have been
6 committing crimes against her five year old daughter Sierra. Angela told me that Sierra told her about two months
7 ago, "Im Farron's girlfriend". When Angela asked Sierra what she meant by that, Sierra replied, "I told Farron, Im
8 too little and Farron said, 'that's okay, that's our secret.'" Angela asked what other secret she had. Sierra replied,
9 "I saw Farron's big fat penis." Angela asked Sierra where this happened. Sierra told Angela it happened while
0 they were at Donna's residence in Farron's bedroom.

1
2 Angela told me she confronted Roper with this information they day Sierra told her the news. Roper told Angela
3 that it did happen, but said that he was exiting the restroom when it happened and Sierra caught him placing his
4 penis back into his pants. Angela said she believed his story and continued to allow Roper to live with her and
5 baby sit Sierra.

6
7 Angela said she and her sister went tanning this afternoon and left Sierra in the care of Roper. Roper told Angela
8 he was going to take Sierra with him to Additional Self Storage and drop off some supplies. Angela said that her
9 sister, Raeleen Hall who has been staying with her as well, confronted her today after they left the tanning salon.
0 Raeleen told Angela that last night she walked into Sierra's bedroom and found Sierra lying halfway in the closet
1 and saw Roper on his knees hovering over her. Raeleen said when she walked into the bedroom, Roper turned
2 around startled. I spoke with Raeleen and she told me she did not observe anything and did not ask what Roper
3 was doing, but she found his behavior as being odd. Raeleen also told me that approximately one week ago,
4 Roper was taking pictures of Sierra as she posed in her bathing suit.

5
6 Angela told me she was becoming increasingly alarmed and after Raeleen spoke to her today she raced home to
7 look for Sierra. Angela said Roper and Sierra were still gone and she had expected them to be home by then.
8 Angela told me she did not have Donna Schymanski's phone number so she called Qwest to look for it.
9 Apparently Qwest located Donna, as Roper called her shortly thereafter. Angela told Roper that she wanted him
0 to bring Sierra back because they had plans. Roper agreed and arrived sometime later.

1
2 When Roper returned, she asked him what had taken so long, Roper told Angela that he went to his room at
3 Donna's to put together a stereo after leaving the storage facility. Angela said that Sierra told her that she was
4 "mad" at Roper. Angela asked Sierra why, Roper cut in saying, "She's mad at me cause I swatted her for
5 misbehaving." Roper told Angela that Sierra was pulling on Donna's drapes and after asking Sierra several times
6 to stop, he spanked her on the behind.

7
8 Angela went into Sierra's bedroom and asked Sierra to tell her any other secrets she might be holding. Sierra told
9 Angela, "Farron licks my privates when I sleep." "Mommy you cant tell anybody, he told me not to tell anybody."
0 Angela said she discreetly exited the bedroom, grabbed the phone and called police outside of Roper's ear shot
1 who was in the family room.

2
3 Officer Alba asked Roper to step outside and talk with us. Officer Alba asked Roper a serious of questions, not
4 related to the case, but instead that some allegations had been made and wanted to know what Roper had done
5 today. The following is Roper's statement"
6 Roper told Officer Alba that he had permission to pick up Sierra and they went to the storage facility today to drop
7 off siding and to pick up stereo equipment. Roper said he then drove to Ridgefield to Donna's house where he
8 sometimes lives. Roper said he Sierra and Donna had lunch together.

Reporting Officer Abdala, Sammy	PSN 1336	Ref Case Number	Report ID 07014791	Agency/Case Number VPD 07014791
Approving Officer Thompson, Jon	PSN 1284			
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Narrative

1 Roper said afterward he began putting the stereo together in his bedroom. Roper said that Donna was becoming
2 upset because Sierra was pulling on her drapes and would not stop when asked to do so. Roper said he asked
3 Sierra to stop playing with the drapes. Roper said she would not, so he sat her on his lap and swatted her once
4 on the behind. Roper said Sierra ran off crying and went to lie down in his bedroom. Roper said Donna started
5 the dishes and he went back into this room to work on his stereo while Sierra took a nap.

