



6. I did x did not \_\_\_\_\_ appeal from the decision of the trial court. (If the answer is that I did), I appealed to: Division II  
Name of court or courts to which appeal took place

7. My lawyer for my appeal was: \_\_\_\_\_  
Name and address if known or write "none"

The decision of the appellate court was \_\_\_\_\_ was not \_\_\_\_\_ published. (If the answer is that it was published, and I have this information) the decision is published in \_\_\_\_\_

Still Pending

8. Since my conviction I have \_\_\_\_\_ have not x asked a court for some relief from my sentence other than I have already written above. (If the answer is that I have asked, the court I asked was \_\_\_\_\_ Relief was denied on \_\_\_\_\_  
Name of court

\_\_\_\_\_  
Date of Decision or, if more than one, all dates)

(If you have answered in question 7 that you did ask for relief), the name of your lawyer in the proceedings mentioned in my answer was \_\_\_\_\_  
Name and address if known

9. If the answers to the above questions do not really tell about the proceedings and the courts, judges and attorneys involved in your case, tell about it here: \_\_\_\_\_

See Attached Brief

**B. GROUNDS FOR RELIEF:**

(If I claim more than one reason for relief from confinement, I will attach sheets for each reason separately, in the same way as the first one. The attached sheets should be numbered "First Ground", "Second Ground", "Third Ground", etc). I claim that I have 3 reason(s) for this court to grant me relief from the conviction and sentence described in Part A.

See Attached Brief \_\_\_\_\_ Ground  
(First, Second, etc)

1. I should be given a new trial or released from confinement because (State legal reasons why you think there was some error made in your case which gives you the right to a new trial or release from confinement): \_\_\_\_\_

\_\_\_\_\_  
See attached Brief  
\_\_\_\_\_

2. The following facts are important when considering my case. (After each fact statement put the name of the person or persona who know the fact and will support your statement of the fact. If the fact is already in the record of your case, indicate that also) \_\_\_\_\_

\_\_\_\_\_  
See attached Brief  
\_\_\_\_\_

3. The following reported court decisions (indicate citations if possible) in cases similar to mine show the error I believed happened in my case. (If none are known, state "None Known". \_\_\_\_\_

\_\_\_\_\_  
See attached Brief  
\_\_\_\_\_

4. The following statutes and constitutional provisions should be considered by the court. (If none are now, state, "None Known") \_\_\_\_\_

\_\_\_\_\_  
See attached Brief  
\_\_\_\_\_

5. This petition is the best way I know to get the relief I want, and not other way will work as well because: Issues are outside the record

C. STATEMENT OF FINANCES:

If you cannot afford to pay the \$250 filing fee or cannot afford to pay an attorney to help you, fill out this form. If you have enough money for these, do not fill this part of the form. If currently in confinement you will need to attach a copy of your prison finance statement.

1. I do x do not \_\_\_\_\_ ask the court to file this without making me pay the \$250 filing fee because I am so poor and cannot pay the fee.

2. I have \$ 0 in my prison or institution account.



9. All of the persons who need me to support them are listed below:

Name & Address	Relationship	Age
N/A		

10. All the bills I owe are listed here:

Name & Address of Creditor	Amount
N/A	

D. REQUEST FOR RELIEF:

I want this court to:

- Vacate my conviction and give me a new trial
- Vacate my conviction and dismiss the criminal charges against me without a new trial
- Other: See attached Brief/ and Motion to Suppress Evidence  
(Please Specify)  
Parker request consolidation of PRP and Direct Appeal

E. OATH OF PETITIONER

STATE OF WASHINGTON

COUNTY OF CLALLAM

After being first duly sworn, on oath, I depose and say: That I am the petitioner, that I have read the petition, know its contents, and I believe the petition is true.

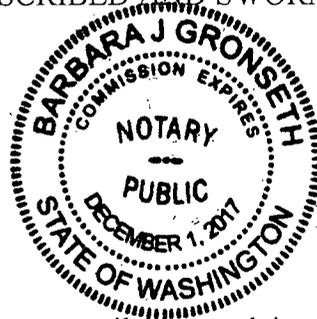
*Anthony D. Parker*

Signature

Anthony D. Parker 776 122

Print Name & Number

2014 SUBSCRIBED AND SWORN to before me this 7<sup>th</sup> day of JULY



*Barbara J. Gronseth*

Notary Public in and for the State of Washington

Residing at Clallam Bay

My commission expires Dec. 1, 2017

If a notary is not available, explain why none is available and indicate who can be contacted to help you find a Notary: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I declare that I have examined this petition and to the best of my knowledge and belief it is true and correct.

DATED This \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
Print Name & Number

07/11/2014

Department of Corrections

PAGE: 01 OF 01

AJFLORES

CLALLAM BAY CORRECTIONS CENTER

OIRPLRAR

10.2.1.18

**PLRA IN FORMA PAUPERIS STATUS REPORT  
FOR DEFINED PERIOD : 01/16/2014 TO 07/11/2014**

DOC# :	0000776122	NAME :	PARKER ANTHONY	ADMIT DATE :	01/16/2014
DOB :	06/15/1979			ADMIT TIME :	10:50
	<b>AVERAGE</b>		<b>20% OF</b>		<b>AVERAGE</b>
	<b>MONTHLY RECEIPTS</b>		<b>RECEIPTS</b>		<b>SPENDABLE BALANCE</b>
	22.50		4.50		5.42
					<b>20% OF</b>
					<b>SPENDABLE</b>
					1.08

NOTE: The Average Balances are Calculated on LESS than 6 Months of Data due to Admission on 01/16/2014

**RECEIVED**  
 JUL 24 2014  
 CLERK OF COURT OF APPEALS DIV II  
 STATE OF WASHINGTON

COA.# 45811-0-II  
NO. 13-1-00597-1

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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION II

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IN RE PERSONAL RESTRAINT PETITION OF:

ANTHONY D. PARKER  
PETITIONER.

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PERSONAL RESTRAINT PETITION

---

ON APPEAL FROM THE KITSAP COUNTY SUPERIOR COURT  
THE HONORABLE SALLY OLSEN

---

PETITIONER'S OPENING BRIEF

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MOTION TO SUPPRESS  
EVIDENCE IS ATTACHED  
AS APPENDIX J.

Anthony D. Parker  
#776122  
Clallam Bay Corr. Cntr  
1830 Eagle Crest Way  
Clallam Bay, WA 98326

**A. STATUS OF PETITIONER.**

Anthony D. Parker challenges his 2013 Kitsap County convictions for Human Trafficking in the First Degree, Promoting Prostitution in the First Degree, Burglary in the First Degree, and 5 counts of Assault in the Second Degree, and Fourth Degree.

Parker is currently in custody as a result of these convictions, and is serving approximately fifty years. In addition, Parker has lost his right to vote and to possess a firearm as a result of the convictions. RAP 16.4(b)(c),(d). See Judgment and Sentence properly attached as App. A.

**B. RELEVANT FACTS.**

On April 4, 2013, the Bremerton Police, was conducting a surveillance operation on a local gang member known to be selling illegal drugs. Bremerton Police observed Johanna Catherine Holiday, age 23, of Bainbridge Island, get into the car of the gang member, take a short ride, and soon return to a fellow prostitute's car.<sup>1</sup>

Officer's then pulled the car over with the two women inside and found a pill of Oxycodone that Holliday admitted to purchasing. She said that she intended to smoke the pill. Officer's took the drug, and Holliday's cell phone,<sup>2</sup> and released Holliday at the scene because she agreed to meet with the detectives the following day to make a statement about her criminal activities. Holliday,

1. See news report App. C.

1.

2. See RP- Officers testimony.

however, failed to meet with the officer's the next day.

When the detectives obtained Holliday's cell phone, they had conducted a search where that search of the cell phone contents revealed Holliday to be a prostitute. The detectives obtained, information that Holliday was posting ads on backpage.com to gain clientel, they also obtained information about Parker, and several other people that were a part of an on going investigations of local gang members in the Bremerton area.<sup>3</sup>

Because of Holliday's drug addiction, and her ability to prostitute her body to obtain the drugs, the detectives knew that the only way to get Holliday to meet with them would be to devise a sceme by answering her ads for sex on backpage.com.

On April 12, 2013, Holliday was arrested when detectives with the Bremerton Police Department responded to Holliday's advertisement for prostitution services on backpage.com.

The charging document for Holliday stated that the Bremerton Police's Special Operations Group (SOG) was already investigating Holliday at the time she was stopped after the drug deal, detectives were investigating her for prostitution and involvement with drugs.

Holliday was booked into the Kitsap County Jail on April 13, 2013, for possession of narcotics and an outstanding DUI warrant. At no time was Holliday charged for prostitution.

3. No warrant was obtained for the contents of the cell phone.

According to the Statement of Probable Cause, after Holliday was placed into custody for possession of a schedule II drug, Percocet, and an outstanding warrant, Holliday agreed to give a taped statement, detailing her relationship with Llamas, and Parker, whom detectives identified through the contents of Holliday's cell phone. Holliday confirmed that Parker acted as her pimp, and boyfriend since the time he bailed her out of jail approximately four months prior to her arrest,<sup>4</sup> in or around December 2012.

Holliday claimed that Parker had beat her and forced her into prostitution on many occasions but could only attest to an actual date of these incidences to be April 12, 2013, the date she was arrested. According to the Bremerton Police, it was because of the statement given by Holliday, did they seek a warrant for Parker's arrest. On April 13, 2013, at approximately 1200 hours, detectives executed a search warrant signed by Judge Jennifer Forbes, where Parker was taken into custody. (It appears that this is the only warrant issued). See Probable Cause attached as App. B.

The State originally charged Parker with 1 count of Promoting Prostitution and Unlawful Possession of a Firearm. However, due to breakdown in communication's with lawyer the State amended the information , charging Parker with 1 count of Human Trafficking in the First Degree, 1 count of Promoting Prostitution in the First

3.

4. According to booking info, Holliday was in jail from 11-6-12-6, 2012

Degree, 1 count of Burglary in the First Degree, 1 count of Kidnapping in the First Degree, 4 counts of Assault in the Second Degree, 1 count of Assault in the Fourth Degree, 1 count of Unlawful Possession of a Firearm in the First Degree, and 1 count of Tampering with a Witness, which amongst other things was clearly an act of **Vindictive Prosecution**. See original Information and the Amended Information attached as App. D.

However the **Charging Document** states that the crimes of Promoting Prostitution and Human Trafficking occurred on or about 11-1-2012 and 4-12-2013, and the crimes of Assault and Kidnapping occurred on or about 1-1-2013 and 2-2-2013. The dates of the alleged crimes are inaccurate for the following reasons:

1) Although the **Probable Cause** alludes to certain crimes being committed over a period of time, the only date the detectives attributed to the crimes was 4-12-2013 and

2) Holliday was in custody 11-6-2012 to 12-6-2012, which made it highly improbable for Parker to be engaged in the crimes of Promoting Prostitution and Human Trafficking on Holliday when in fact she did not meet Parker until after she was released from jail on the 6th of December, 2012, like the probable cause stated. See Booking Document attached as App. E.

Furthermore, Holliday could not specify which date or day

the Assaults or Kidnapping supposedly occurred, which posed a problem for the defense. Because of the inaccuracies found in the charging document, the jury was led to believe that these crimes were committed from November 6, 2012 through April 12, 2013, and January 1, 2013 through February 2, 2013. See Question From Deliberating Jury attached as App. F, where the jury asked the court should it determine guilt on 1-1-13 and 2-2-13 or 1-1-13 through 2-2-13.

Because the State failed to correct the error of the dates, Parker was not able to defend against the charges and information, which therefore allowed the jury to be improperly instructed on the elements of the crimes charged.

Prior to trial Parker, had complained of his Counsel not taking the time to visit with him, to discuss the case at length. He also complained of Counsel not calling any witnesses or conducting a meaningful investigation. See Report of the Court Pg.2 1:39pm attached as App. G. Also Affidavit's from witnesses.

Based on Parker's counsel being ineffective, his incompetency allowed the State to try Parker on a defective charging document, with evidence obtained without a search warrant, which in turn deprived Parker of his inherent right to a fair trial, as he will show below.

### C. RELEVANT ARGUMENT.

#### 1. Introduction

Due Process requires the State to prove each element of the offense charged beyond a reasonable doubt. Apprendi v. New Jersey, 530 U.S. 466, 490, 120 S.Ct. 2348, 147 L.Ed.2d 435 (2000); In re Winship, 397 U.S. 358, 364, 90 S.Ct. 1068, 25 L.Ed.2d 368 (1970) (A criminal defendant's fundamental right to due process is violated when a conviction is based upon insufficient evidence; the accepted test is whether, after viewing the evidence in the light most favorable to the prosecution any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt) Jackson v. Virginia, 443 U.S. 307, 318, 99 S.Ct. 628, L.Ed.2d 560 (1970); State v. Green, 94 Wn.2d 216, 221, 616 P.2d 628 (1980).

Here, Parker's rights to a fair trial were violated when the State failed to prove he committed the crimes of Promoting Prostitution in the First Degree, Human Trafficking in the First Degree, Assault's in the Second and Fourth Degree, and Kidnapping in the First Degree, that were alleged in a defective charging document.

## 2. Charging Document

When evaluating the sufficiency of a charging document, where all of the essential elements are contained in the charging document the court of appeals asks whether the defendant has shown that he was nonetheless prejudiced by any vague or inartful

language in the charge. State v. Phuong, 174 Wn.App 494, 299 P.3d 37 (2013). In this case at bar, an essential element such as the correct date was not included in the information. Therefore the charging document was inadequate where it did not allow Parker to prepare a proper defense. See State v. Brewczynski, 173 Wn.App. 541, 294 P.3d 825 (2013).

Even though defense counsel failed to challenge the **inaccuracy** of the charging document prior to trial the Supreme Court held that defendant's may challenge a defective charging document for the first time on appeal; but where they have failed to raise such a challenge at trial the court construe the document liberally in favor of validity. State v. kjorsvik, 117 Wn.2d 93, 102, 812 P.2d 86 (1991).

However, a charging document is constitutionally defective under the Sixth Amendment to the United States Constitution and article I section 22 of the Washington State Constitution if it fails to include "all essential elements of a crime." The rationale underlying this rule is that a defendant must be apprised of the charges against him or her and allowed to prepare a defense. "An essential element is one whose specification is necessary to establish the very illegality of the behavior charged." State v. Johnson, 289 P.3d 662 (2012).

Here, the Prosecutor alleged that Parker committed the crimes of Promoting Prostitution and Human Trafficking on two specific dates 1) 11-1-2012, and 2) 4-12-2013. We know the dates are inaccurate because the victim in this case was incarcerated in jail from 11-6-2012 to 12-6-2012. Further, Holliday admitted that she did not know Parker prior to her short 30 day incarceration and met him after she was released.

[I]f this Court was to believe that a mistake was made in the charging document, where the document should have matched the dates on the to convict instructions where it states that on or about November 1, 2012 through April 12, 2013 then this Court is to conclude that the jury was improperly instructed on element number 1 in the to convict instruction on Human Trafficking and Promoting Prostitution in the First Degree. With an inaccurate date of the charged offense no rational trier of fact could have found the essential elements beyond a reasonable doubt. Id. In re Winship, supra.