6
7 Roper said he was in the room for about 45 minutes when Donna came inside the room saying that Qwest had
8 called stating Angela was looking for him. Roper said he called Angela who seemed upset and asked why he
9 wasn't back yet. Roper told Angela that he had went to the storage and was putting together a stereo. Angela
10 told Roper she needed Sierra back because they had plans. Roper said he got Sierra and he drove immediately
11 back to Angela's residence.

12
13 Roper said when he got back, he could see Angela was visibly upset. Sierra told Angela that Roper had spanked
14 her. Roper explained to Angela that he spanked her because she was misbehaving at Donna's. Roper said that
15 Angela began yelling out to no body in particular, "No more secrets, no more secrets!"

16
17 Roper said that Angela knew he was a registered sex offender and she had no problem with him babysitting.
18 Roper told Officer Alba that he had been convicted for "rape of a child 1" and that the victim was his nine year old
19 step-daughter at the time. Officer Alba told Roper that Angela was upset because he had disciplined Sierra and
20 she wanted him gone. Officer Alba advised Roper he was to get his belongings and never come back. Roper
21 agreed. He grabbed his belongings and left.

22
23 Angela was informed the case would be forwarded to CAIC detectives. Angela was told that Roper was to have
24 no contact with Sierra at all and not to come back to the house. Angela understood and stated she was also
25 looking to get a restraining order.

CONCLUSION

Forward report to CAIC for follow up and interview of Sierra. Forward report to CPS for information.

I certify or declare under penalty of perjury under the law of the state of Washington, that to the best of my knowledge the attached report(s), documents, and information contained therein are true, correct, and accurate. (RCW 9A.72.085)

Reporting Officer
Abdala, Sammy

PSN
1336

Approving Officer
Thompson, Jon

PSN
1284

Ref Case Number

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ORIGINAL

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07014791

VPD

Narrative

1 park prior to her scheduled interview. She said Sierra was now refusing to get in the car. She said Sierra told her
2 she didn't want to talk to anyone. I talked with Angela about various options to deal with the situation. She
3 eventually decided that she would just tell Sierra that they had an appointment and that they couldn't cancel it.

4
5 During my conversation with Angela, she told me, "He told me he kissed her down there." I asked her when the
6 suspect, Faron Roper, had told her that information. She said, "In the end of July. He told me he did it. She was
7 on a bunk-bed. He said she asked him if he wanted to kiss her so he did. He kissed her on the cheek. He said she
8 asked him again so when her dress flipped up and she asked him again, he kissed her down there." I asked her if
9 she had reported that information to either law enforcement or CPS. She said she didn't think so. She said she
10 had had conversations with Monte Constable, but she said she didn't think she had told him about the suspect's
11 confession. She thought about it again, then said she might have told him.

12
13 I asked Angela how Faron ended up disclosing this information to her. She said after she had reported the original
14 allegations to law enforcement, he had come over to her house a couple of times while the kids were at school so
15 he could collect his belongings. She said, "I confronted him after he came over to get his stuff. He had been told
16 to leave by the police so most of his stuff was still here. He had come over in the morning as Chris (Faron's
17 nephew/her fianc>9) had left for work. He asked what was going on. I confronted him."

18
19 I asked Angela where Faron is now. She said he lives in Ridgefield with his roommate, Donna. She said Faron
20 helps out Donna around the house because she's in a wheelchair. She provided Faron's address as 1019 NE
21 279th Street, Ridgefield, Washington. Angela said Donna "has a thing" for Faron. She said as far as she knew
22 there hasn't ever been an actual relationship between them however.

23
24 INTERVIEW WITH SIERRA HALL-MUNOZ, DOB 5/19/02, 5 YOA:

25
26 On 9/14/07, at approximately 1355 hours, I met with Angela and Sierra at the Child Abuse Intervention Center.
27 After introducing myself, I asked Sierra if she would be willing to come back to one of the conference rooms to talk
28 with me, to which she agreed.

29
30 Once we were seated, I asked Sierra what her whole name was. She said, "Sierra Alexis Munoz." When asked,
31 she said she couldn't spell her whole name. I asked Sierra how old she was. She said, "Five. I'm in Kindergarten
32 school." I asked her who the lady was out in the lobby. She said, "My mom, Angela Hall." I asked her what school
33 she went to. She said, "Kindergarten School." I asked her what her teacher's name was. She said, "Mrs. Garcia."

34
35 I asked Sierra if she knew what my job was. She said she didn't, so I explained that I was a special kind of police
36 officer because I don't wear a uniform and because I talk with kids all the time.

37
38 I asked her what her mom had said about coming to see me. She said, "She didn't say anything."

39
40 I asked Sierra what it meant to tell the truth. She said, "Tell about what you really did." I then used some white
41 board markers to differentiate between a truth and a lie, along with examples around the office. Sierra identified
42 each example correctly. When asked, she agreed to tell me the truth while we talked.

43
44 I asked her if she had any brothers or sisters. She said, "Marcus is one, Colby is two, Pablo is nine. My sister,
45 Jazzie, she's three years old. Dad is Chris. That's my whole family."

46
47 I asked her if she knew why she had came to see me. She said, "I don't know."

48
49 I asked Sierra if she had a babysitter. She said, "Yeah, Becky." I asked her if she had any boy babysitters. She
50 said, "Just her when my parents are gone."

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Narrative

1
 2 I asked if her if she knew someone named Faron. She said, "No." I asked her if someone named Faron ever came
 3 to visit her. She said, "No."
 4
 5 I then brought out a cartoon drawing. I asked Sierra to assist me in labeling the drawing with some of the body
 6 parts, to which she agreed. She also identified the private areas for both boys and girls."
 7
 8 I asked Sierra if she had ever had a problem with someone touching one of her privates. She said, "Yeah." I
 9 asked her what happened. She said, "I talked to this guy about it. What Faron did was kissing me! He was licking
 0 me! Not in the butt private but the front private down there (pointing to her vaginal area). He always loves me
 1 because I'm so-o-o-o-o beautiful and he thinks I look like a princess."
 2
 3 I asked Sierra if she could point to the area on the drawing where Faron had touched her. She pointed to the area
 4 marked "pee-pee". I asked her if she wanted to mark that spot for me. She agreed. I asked her if she wanted to
 5 make a mark there or draw an "X" for me. She said, "I have to 'X' it because that's a bad spot!"
 6
 7 I asked her if he had touched her on the skin part or the clothes part of her front private, using the back of my
 8 hand and sleeve to demonstrate. She said, "Skin." I asked her what he had used to touch her there. She said, "He
 9 put his head right there!" At this point, Sierra told me and demonstrated that Faron had used his hands to spread
 10 her knees open "like the splits". She said, "He put his head right there and did this." Sierra demonstrated by
 1 leaning forward toward the table like she was putting her head toward something or into something. She then
 2 began to flick her tongue in and out of her mouth as if she was licking something while making a slurping sound.
 3
 4 I asked her how about how many times Faron had done that to her, if it had been once or more than once. She
 5 said, "Four." I asked her to show me four fingers, which she did. I asked her if it had been four times or less or
 6 more. She said, "More."
 7
 8 I asked her where this had happened. She said, "He did it in my family room. He did it at his friend's house,
 9 Donna. She's in a wheelchair." I asked her if it happened anywhere else. She said, "My bedroom." I asked her if
 0 it happened anywhere else. She said, "I can't remember."
 1
 2 I asked Sierra how old she was the first time Faron had done that to her. She said, "Four." I asked her how old
 3 she was the last time it happened. She said, "Five. I wasn't in Kindergarten."
 4
 5 I asked her what Faron did with his hands when he touched her. She said, "Holding my legs open." She
 6 demonstrated by pushing her knees down and open. She added, "Like the splits."
 7
 8 I asked her if he ever used his hands to touch her privates. She said, "One time he tried to put his pointer finger
 9 (she showed me by extending her index finger) in the hole in the bottom where you pee." I asked her how it felt
 10 when he did that. She said, "It hurt! He was trying to put his pointer finger inside but it hurt!" She sat for a moment,
 1 then added, "It was a secret."
 2
 3 I asked her if Faron had ever had her touch him in any way. She said, "I never ever touched him in my whole life
 4 before, not in his privates, not in his butt."
 5
 6 I asked her if he ever put anything in her mouth. She said, "No."
 7
 8 I asked her if anything else happened. She said, "No."
 9
 10 I asked her if Faron had ever asked her to touch him. She said, "No. I had another boyfriend, Justin. He's five. We

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Narrative

1 always kiss on the lips. When I broke up, he still loves me."