When words in a charging document are read as a whole, construed according to common sense and include facts which are necessarily implied. State v. Taylor, 140 Wn.2d 229, 243, 996 P.2d 571 (2000) If the necessary elements are neither found nor fairly implied in the charging document the Court presumes prejudice and

reverse without reaching the question of prejudice. State v. McCarty, 140 Wn.2d 420, 425, 998 P.2d 296 (2000). Thus, adequate notice of the specific crime charged is an absolute requirement of the law. U.S. Const. amend. VI: Wash. Const. art. 1 § 22. See State v. Vangerpen, 125 Wn.2d 782, 888 P.2d 1177 (1995) (The remedy for information's failure to include essential elements is reversal and dismissal without prejudice). In this case this Court is required to reverse the Promoting Prostitution in the First Degree, and Human Trafficking convictions because the State cannot prove Parker committed these crimes on the dates it alleges in the charging document.

[I]f the State was to argue that the inaccuracies in the dates are or should be considered harmless error, that argument fails for the following reason;

In State v. Stribling, 164, Wn. App., 867, the State charged Stribling, in an amended information with one count of sexual exploitation of a minor, one count of attempted possession of depictions of a minor engaged in sexually explicit conduct, and seven counts of felony communication with a minor for immoral purposes. In the amended information, all of the felony communication with a minor for immoral purposes counts III through IX contained two separate "on or about" dates for when the alleged criminal acts

took place. Counts III, VIII, and IX two "on or about" dates matched but the two separately included dates in counts IV through VII did not match. Id.

In the Stribling, case the State noticed the non-matching dates and requested the trial court 1) ignore the inaccuracies as proof reading mistakes or 2) conform the amended information to the proof which was the first date in every count. Id.

However, the State in Parker's case made no such request even where they knew the victim was in jail during part of the time the crimes they had alleged occurred.

Under the fourth amendment, factual inaccuracies or omissions in a warrant affidavit may invalidate the warrant if the defendant establishes that they are (a) material and (b) made in reckless disregard for the truth; a showing of mere negligence or inadvertence is sufficient. State v. Chenoweth, 160 Wn.2d 454, 158 P.3d 595 (2007)(quoting Franks v. Delaware, 438 U.S. 154, 98 S.Ct. 2674 (U.S.Del 1978); See also State v. Franks, 105 Wn.App. 950, 22 P.3d 269 (2001)(inaccuracies in charging instrument).

Moreover, where the State relied on specific dates when it charged Parker for the crimes, there was no specificity in the to convict instructions" where the State no longer relied on the specific dates but broadened the dates by inserting the word through

in the "to convict instructions to allow the jury to basically pick a day they believe the crimes had occurred. See Jury Instructions attached as App. H. Thus, relieving its burden of proving each and every element of the crimes charged beyond a reasonable doubt. See Maddox v. City of L.A., 792 F.2d 1408, 1412 (9th Cir. 1986). While an erroneous instruction is not otherwise reversible unless the court is left with a substantial and ineradicable doubt as to whether the jury was properly guided in its deliberations." Binks Mfg. Co. v. Nat'l Presto Indus., Inc, 709 F.2d 1109, 1117 (7th Cir. 1983)(quoting Miller v. Universal City Studios. Inc, 650 F.2d 1365, 1372 (5th Cir. 1981) "The question on appeal is not whether an instruction was faultless in every respect, but whether the jury, considering the instruction as a whole, was misled."

Here, it is clear that the jury was misled into believing that the crimes of Promoting Prostitution in the First Degree, as well as Human Trafficking were both committed from 11-1-2012 through 4-12-2013, when surely from November 6 through December 6, 2012 the victim Johanna Holliday was not only in jail but did not know Parker until after she was released.

The principle standard for the charging decision is the prosecutions ability to prove all elements of the charge. State v. Campbell, 103 Wash.2d 1, 26, 691 P.2d 929 (1984)

The requirement of ability to prove the crime is also set forth in Standard 3-3.9 of the American Bar Association Standards on the Prosecution Function.

It is unprofessional conduct for a prosecutor to institute or cause to be instituted, or to permit the continued pendency of criminal charges when it is known that the charges are not supported by probable cause. A prosecutor should not institute, cause to be instituted, or permit the continued pendency of criminal charges in the absence of sufficient admissible evidence to support a conviction. *Id.* State v. Knapstad, 107 Wn.2d 346, 729 P.2d 51 (1986).

Here, the charges were not supported by the probable cause and the "to convict instructions were not supported by the charging document. The primary evidence that the State relied on was the evidence taken from Holliday's cell phone, which was taken in violation of Parker's Fourth Amendment right to the U.S. constitution and Holliday's testimony where she could not remember any day, date, or time the crimes actually took place. See argument below.

### 3. Illegal Search And Seizure

NO PERSON SHALL BE DISTURBED IN HIS PRIVATE AFFAIRS, OR HIS HOME INVADED, WITHOUT AUTHORITY OF LAW. Wash. Const. art. 1 § 7.

Under the privacy section of the Washington Constitution

a search occurs when the government disturbs those privacy interests that citizens of the State have held, and should be entitled to hold, safe from governmental trespass absent a warrant. State v. Hinton, 179 Wn.2d 862, 319 P.3d 9 (2014).

To determine whether governmental conduct intrudes on a private affair, Parker invites this Court to look at the "nature and extent of the information which was obtained as a result of the government conduct." See State v. Miles, 160 Wash.2d at 244, 156 P.3d 864 (citing State v. McKinney, 148 Wash.2d 20, 29, 60 P.3d 46 (2002)).

Here, when Holliday was stopped and searched by the police whom had observed her making a drug buy with a known gang member, the police confiscated her cell phone along with the drug she bought. Because she was not arrested at the scene, there was no reason for the confiscation of her cell phone.

However, it is gleaned that the police had intentions on going through her cell phone to maybe see if they could learn who her drug contacts were. From the time the cell phone was in the police's possession to the actual date of Holliday's arrest on 4-12-2013, there is no evidence of a court order or search warrant either telephonically or otherwise which authorized the police to obtain Holliday's private information.<sup>5</sup>

13.

5. Officer testified about a warrant but was not offered into evidence

Furthermore, even [i]f we were to assume that a warrant was obtained, Parker's privacy was violated as soon as the police searched the cell phone to gain access to Holliday's contacts. It wasn't until the police obtained the information about Holliday posting ads on the backpage.com for solicitation of services did the police learn of Parker and his interest's in Holliday.

The police read the text messages between Parker and Holliday, that maybe suggested Parker was acting as her pimp. However, the only way to confirm their suspicion was to contact Holliday by posing as a customer who was answering her ad on backpage.com. See App. C. Once in custody Holliday confirmed Parker as her pimp, and warrants were then issued. See App. B.

While the sender of a text message assumes a limited risk that the recipient may voluntarily expose that message to a third party, the sender does not assume the risk that the police will search the phone in a manner that violates the phone owner's rights. State v. Hinton, 179 Wn.2d 862, 319 P.3d 9 (2014).

Here, Holliday did not volunteer her cell phone to the police when she was detained for buying drugs. The phone was illegally confiscated and searched without her consent. It wasn't until after Holliday was placed into custody and interrogated about her relations with Parker did she volunteer and confirm the information obtained

from the cell phone which was admitted into evidence. See Trial Court's Exhibit List attached as App. I.

The police may seize an individual's phone pursuant to a lawful search incident to arrest to prevent the destruction of evidence, State v. Valdez, 167 Wash.2d 761, 776, 224 P.3d 751 (2009), but may search the phone (including text messages) only with a warrant, a valid exception to the warrant requirement, or the phone owner's express consent.