2
3 I asked her if Faron had ever said anything to her about telling. She said, "He said it was a secret."

4
5 I asked her if what she had told me was the whole truth. She said, "It's the truth."

6
7 I asked her if she had any questions for me. She said, "No. I'm thirsty. I'm tired." I concluded the interview at
8 approximately 1415 hours.

9
10 CONTACT WITH ANGELA HALL, SIERRA'S MOTHER:

11
12 Once Angela and I were seated in the conference room, she said, "I don't know if I actually told Monte about what
13 Faron said. I think it was actually after my contact with him."

14
15 I asked her if Faron was currently working. She said, "Not that I know of." Angela went on to say, "He's Chris'
16 uncle. I didn't know he was a sex offender. I just knew he had a past."

17
18 I asked her if she had talked with the other children that had been around Faron. She said Faron had denied
19 touching her son, Pablo, and her daughter, Jazzie. She said Sierra had been around him the most and had been
20 alone with him. She said the other kids weren't really around him like that. She said she would talk to her sister
21 and have her talk with her nieces. I gave Angela a few of my business cards to give to her sister. I told her to have
22 her sister contact me if she had any questions or if any of the girls made any disclosures.

23
24 I asked Angela if she knew what kind of car Faron drove. She said, "A 1995 Ford Ranger, teal. Sometimes it has a
25 black ladder rack on it or a matching canopy." I asked her if she knew if the vehicle was licensed in Washington.
26 She said she didn't know the license plate number but said it was license in Washington.

27
28 I asked her what Faron's demeanor was when he admitted to sexually abusing Sierra. She said, "He was sorry.
29 He's been very suicidal. One time he said he was going to drive up to Beacon Rock and jump or he was going to
30 ride his bike into the ocean. That was after he broke up with his girlfriend, Faith. He told Kimberly and Sierra that
31 they needed to behave because he was going to die when he jumped off the bridge. They knew he wanted to die."

32
33
34 RECONTACT W/ SIERRA HALL MUNOZ, VICTIM:

35
36 At approximately 1440 hours, I met with Sierra again. Angela was present.

37
38 I asked Sierra if she had ever seen anyone else have any touching problems. She said, "No."

39
40 I asked her if she had ever seen Faron's private. She said, "Yeah." I asked her how that happened. She said, "I
41 don't remember." I asked her if she could remember what it looked like. She said, "It looked like a big, huge
42 wiener! (She demonstrated by making about a four inch circle with her hands.)"

43
44 I asked her again how she ended up seeing his wiener. She said, "I don't remember." I asked her if she really
45 couldn't remember or if it was just hard to talk about. She said, "Hard to talk about."

46
47 She told me again she was tired and wanted to go home. I asked her if I could talk with her for just a few more
48 minutes. She said, "Okay."

49
50 I asked her if anything had ever come out of Faron's private. She said, "No."

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Narrative

1 I asked her if she had touched his private. She said, "No." I asked her if he had showed it to her. She said, "No. I
2 asked him to see his wiener." I asked her where they were at when that happened. She said, "At his house." I
3 asked her where Donna was when this happened. She said, "In the kitchen." I asked her where she and Faron
4 were at. He said, "In Faron's room."

5
6 I asked her if there were other kids there. She said, "No." I asked her if any of her cousins had touching problems
7 with Faron. She said, "No."

8
9 I asked her if Faron had ever done anything to her butt. She said, "No."

10
1 I asked her if they had ever played any games. She said, "He was swinging me. Mom didn't like." I asked her if
2 they ever played any other games. She said, "No."

3
4 I asked Sierra if she could think of anything else she thought I should know. She said, "No." I concluded the
5 interview at approximately 1442 hours.