The problem we have here is, 1) the State cannot claim that phone was seized due to Holliday's arrest, when Holliday was never arrested on April 4, 2013, for being in possession of drugs, so the search incident to arrest does not apply here, and 2) because there is no evidence that Holliday consented to the search, Parker should have standing to challenge it now.

Moreover, since the phone was searched without a warrant, an exception, or consent, any evidence derived from the search, pertaining to Parker and the convictions for Promoting Prostitution, and Human Trafficking, or any and all other convictions related to the cell phone is fruit of the **poisonous tree**, and the convictions must be overturned. State v. Hinton, 179 Wn.2d 862, controls.

#### 4. Suppression Of Evidence

Although defense counsel was ineffective for failing to

suppress the evidence taken from Holliday's cell phone. Parker believes he has the right to suppress that evidence Post Conviction through his petition. See Motion To Suppress State's Evidence attached as App. J.

5. Ineffective Assistance Of Counsel

Both the Sixth Amendment to the United States Constitution and article 1, § 22 (amendment 10) of the Washington State Constitution guarantee the right to effective assistance of counsel in criminal proceedings.

A claim of ineffective assistance of counsel is an issue of constitutional magnitude that may be considered for the first time on appeal. State v. Nicols, 161 Wn.2d 1, 9, 162 P.3d 1122 (2007). A claim of ineffective assistance of counsel presents a mixed question of fact and law reviewed de novo." State v. Sutherby, 165 Wn.2d 870, 883, 204 P.3d 916 (2009).

To establish ineffective assistance of counsel, the defendant must establish that his attorney's performance was deficient and the deficiency prejudiced the defendant. Strickland v. Washington, 466 U.S. 668, 687, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984); State v. Hendrickson, 129 Wn.2d 61, 77-78, 917 P.2d 563 (1996). Deficient performance is performance falling "below an objective standard of reasonableness based on consideration of

all the circumstances." State v. McFarland, 127 Wn.2d 322, 334-335, 899 P.2d 1251 (1995). The prejudice prong requires the defendant must show that counsel made errors so serious that counsel was not functioning as the "counsel" guaranteed by the Sixth Amendment.

Second, the defendant must show that the deficient performance prejudiced the defense. This also requires showing that counsel's errors were so serious as to deprive the defendant of a fair trial whose result is reliable. Strickland, 466 U.S. at 687.

While there is a strong presumption that counsel's performance was reliable. State v. Studd, 137 Wn.2d 533, 551, 973 P.2d 1049 (1999); State v. Thomas, 109 Wn.2d 222, 226, 743 P.2d 816 (1987). The first question in deciding whether Parker was denied reliable, effective representation is whether counsel acted accordingly when he failed to:

1) **challenge** the defective charging document, and the inaccuracies found therein, or the "to convict instructions" that omitted the word "and" which was replaced with the word "through" as argued in section 2 of this petition:

2) **suppress** the contents of Holliday's cell phone which were obtained in violation of Article 1 § 7 and used against Parker to gain the convictions as argued in section 3 of this petition; and

3) **investigate** the case thoroughly where he would have

found that Holliday was in jail during the date and time of the alleged prostitution and human trafficking incidences, and that the evidence taken from the cell phone was done without consent or court order.. See Petitioner's Affidavit App. 1-A.

Further, what is equally troubling about counsel's failure to perform, is counsel did not call witnesses that were willing to testify for Parker. In the Brett, case where counsel was ineffective; the court held that to provide constitutionally adequate assistance, "counsel must, at a minimum, conduct a reasonable investigation enabling [counsel] to make informed decisions about how best to represent [the] client." In re Brett, 142 Wn.2d 868, 16 P.3d 601 (2001)(citing Sanders v. Ratell, 21 F.3d 1446, 1456 (9th Cir. 1994)).

It was obvious that Parker was having trouble with Mr. Wareham and his ability to try the case. Not only did Parker go on record about the breakdown in communication, counsel informed several people that they would be subpoenaed to testify for the defense but that never happened. Counsel even went as far as to tell witness Madison that he did not need to be subpoenaed. See Affidavits from Madison and Battles complaining about not being on any witness list. App. G.

Witness Parker, complained that counsel told her that she needed to think long and hard about testifying for her brother,

it is clear that counsel discouraged her and others from testifying for Parker. Why the discouragement? when she was only there as a character witness, however this came after the prosecutor threatened to put Parker's witnesses in jail. This act by the Prosecutor should have been challenged by the defense, but again counsel did little to help the case. See Ms. Parker's Affidavit App. G.

Moreover, even counsel's private investigator acknowledged that Parker received ineffective assistance of counsel, especially when counsel lied to him about being called as a rebuttal witness. See Email sent by Chris Mace App. G. Also RP's of the conflict of interest. App. K.

There was no legitimate trial strategy or tactic for not calling these witnesses when these were Parker's only witnesses. Hendrickson, 129 Wn.2d 77-78 supra. With a plethora of mistakes made by defense counsel, Parker is certain that had it not been for the errors the outcome of this case would have been different, in that with the defective charging document and evidence obtained in violation of our State and Federal Constitutions the prosecutor essentially had no case to try Parker for at least Promoting Prostitution and Human Trafficking [i]f not all of the alleged crimes. Hendrickson, 129 Wn.2d 61 supra. Thus ineffective assistance of counsel deprived Parker of his inherent right to a fair trial. In

re Brett, controls.

6. Actual And Substantial Prejudice

A [PRP] will be granted if the petitioner establishes actual and substantial prejudice resulting from a violation of [his/her] constitutional rights or a fundamental error of law. In re Benn, 134 Wn.2d 868, 884, 952 P.2d 116 (1998).

In this case actual prejudice attached when 1) the **charging document** misstated the facts of when Parker allegedly committed the crimes of Promoting Prostitution in the First Degree, and Human Trafficking in the First Degree, 2) the evidence obtained to gain the convictions were obtained in violation of **Article 1 § 7** which stemmed from the **fruit of the poisonous tree** and 3) when counsel failed to investigate the case thoroughly, where any other lawyer worth his weight would have seen the errors and acted upon them by moving to dismiss the charges.

Substantial prejudice attached when Parker was given 50 years for the government violating his constitutional rights.

7. Remedy

Because Parker have provided this Court with affidavits, court records, and other documents, he have shown and established through case law that he was actually and substantially prejudiced by the courts zeal to try this case where the prosecutor had no

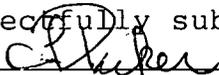
standing to do so in the absence of sufficient admissible evidence.  
State v. Campbell, 103 Wn.2d 1, supra.

The remedy here, is for this Court to vacate the convictions of Promoting Prostitution in the First Degree and Human Trafficking in the First Degree. If the State objects, then this Court should require the State to make a prima facie showing of any compelling reason not to allow this remedy. If the State cannot do so, then this Court should vacate judgment and remand to Kitsap County Superior Court for complete dismissal of charges or new trial. If the State makes a prima facie showing, then this Court should remand for an evidentiary hearing on the point. See In re Hews, 99 Wn.2d 80, 660 P.2d 263 (1983) and In re Fleming, 129 Wn.2d 529, 532, 919 P.2d 66 (1996).

D. CONCLUSION AND PRAYER FOR RELIEF.

Based on the above errors found herein, this Court should vacate Parker's convictions of Promoting Prostitution in the First Degree and Human Trafficking in the First Degree, or whatever this Court may deem to be a proper remedy. In the alternative this Court should remand to Kitsap County Superior Court for a reference/evidentiary hearing.

Respectfully submitted,



DATED this 7th day of July, 2014.