6
7 SUSPECT CONTACT W/FARON W. ROPER, DOB 08/31/59:

8
9 On 9/18/07, at approximately 0812 hours, Deputy Hayes, Deputy Nelson, and myself attempted to contact Faron
10 Roper at his residence, 1019 NE 279th Street, Ridgefield, Washington. When we knocked on the door, it was
1 eventually answered by Donna Schymanski, the home owner and Faron's roommate. She said Faron left earlier in
2 the morning. She said he would have been driving his green Ford Ranger. When asked, she said it didn't have
3 either the rack or the canopy on it at this time. She confirmed that it had Washington plates.

4
5 I asked Donna if Faron worked. She said, "No." I asked her if she knew where he might have gone. She said, "He
6 goes over there (Angela's house) every morning to see her (Sierra) off to school." I asked her if Sierra's mom was
7 aware of that and was inviting him over. She said, "I'm sure she knows about it. He does it everyday." I asked her
8 if he wasn't at Angela's house where else he might be. She said, "He likes to go to a Christian book store in
9 Portland." When asked, she said she didn't know the name or location of it.

10
1 I asked Donna if she knew why I wanted to talk with him. She said, "Yeah, I know. He told me about it." I told her I
2 felt that Faron may need some help, pointing out that he is already a convicted sex offender. She said, "I know he
3 is. I think he needs help." I asked Donna what Faron had told her. She pursed her lips and shook her head in the
4 negative and wouldn't answer further.

5
6 I asked her if she would call 9-1-1 if Faron returned. She said, "How about if I have him call you? I know he will."

7
8 Deputy Hayes, Deputy Nelson, and I left the residence. Deputy Nelson said he would stay in the area to watch for
9 Faron to return while I ran an errand.

10
1 As I was driving southbound on NW 11th Avenue from NW 279th Street, I saw a green Ford Ranger pass me
2 going northbound. The vehicle had Washington plates and a lone driver in the vehicle. I advised Deputy Nelson
3 via the radio that I believed the suspect may have just driven by me. As I turned to follow the vehicle, I saw that
4 the driver had turned eastbound onto NE 279th Street traveling in the direction of the suspect's residence. I
5 advised Deputy Nelson that the vehicle had turned eastbound.

6
7 As I approached the intersection of NE 279th Street and NE 10th Avenue, I saw Deputy Nelson initiate a traffic
8 stop on the vehicle. The driver pulled into the driveway at 1019 NE 279th Street and parked next to the house. As
9 the subject exited the vehicle, I recognized the subject to be Faron Roper from a previous mugshot. The contact
10 occurred at approximately 0850 hours.

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Narrative

1 placed Faron under arrest while Deputy Nelson placed him in handcuffs and patted him down for weapons. I
2 identified myself to Faron and explained to him what my job was. I told him he was under arrest for three counts
3 Rape of a Child in the first degree. He said he understood. I told him I was going to read him his Miranda warnings
4 and if he wanted to talk with me after that he would be transported to the Sheriff's Office West Precinct to an
5 interview room. He again said he understood.

6
7 As I began to read Faron his Miranda warnings, I asked him if he had ever been read the warnings before. He
8 said, "Oh, yes, I have." I told him I would read each warning and then ask him if he understood what I had read.
9 He said, "Okay." I then read each warning to Faron. As I was reading the warning that talked about anything he
10 said could be used against him in court, he said, "Oh yes it can and I know you will." As I read on, he said he
1 understood what I had read each time he was asked. I then asked him he was willing to talk with me about what
2 happened. He said, "Yeah, I'll talk to 'ya."

3
4 It should be noted that Faron had a digital camera in a carrying case hanging from his neck as he exited the
5 vehicle. I asked him what he had been doing with the camera before we contacted him. He said he had just been
6 driving around. When Deputy Nelson placed Faron in the back of his patrol car, he encouraged Faron to be
7 honest with me when he talked. He told Faron that I would most likely be searching the camera and that evidence
8 could often be recovered even if the photos had been deleted. Deputy Nelson said Faron got a "wide-eyed look"
9 at that point. The camera was retained as evidence. It was later entered into Sheriff's Property (S07-137830).

10
1 When I looked at Faron's vehicle, I noticed that he had a photo of Sierra taped to the odometer along with a folded
2 paper kitty. The vehicle was impounded at that point with the belief that it may contain more items of evidentiary
3 value. It was later removed by Langley's Towing.

4
5 Deputy Nelson transported Faron to West Precinct. He was seated in an interview room.

6
7 PHONE CONTACT WITH ANGELA HALL, SIERRA'S MOTHER:

8
9 At approximately 0930 hours, I contacted Angela Hall by telephone. I told her that I now had Faron in custody. I
10 asked her about him coming to see Sierra off to school. She said he wasn't allowed at their house at all. She said
1 he hadn't seen Sierra since the allegations were reported to the police and he was told to leave. When asked, she
2 said she takes Sierra and Pablo to the bus or allows them to walk on their own while she follows behind once she
3 has loaded her daycare kids in the van. She said she hasn't ever seen Faron sitting near the bus stop. She said
4 she didn't know what Donna meant when she said Faron sees Sierra off to school each morning.

5
6 I told Angela about the camera around his neck. She said he had taken a lot of family photos. She said she wasn't
7 aware of him taking any photos that were inappropriate in anyway.

8
9 Angela added, "Donna has issues. She has even tried to make it look like I had a crush on him in the past. She
10 wants to be with him. They have known each other for five or six years. He just helps her out around the house,
1 like if she falls out of her wheelchair or something, and does odd jobs."

2
3 SUSPECT INTERVIEW WITH FARON ROPER:

4
5 At approximately 0940 hours, I met with Faron Roper in an interview room at West Precinct. I again introduced
6 myself and explained to him what my job was. I asked Faron if he minded if Deputy Nelson sat in on the interview.
7 He said, "No, I don't want to talk to you with him here. I would rather not." When Deputy Nelson came in the
8 room, I told him that Faron preferred to talk with me alone. He said he understood. He then left the room.

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Narrative

1 I asked Faron if he understood the warnings that I had read to him. He said, "Yeah." I told him again he could
2 exercise those rights and could choose not to talk with me. He said, "Yeah, I know. I'll talk to 'ya."

4 I asked Faron about his education. He said, "I'm a smart guy. I went to college. It was only two years, but I'm
5 pretty smart." I asked him what he had studied. He said, "Computers and business." I asked him where he had
6 gone to school. He said, "Edmonds, really it was Monroe. It was the last time I was in (referring to prison)." I asked
7 him what he had been in prison for in the past. He said, "Rape of a Child I. I did three years. First I did SOSA,
8 then I did three years." I asked him how old the child was in that case. He said, "Nine." I asked him what the
9 relationship was with that girl. He said, "Kind of like a stepdaughter. I did counseling, SOSA for a year and a half
10 and a year after I got out. I didn't do the one in prison. The statistics say it's junk. So why do it? People running it
11 say it's junk too. It's kind of a joke."

12
13 He went on to say, "Yeah, I know all about it. I was molested when I was nine. I was #8230; I have a problem
14 relating love to sex. They are the same to me. If you love someone it always leads to sex. Sierra and I in the
15 beginning had a strong loving relationship that, well, obviously turned bad. I never hurt her in anyway. It wasn't
16 about that. I didn't do anything she didn't want me to or didn't ask me for. I shouldn't have ever done anything
17 though."

18
19 I asked Faron when he first met Sierra. He said, "Two years ago. She's five. I met her when she was three."

20
21 I asked him when his relationship with Sierra changed. He said, "At five."

22
23 I asked where the first incident occurred. He said, "Her bedroom." I asked him where else they had been when he
24 touched Sierra. He said, "Their house." I asked him where at in Sierra's house (2613 NE 151st Avenue,
25 Vancouver, Washington). He said, "Family room." I asked him where else. He said, "Donna's house (1019 NE
26 279th Street, Ridgefield, Washington)." I asked him where at in Donna's house. He said, "My bedroom." I asked
27 him if that was a room he shared with Donna. He said, "No! There isn't anything between me and Donna."

28
29 I asked him when he had last had a touching problem with Sierra. He said, "A month or so ago." I asked him if the
30 last time had been on the day the police showed up. He said, "Oh no, it was before that. That day we picked
31 blackberries and things." He said they were just late getting back but he said nothing happened that day.

32
33 I asked him how many times he had put his mouth on Sierra's vagina. He said, "A few at any rate." I asked him
34 what he did with his mouth. He said, "I kissed her on her vagina." I asked him what he did with his tongue. He
35 said, "I don't know that I did anything. I kissed her." When asked, he said he had been kissing her vagina on the
36 skin with his mouth.