OATH OF PETITIONER

21.

PERSONAL RESTRAINT PETITION

STATE OF WASHINGTON

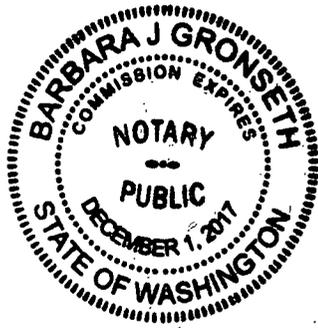
COUNTY OF CLALLAM

After being first duly sworn, on oath, I depose and say:  
That I am the petitioner, that I have read the petition/brief,  
know its contents, and I believe the petition/brief to be true.

Anthony Parker  
Signature

Anthony PARKER 776122  
Name & Number

2014 SUBSCRIBED AND SWORN to before me this 7<sup>th</sup> day of JULY



Barbara J Gronseth  
Notary Public in and for the  
State of Washington Residing  
at Clallam Bay  
My commission expires Dec. 1, 2017

APP. 1-A

AFFIDAVIT

APPENDIX 1-A PETITIONER'S AFFIDAVIT

I, Anthony D. Parker, an inmate who resides at Clallam Bay Correction Center do solemnly swear under the laws of penalty and perjury of the State of Washington that the following is true and correct to my knowledge;

That from the date of my arrest on April 13, 2013 to the date of my conviction by jury, I had received ineffective assistance of counsel. At no time did my assigned attorney Matthew Wareham conduct a meaningful investigation into my case, and refused to call witnesses on my behalf. When I complained about the dates on the information document, being wrong and inaccurate Matthew Wareham told me that there was no need to worry about it and that it did not matter. When I complained of the Holliday's cell phone being illegally confiscated he told me that the law allowed them meaning the police to take the phone and search it even without consent or an actual arrest.

I tried complaining to the court about my attorney not talking to me or visiting me in jail to try to at least put together a defense on my behalf, but the judge refused to inquire into the matter, even when my attorney complained that he had a conflict of interest and needed to withdraw the judge denied the request.

I believe had my attorney investigated my case and called

AFFIDAVIT CONT'

my witnesses I would not have been found guilty of the crimes alleged. And I also believe that had my attorney challenged the charging document or suppressed the evidence obtained from Johanna Holliday's cell phone I would not have been tried for Promoting Prostitution, Human Trafficking, and the other crimes.

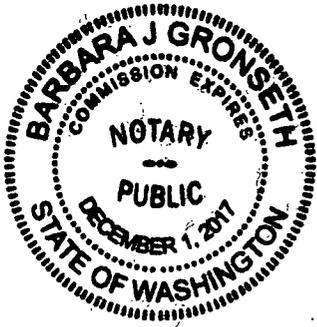
Ineffective assistance of counsel denied me my right to a fair trial under the State and Federal Constitutions. And I would like this Court to review this claim to see the prejudice that my trial attorney caused.

*Anthony D. Parker* 776122  
Affiant's Signature/DOC #

Anthony D. Parker Pro Se  
Clallam Bay Correction Center  
1830 Eagle Crest Way  
Clallam Bay, WA 98326

2014

SUBSCRIBED AND SWORN to before me this 7<sup>th</sup> day of JULY



*Barbara J Gronseth*  
Notary Public in and for the  
State of Washington Residing at  
Clallam Bay My  
commission expires Dec. 1, 2017

APP.A

APPENDIX A. JUDGMENT AND SENTENCE

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RECEIVED AND FILED  
IN OPEN COURT  
JAN 14 2014

DAVID W. PETERSON  
KITSAP COUNTY CLERK

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON, )  
 ) No. 13-1-00597-1  
 Plaintiff, )  
 ) JUDGMENT AND SENTENCE  
 v. )  
 )  
 ANTHONY DEWAYNE PARKER, )  
 Age: 34; DOB: 06/15/1979, )  
 )  
 Defendant. )

A sentencing hearing was held in which the Defendant, the Defendant's attorney, and the Deputy Prosecuting Attorney were present. The Court now makes the following findings, judgment and sentence.

The Defendant was found guilty, by  plea  jury verdict  bench trial  trial upon stipulated facts, of the following-

2.1 CURRENT OFFENSE(S) <i>Asterisk (*) denotes same criminal conduct (RCW 9.94A.523).</i>	RCW	Date(s) of Crime from to		The Special Allegations* listed below were pled and proved
I Human Trafficking First Degree	9A.40.100.1	11/01/2012	04/12/2013	
I Domestic Violence	10.99.020			X
I Special Allegation-Aggravating Circumstance-Deliberate Cruelty	9.94A.535.3A			X
I Armed With Firearm	9.94A.533.3A			X
II Promoting Prostitution in the First Degree	9A.88.070	11/01/2012	04/12/2013	
II Domestic Violence	10.99.020			X
II Special Allegation-Aggravating Circumstance-Deliberate Cruelty	9.94A.535.3A			X
II Armed With Firearm	9.94A.533.3B			X
III Assault in the Second Degree	9A.36.021.1E	12/13/2012	01/20/2013	
III Domestic Violence	10.99.020			X
III Special Allegation-Aggravating Circumstance-Domestic Violence	9.94A.535.3H			X
IV Burglary in the First Degree	9A.52.020	01/01/2013	02/02/2013	
V Assault in the Second Degree	9A.36.021.1A	01/01/2013	02/02/2013	

JUDGMENT AND SENTENCE; Page 1  
[Form revised January 29, 2010]



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V	Domestic Violence	10.99.020			X
V	Special Allegation-Aggravating Circumstance-Domestic Violence	9.94A.535.3H			X
VI	<b>Kidnapping in the First Degree</b>	<b>9A.40.020</b>	<b>01/01/2013</b>	<b>02/02/2013</b>	
VI	Domestic Violence	10.99.020			X
VI	Special Allegation-Aggravating Circumstance-Domestic Violence	9.94A.535.3H			X
VI	<b>Assault in the Second Degree</b>	<b>9A.36.021.1A</b>	<b>01/01/2013</b>	<b>02/02/2013</b>	
VI I					
VII	Domestic Violence	10.99.020			X
VII	Special Allegation-Aggravating Circumstance-Domestic Violence	9.94A.535.3H			X
VII	Special Allegation-Aggravating Circumstance-Deliberate Cruelty	9.94A.535.3A			X
VI II	<b>Assault in the Second Degree (All Prongs)</b>	<b>9A.36.021.1A-1G</b>	<b>01/01/2013</b>	<b>02/02/2013</b>	
VII I	Domestic Violence	10.99.020			X
VII I	Special Allegation-Aggravating Circumstance-Domestic Violence	9.94A.535.3H			X
VII I	Armed With Firearm	9.94A.533.3B			X
VII I	Special Allegation-Aggravating Circumstance-Deliberate Cruelty	9.94A.535.3A			X
IX	<b>Assault in the Fourth Degree</b>	<b>9A.36.041</b>	<b>04/01/2013</b>	<b>04/12/2013</b>	
IX	Domestic Violence	10.99.020			X
X	<b>Unlawful Possession of a Firearm in the First Degree</b>	<b>9.41.040.1A</b>	<b>04/12/2013</b>	<b>04/12/2013</b>	
X	Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			
XI	<b>Tampering With a Witness</b>	<b>9A.72.120</b>	<b>06/29/2013</b>	<b>07/01/2013</b>	