37
38 I asked him about putting his fingers in her vagina. He said, "Once. She didn't like it. That was okay with me. It
39 hurt her so I touched her a little bit too much so I said okay. It wasn't ever about pain. Let's get that straight! I didn't
40 ever do anything to Sierra that she didn't give me permission to do."

41
42 Faron added, "I like to do that particular act thought (referring to kissing her vagina). She's a very pretty girl."

43
44 I asked him how many times he had had Sierra touch his penis. He said, "My understanding is that I asked her to
45 but she didn't really care to. I asked her to one time. It wasn't about what I wanted. It was about what she wanted.
46 I only did what pleased her."

47
48 I asked him about the other kids, like his nieces, that he had had touching problems with. He said, "I did nothing
49 with them. I'm not in love with them. They are just my nieces. I'm in love with Sierra. I touched on it before it you'd
50 check your notes. I loved her. She loved me. It was a real relationship. I was just out of a relationship. I starve for

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Narrative

1 contact. We had a strong perfectly natural relationship. Until one time#8230;"

2

3 I asked him to tell me more about that. He said, "She was swinging on her bunk-bed and she swung down in my

4 face. That's what started it. Actually, I think the first time I kissed her over her panties." I asked him what she had

5 been wearing when this incident happened. He said, "A dress with panties."

6

7 I asked him he had ever said anything to Sierra about telling. He said, "Oh, no. I told her she could. I told her if I or

8 we do#8230;. I told her to tell somebody. It's not about hiding it."

9

10 I asked him about his computer. He said, "It's in my room." I asked him if I were to search it if I would find any child

11 pornography. He said, "No. There shouldn't be, I don't go there. Just adult dating stuff."

12

13 I asked him about his camera. He said, "You'll find thousands of photos of barns and shit. I had a friend who loved

14 to paint barns." I asked him about any photos he had taken of Sierra on there. He said, "Oh, no. I reserve my right

15 on that one." I asked him why. He said, "That's gonna be another charge." I asked him why he would tell me

16 about his contact with Sierra but he didn't want to talk about the camera. He said, "Why not?" I asked him if I was

17 going to find photos of Sierra on the camera. He said, "Yeah, and family pictures and pictures from Leavenworth.

18 Lots of pictures. Are you going to take the time to look at a thousand images?" I told him that I was that kind of

19 detective and that I would make time to look if I needed to. At this point, we both laughed a little. He later told me

20 that he would take sexual photos of Sierra but would delete them after viewing them. When asked, he didn't talk

21 about the photos any further.

22

23 I asked him if he was currently employed. He said, "I just lost interest when this all started. I just knew it was a

24 matter of time. I just knew. I tried to turn myself in but they wouldn't take me. That's how I got your phone number.

25 I left you a message but you never called me back." I told Faron that I had gotten his message however I hadn't

26 interviewed Sierra yet.

27

28 I asked Faron if he would be willing to make a taped statement. He said, "No. I don't think so." I asked him if he

29 would be willing to write a statement. He said, "No. You can type out what you have if you want and I'll sign it."

30

31 I asked Faron if he thought I had treated him fairly during the interview. He said, "Yeah, extremely. You're pretty

32 good." He did say he would have rather turned himself in or would have like to have scheduled an interview so he

33 didn't have to get pulled over and arrested.

34

35 I asked Faron if he had any questions for me. He asked me about his charges and how much time he thought he

36 would get in prison, commenting, "You know this will never go to trial. I don't plan on fighting it." I told him what he

37 was going to be booked into jail on, however I told him I had know idea what kind of time that would be in prison if

38 he was convicted. He commented that that didn't include any charges that may be related to the camera.

39

40 I asked Faron if he had anything else to add. He said, "No, I guess you have enough on me." When asked, Faron

41 provided his full name, date of birth, address, phone number, etc.

42

43 I asked Faron if he had told Donna about the situation. He said, "Yeah. I talked to her about it a time or two." I

44 asked her if he had told her any of the details. He said, "I told her that, yeah, pretty much what you have there. I

45 was going to come in and talk to you."

46

47 I told Faron that I had seized his truck with the intention of searching his vehicle through the use of a search

48 warrant. He kind of laughed and said you won't find anything in there. Nothing happened in there. I just drive

49 people around. I told him I had seen Sierra's photo tape to his dash. He said he just had that there to look at. He

50 said there wasn't anything of value in his truck. He again said nothing happened in the truck. It should be noted

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Narrative

1 that I later released the truck due to the lack of potential evidence related
 2
 3 I asked Faron if he was still on probation or supervision. He said, "No. I got off in 1996. I'm not gonna fight it. I
 4 know what I did." I asked Faron if he had anything else he wanted to add. He said, "No." I concluded the interview
 5 at approximately 1030 hours. Faron was transported to the Clark County Jail by Deputy Nelson where he was
 6 booked for the listed charges.

SEARCH WARRANT:

7
 8
 9
 10 On 9/18/07, I presented an affidavit for search warrant for Faron's residence to Judge Melnick. After reviewing the
 1 affidavit, he granted the search warrant at approximately 1313 hours. While he was reviewing the search warrant,
 2 I realized that I had forgotten to include Faron's camera in the search warrant affidavit. Judge Melnick said it could
 3 be added - see the amendment to both the search warrant affidavit and search warrant.

4
 5 At approximately 1425 hours, Detective Dennison, Detective Harper, Detective McCollom, Sgt. Hogman, and I
 6 served the attached search warrant on the residence, 1019 NE 279th Street, Ridgefield, Washington. Donna was
 7 at home at the time of service. She was interviewed by Detective Harper. See his attached supplemental report
 8 regarding that contact.

9
 10 During the search of Faron's room, I found a Clark County Sheriff's Office business card with my name
 1 handwritten on the back of it. The card was inside of a small Bible on a chair next to his bed. We found several
 2 photos of Sierra in his room taped to the mirror on the dresser and inside a laptop. The box containing the laptop
 3 was labeled "Sierra's laptop." The photos and the laptop were seized as evidence.

4
 5 In addition to the laptop from Faron's bedroom, Detective McCollom seized another laptop and a hard drive
 6 (tower) from Donna's bedroom. Donna told Detective McCollom and Detective Harper that she didn't think Faron
 7 had ever used her computers. She said she was more than happy to have them checked because she didn't want
 8 anything on her computers that shouldn't be there.

9
 10 Inside the dresser in Faron's room, a handwritten note was found detailing life insurance policy amounts. The
 1 ages listed appeared to be the same age difference between Faron and Sierra. See the attached copy of the
 2 listed noted.

3
 4 A type written note was found next to Donna's computer in her room. The note was signed by Faron and was
 5 talking about his last will and testament. See the attached information.

6
 7 It should be noted that both laptops and the computer hard drive were searched by Detective McCollom. He said
 8 he hadn't found anything of evidentiary value. He also searched the camera that had been seized from Faron at
 9 the time of this arrest. He said there were many pictures of Sierra but nothing that was sexually explicit. He copied
 10 the photos onto a CD which he later provided to me. It should be noted that the items of evidence were entered
 1 under case number S07-13783. See the attached property sheets relating the listed search warrant. We
 2 concluded our search at Faron's residence at approximately 1620 hours.

3
 4 I later returned the search warrant to the court. See the attached search warrant, search warrant affidavit, search
 5 warrant return, and related property sheets.

6
 7 **RECOMMENDATION/DISPOSITION:** Case cleared by arrest. Please forward this report to CAIC-PA for their
 8 information.

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APR 20 2009

CLERK OF COURT OF APPEALS DIV II
STATE OF WASHINGTON

4/15/09

DEAR DAVID C. PONZOHA

I'm just letting you know that I filed the S.A.G. today. HOWEVER, I forgot to send this S.A.G. form with the rest of the Brief. PLEASE put the two together.

I included the police report and Synopsis into the S.A.G. AS EVIDENCE. I hope it appropriate to do so. I really do not know all or perhaps any of the rules.

I trust that having turned it over to the ~~tax~~ law library on 4/15/09 will get the appropriate post mark date.

Very truly yours
Roper
ROPER, FARON