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515

2.2 CRIMINAL HISTORY (RCW 9.94A.525) <i>Asterisk (*) denotes prior convictions that were same criminal conduct.</i>		Date of Crime	Date of Sentence	Sentencing Court	Juv (x)
Assault 3		09/12/09	5/3/10	Kitsap County	
VUCSA		1/15/06	6/2/06	Kitsap County	
VUCSA		4/25/03	11/10/03	Kitsap County	
PSP 2		8/5/02	9/25/02	Kitsap County	
Assault 3		9/29/01	9/3/02	Kitsap County	
VUCSA		7/4/97	9/26/01	Kitsap County	
VUCSA - Possession with Intent		9/19/97	1/26/98	Kitsap County	
VUCSA - Possession with Intent		10/10/97	1/26/98	Kitsap County	
Assault 4		8/18/96	12/18/96	Kitsap County	X
Burglary 2		09/21/94	10/25/94	Kitsap County	X
TMVWOP		8/9/93	1/18/94	Kitsap County	X
TMVWOP		9/19/93	1/18/94	Kitsap County	X

2.3 SENTENCING DATA

Count	Offender Score+	Seriousness Level	Standard Range	Mo. (x)	Special Allegations Type*	Years	Total Standard Range (Mo.)	Maximum Term
I.	13 (SCC as Counts II, III, V, VI, VIII)	XIV	298 to 397	X	F DV DC	5 - -	358 to 457	Life
II.	13 (SCC as Counts I, III, V, VI, VIII)	VIII	108 to 120	X	F DV DC	3 - -	144 to 156	10 yrs
III.	22 (SCC as Counts I, II)	IV	63 to 84	X	DV ACDV	- -	63 to 84	10 yrs
IV.	24	VII	87 to 116	X			87 to 116	Life
V.	20 (SCC as Counts I, II, VI)	IV	63 to 84	X	DV ACDV	- -	63 to 84	10 yrs



576

2.3 SENTENCING DATA

Count	Offender Score+	Seriousness Level	Standard Range	Mo. (x)	Special Allegations Type*	Years	Total Standard Range (Mo.)	Maximum Term
VI.	16 (SCC as Counts I, II, V, VII, VIII)	X	149 to 198	X	DV ACDV	- -	149 to 198	Life
VII.	20 (SCC as Counts I, II, VI)	IV	63 to 84	X	DC DV ACDV	- - -	63 to 84	10 yrs
VIII.	20 (SCC as Counts I, II, VI)	IV	63 to 84	X	F DC DV ACDV	3 - - -	99 to 120	10 yrs
IX.	N/A	N/A	0 to 364 days	-	DV	-		364 days
X.	19	VII	87 to 116	X	MCO	-	87 to 116	10 yrs
XI.	19	III	51 to 69	X	-	-	51 to 69	5 yrs

Defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525.

\*SPECIAL ALLEGATION KEY (RCWs)- F=Firearm (9.94A.533); DV=Domestic Violence (10.99.020); DC=Deliberate Cruelty (9.94A.535.3A); ACDV=Aggravating Circumstance-Domestic Violence (9.94A.535.3H); MCO=Multiple Current Offenses (RCW 9.94A.535(2)(c)); AG=Jury finding of fact supporting these aggravating factors (9.94A.535(3)).  
 +SCC denotes the offender score calculation based on same criminal conduct. RCW 9.94A.589(1)(a).

CONFINEMENT/STATUS

2.4-EXCEPTIONAL SENTENCE-Substantial and compelling reasons exist justifying a sentence  above the standard range on Count I.  
 The Prosecutor  did  did not recommend a similar sentence.  The exceptional sentence was stipulated by the Prosecutor and the Defendant. Findings of Fact and Conclusions of Law entered in support of the exceptional sentence are incorporated by reference.

COURT'S SENTENCE:		
<i>Sentences over 12 months will be served with the Department of Corrections. Sentences 12 months or less will be served in the Kitsap County Jail, unless otherwise indicated.</i>		
COUNT I <u>397</u> <input checked="" type="checkbox"/> Mo. and 60 months for firearm enhancement* <del>397</del> <u>1457</u> Total (exceptional upward departure)	COUNT II <u>120</u> <input checked="" type="checkbox"/> Mo. and 36 months for firearm enhancement* <u>156</u> Total	COUNT III <u>84</u> <input checked="" type="checkbox"/> Mo.
COUNT IV <u>116</u> <input checked="" type="checkbox"/> Mo.	COUNT V <u>84</u> <input checked="" type="checkbox"/> Mo.	COUNT VI <u>198</u> <input checked="" type="checkbox"/> Mo.
COUNT VII <u>84</u> <input checked="" type="checkbox"/> Mo.	COUNT VIII <u>84</u> <input checked="" type="checkbox"/> Mo. and 36 months for firearm	COUNT IX 0 Days with 0 Days suspended



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	enhancement*	
	<u>120</u> Total	

COUNT X <u>116</u> <input checked="" type="checkbox"/> Mo.	COUNT XI <u>69</u> <input checked="" type="checkbox"/> Mo	
--	---	--

IF MULTIPLE COUNTS--  
 Base Sentence: 397  Months Max. Term: Life  
 Firearm enhancements: 132  Months  
~~Total confinement ordered with enhancements: 529  Months Max. Term: Life~~  
 Total confinement ordered, including an exceptional sentence (based on Findings and Conclusions incorporated by reference): 601  Months Max. Term: Life *↳ includes all firearm enhancements*

COUNTS TO BE SERVED--  
 Base sentence of Count I served  Concurrent with all other counts;  
 Base sentence of Count II served  Concurrent with all other counts;  
 Base sentence of Count III served  Concurrent with all other counts;  
 Base sentence of Count IV served  Concurrent with all other counts;  
 Base sentence of Count V served  Concurrent with all other counts;  
 Base sentence of Count VII served  Concurrent with all other counts;  
 Base sentence of Count VIII served  Concurrent with all other counts;  
 Base sentence of Count IX served  Concurrent with all other counts;  
 Base sentence of Count X served  Concurrent with all other counts;  
 Base sentence of Count XI served  Concurrent with all other counts;  
 Firearm enhancements shall be served consecutive

\* Firearm enhancements shall be served consecutive to each other, shall be served in total confinement, and shall run consecutively to all other offenses included in the sentence. RCW 9.94A.533(3); *State v. Callihan*, 120 Wash.App. 620, 85 P.3d 979 (2004).

4.5- CONFINEMENT OVER ONE YEAR--Defendant is sentenced to the above term of total confinement in the custody of the Department of Corrections.

CREDIT FOR TIME SERVED. RCW 9.94A.505. Defendant shall receive credit for time served prior to sentencing solely for this cause number as computed by the jail unless specifically set forth--       days.

4.3- NO CONTACT ORDER--Defendant shall abide by the terms of any no contact order issued as part of this Judgment and Sentence.

**SUPERVISION**

4.6- COMMUNITY CUSTODY - SENTENCES OTHER THAN DOSA, SSOSA AND WORK ETHIC CAMP. RCW 9.94A.505, .701, .702, .704, .706. Defendant shall be supervised for the longest time period checked in the table below. Defendant shall report to DOC in person no later than 72 hours after release from custody and shall comply with all conditions stated in this Judgment and Sentence, including those checked in the SUPERVISION SCHEDULE, and other conditions imposed by the court or DOC during community custody (and supervised probation if ordered).



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**Community Custody Is Ordered for the Following Term(s):**

For offenders sentenced to the custody of DOC (total term of confinement 12+ months or more):

- COUNT(S)\_I, VI      **36 months** for: Serious Violent Offenses; Sex Offenses (including felony Failure to Register as a Sex Offender if the defendant has at least one prior felony failure to register conviction);
- COUNT(S)\_III, IV, V, VII, VIII      **18 months** for Violent Offense
- COUNT(S)\_II \_\_\_\_\_      **12 months** for: Crimes Against Person; felony offenses under chapter 69.50 or 69.52 RCW; felony Failure to Register as a Sex Offender (if the defendant has no prior convictions for failure to register)

- Community custody for sex offenders may be extended for up to the statutory maximum term.
- For sex offenses, defendant shall submit to electronic home detention if imposed by DOC

**COMMUNITY CUSTODY VIOLATIONS.** In any case in which community custody is imposed, if the Defendant is subject to a first or second violation hearing and DOC finds that the Defendant committed the violation, the Defendant may receive as a sanction up to 60 days of confinement per violation. RCW 9.94A.633. Further, in any case, if the Defendant has not completed his or her maximum term of total confinement and is subject to a third violation hearing and DOC finds that the Defendant committed the violation, DOC may return the Defendant to a state correctional facility to serve up to the remaining portion of the Defendant's sentence. RCW 9.94A.714.



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519

1 **SUPERVISION SCHEDULE: The Defendant Shall-**

2  **STANDARD**

- 3 •Obey all laws and obey instructions, affirmative  
4 conditions, and rules of the court, DOC and CCO.  
5 •Report to and be available for contact with assigned  
6 CCO as directed.  
7 •Obey all no-contact orders including any in this  
8 judgment.  
9 •Remain within prescribed geographical boundaries  
10 and notify the court and CCO in advance of any  
11 change in address or employment.  
12 •Notify CCO within 48 hours of any new arrests or  
13 criminal convictions.  
14 •Pay DOC monthly supervision assessment.  
15 •Comply with crime-related prohibitions.

16  **SERIOUS VIOLENT / VIOLENT OFFENSE, CRIME  
17 AGAINST A PERSON AND/OR DRUG OFFENSE (non-  
18 DOSA)**

- 19 •Work only at DOC-approved education, employment  
20 and/or community service.  
21 •Possess or consume no controlled substances without  
22 legal prescription.  
23 •Reside only at DOC-approved location and  
24 arrangement.  
25 •Consume no alcohol, if so directed by the CCO.

26  **FIRST OFFENDER**

- 27 •Obey all laws.  
28 •Devote time to specific employment or occupation.  
29 •Pursue a prescribed secular course of study or  
30 vocational training.  
31 •Participate in DOC programs and classes, as directed.  
 Undergo available outpatient treatment for up to  
one year, or inpatient treatment not to exceed standard  
sentence range.

**FINANCIAL GAIN**

- Commit no thefts.  
 Possess no stolen property.  
 Have no checking account or possess any blank or  
partially blank checks.  
 Seek or maintain no employment or in a volunteer  
organization where Defendant has access to cash,  
checks, accounts receivable or payable, or books  
without the prior written permission of the CCO after  
notifying employer in writing of this conviction.  
 Use no names of persons other than the Defendant's  
true name on any document, written instrument, check,  
refund slip or similar written instrument.  
 Possess no identification in any other name other  
than Defendant's true name.  
 Possess no credit cards or access devices belonging  
to others or with false names.  
 Cause no articles to be refunded except with the  
written permission of CCO.  
 Take a polygraph test as requested by CCO to  
monitor compliance with supervision.

**PSI CONDITIONS**-All conditions recommended in the  
Pre-Sentence Investigation are incorporated herein as  
conditions of community custody, in addition to any  
conditions listed in this judgment and sentence.

**ALCOHOL/DRUGS**

- Possess or consume no alcohol.  
 Enter no bar or place where alcohol is the chief  
item of sale.  
 Possess and use no illegal drugs and drug  
paraphernalia.  
 Submit to UA and breath tests at own expense at  
CCO request.  
 Submit to searches of person, residence or vehicles  
at CCO request.  
 Have no contact with any persons who use, possess,  
manufacture, sell or buy illegal controlled substances  
or drugs.  
 Install ignition interlock device as directed by  
CCO. RCW 46.20.710-.750.

**EVALUATIONS**- Complete an evaluation for:  
 substance abuse  anger management  mental  
health, and fully comply with all treatment  
recommended by CCO and/or treatment provider.

**DOSA**

- Successfully complete drug treatment program  
specified by DOC, and comply with all drug-related  
conditions ordered.  
 Devote time to a specific employment or training.  
 Perform community service work.

**42-OFF-LIMITS ORDER** (known drug trafficker) RCW  
10.66.020. The following "protected against drug  
trafficking areas" are off-limits to the Defendant while  
under county jail or DOC supervision:

**PROGRAMS / ASSAULT**

- Have no assaultive behavior.  
 Successfully complete a certified DV perpetrators  
program.  
 Successfully complete an anger management class.  
 Successfully complete a victim's awareness  
program.

**TRAFFIC**

- Commit no traffic offenses  
•Do not drive until your privilege to do so is restored  
by DOL.

**HAVE NO CONTACT WITH: JOHANNA HOLLIDAY,  
JENNIFER PREROST**

**OTHER:**

JUDGMENT AND SENTENCE; Page 7

[Form revised January 29, 2010]



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520

**FINANCIAL OBLIGATIONS**

4.1-LEGAL FINANCIAL OBLIGATIONS-RCW 9.94A.760. The Court finds that the Defendant has the ability or likely future ability to pay legal financial obligations. The Defendant shall pay by cash, money order, or certified check to the Kitsap County Superior Court Clerk at 614 Division Street, MS-34, Port Orchard, WA 98366, as indicated-

X	\$500 Victim Assessment, RCW 7.68.035 [PCV]	\$ _____ Sheriff service/sub. fees [SFR/SFS/SFW/SRF]
X	\$1135 Court-appointed attorney fees [PUB]	\$ _____ Witness Costs [WFR]
X	\$200 Filing Fee; \$110 if filed before 7/24/2005 [FRC]	\$ _____ Jury Demand fee [JFR]
X	\$100 DNA / Biological Sample Fee, RCW 43.43.7541	\$ _____ Court-appointed defense fees/other costs
	<input type="checkbox"/> \$1,000 <input type="checkbox"/> \$2,000 Mandatory fine for drug crimes, RCW 69.50.430	X \$100 Domestic Violence Assessment, RCW 10.99.080 <input checked="" type="checkbox"/> Kitsap Co. YWCA <input type="checkbox"/> Kitsap Sexual Assault Ctr
	\$ _____ Contribution to SIU-Bremerton Police Department, RCW 9.94A.030, 9.94A.760.	X \$100 Contribution-Kitsap County Expert Witness Fund [Kitsap County Ordinance 139.1991]
	\$100 Crime Lab fee, RCW 43.43.690(1)	X \$500 Contribution-Kitsap Co. Special Assault Unit
	\$3,000 Methamphetamine / amphetamine Cleanup Fine, RCW 69.50.440 or 69.50.401(2)(b)	\$100 Contribution-Anti-Profitereing Fund of Kitsap Co. Prosecuting Attorney's Office, RCW 9A.82.110
	Emergency Response Costs - DUI, Veh. Homicide or Veh. Assault, RCW 38.52.430, per separate order.	\$200 DUC-DUI/DP Account Fee - Imposed on any DUI, Physical Control, Vehicular Homicide, or Vehicular Assault. RCW 46.61.5054.

**RESTITUTION**-To be determined at a future date by separate order(s). If the defendant has waived his or her presence at any future restitution hearing, either through the terms of any applicable plea agreement in this case or by voluntary waiver indicated on the judgment and sentence, the court hereby accepts that waiver by the defendant.

**REMAINING LEGAL FINANCIAL OBLIGATIONS AND RESTITUTION**-The legal financial obligations and/or any restitution noted above may not be complete and are subject to future order by the Court.

**PAYMENT SCHEDULE** - All payments shall commence  immediately  within 60 days from today's date, and be made in accordance with policies of the Clerk or DOC and on a schedule as follows: pay \$100 \$50 \$25  \_\_\_\_\_ per month, unless otherwise noted- \_\_\_\_\_ RCW 9.94A.760.

**12% INTEREST FOR LEGAL FINANCIAL OBLIGATIONS/ADDITIONAL COSTS**-Financial obligations in this judgment shall bear interest from date of the judgment until paid in full at the rate applicable to civil judgments. An award of costs of appeal may be added to the total legal financial obligations. RCW 10.82.090, RCW 10.73.160. **INTEREST WAIVED FOR TIMELY PAYMENTS**-The Superior Court Clerk has the authority to waive the 12% interest if the Defendant makes timely payments under this payment schedule.

**50% PENALTY FOR FAILURE TO PAY LEGAL FINANCIAL OBLIGATIONS**- Defendant shall pay the costs of services to collect unpaid legal financial obligations. Failure to make timely payments will result in assessment of additional penalties, including an additional 50% penalty if this case is sent to a collections agency due to non-payment. RCW 36.18.190.

**OTHER**

- 4.2-HIV TESTING-The Defendant shall submit to HIV testing. RCW 70.24.340.
- 4.2-DNA TESTING-The Defendant shall have a biological sample collected for DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency or DOC shall obtain the sample prior to the defendant's release from confinement. RCW 43.43.754. If the defendant is out of custody, he or she must report directly to the Kitsap County Jail to arrange for DNA sampling.
- FORFEITURE**-Forfeit all seized property referenced in the discovery to the originating law enforcement agency unless otherwise stated.

JUDGMENT AND SENTENCE; Page 8

[Form revised January 29, 2010]



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- 1  4.10—COMPLIANCE WITH SENTENCE—Defendant shall perform all affirmative acts necessary for DOC to  
 2 monitor compliance with all of the terms of this Judgment and Sentence.  
 3  JOINT AGREEMENTS IN THE PLEA AGREEMENT—Are in full force and effect unless otherwise stated in  
 4 this judgment and sentence.  
 EXONERATION—The Court hereby exonerates any bail, bond, and/or personal recognizance conditions.

5 **NOTICES AND SIGNATURES**

6 5.1—COLLATERAL ATTACK ON JUDGMENT—Any petition or motion for collateral attack on this judgment  
 7 and sentence, including but not limited to any personal restraint petition, state habeas corpus petition,  
 8 motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest  
 9 judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW  
 10 10.73.100, RCW 10.73.090.

11 5.2—LENGTH OF SUPERVISION—The court shall retain jurisdiction over the offender, for the purposes of the  
 12 offender's compliance with payment of the legal financial obligations, until the obligation is completely  
 13 satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5).

14 5.3—NOTICE OF INCOME-WITHHOLDING ACTION—If the Court has not ordered an immediate notice of  
 15 payroll deduction, you are notified that the DOC may issue a notice of a payroll deduction without notice to  
 16 you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the  
 17 amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW  
 18 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

19 5.5—ANY VIOLATION OF JUDGMENT AND SENTENCE—Is punishable by up to 60 days of confinement per  
 20 violation. RCW 9.94A.633. The court may also impose any of the penalties or conditions outlined in RCW  
 21 9.94A.633.

22 5.6—FIREARMS—You must immediately surrender any concealed pistol license and you may not own,  
 23 use, or possess any firearm unless your right to do so is restored by a court of record.

24 Clerk's Action Required—The court clerk shall forward a copy of the Defendant's driver's license, identicaid, or  
 25 comparable identification, to the DOL along with the date of conviction or commitment. RCW 9.41.040, 9.41.047.

26 **Cross off if not applicable—**

27 5.7—SEX AND KIDNAPPING OFFENDER REGISTRATION. LAWS OF 2010, CHL 267 § 1, RCW 9A.44.130, 10.01.200.

28 **1. General Applicability and Requirements:**

29 Because this crime involves a sex offense or kidnapping offense involving a minor as defined in LAWS OF 2010,  
 30 CH. 267 § 1 AND/OR RCW 9A.44.130, you are required to register.

31 If you are a resident of Washington, you must register with the sheriff of the county of the state of Washington  
 where you reside. You must register within three business days of being sentenced unless you are in custody, in which  
 case you must register at the time of your release with the person designated by the agency that has jurisdiction over  
 you. You must also register within three business days of your release with the sheriff of the county of the state of  
 Washington where you will be residing.

If you are not a resident of Washington but you are a student in Washington or you are employed in Washington  
 or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of  
 employment, or vocation. You must register within three business days of being sentenced unless you are in custody,  
 in which case you must register at the time of your release with the person designated by the agency that has  
 jurisdiction over you. You must also register within three business days of your release with the sheriff of the county  
 of your school, where you are employed, or where you carry on a vocation

**2. Offenders Who are New Residents or Returning Washington Residents:**

If you move to Washington or if you leave this state following your sentencing or release from custody but later  
 move back to Washington, you must register within three business days after moving to this state. If you leave this state  
 following your sentencing or release from custody but later while not a resident of Washington you become employed  
 in Washington, carry on a vocation in Washington, or attend school in Washington, you must register within three  
 business days after starting school in this state or becoming employed or carrying out a vocation in this state.

**3. Change of Residence Within State:**

If you change your residence within a county, you must provide, by certified mail, with return receipt requested or  
 in person, signed written notice of your change of residence to the sheriff within three business days of moving. If you  
 change your residence to a new county within this state, you must register with the sheriff of the new county within



*522*

1 three business days of moving. Also within three business days, you must provide, by certified mail, with return  
2 receipt requested or in person, signed written notice of your change of address to the sheriff of the county where you  
last registered.

3 **4. Leaving the State or Moving to Another State**

4 If you move to another state, or if you work, carry on a vocation, or attend school in another state you must  
5 register a new address, fingerprints, and photograph with the new state within three business days after establishing  
6 residence, or after beginning to work, carry on a vocation, or attend school in the new state. If you move out of the  
7 state, you must also send written notice within three business days of moving to the new state or to a foreign country to  
8 the county sheriff with whom you last registered in Washington State.

9 **5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher  
10 Education or Common School (K-12):**

11 If you are a resident of Washington and you are admitted to a public or private institution of higher education, you  
12 are required to notify the sheriff of the county of your residence of your intent to attend the institution within three  
13 business days prior to arriving at the institution. If you become employed at a public or private institution of higher  
14 education, you are required to notify the sheriff for the county of your residence of your employment by the institution  
15 within three business days prior to beginning to work at the institution. If your enrollment or employment at a public or  
16 private institution of higher education is terminated, you are required to notify the sheriff for the county of your  
17 residence of your termination of enrollment or employment within three business days of such termination. If you  
18 attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, you are  
19 required to notify the sheriff of the county of your residence of your intent to attend the school. You must notify the  
20 sheriff within three business days prior to arriving at the school to attend classes. The sheriff shall promptly notify the  
21 principal of the school.

22 **6. Registration by a Person Who Does Not Have a Fixed Residence:**

23 Even if you do not have a fixed residence, you are required to register. Registration must occur within three  
24 business days of release in the county where you are being supervised if you do not have a residence at the time of your  
25 release from custody. Within three business days after losing your fixed residence, you must send signed written  
26 notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than  
27 24 hours, you will be required to register with the sheriff of the new county not more than three business days after  
28 entering the new county. You must also report weekly in person to the sheriff of the county where you are registered.  
The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business  
hours. You must keep an accurate accounting of where you stay during the week and provide it to the county sheriff  
upon request. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level  
and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

29 **7. Application for a Name Change:**

30 If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of  
31 your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If  
you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of  
your residence and to the state patrol within three business days of the entry of the order. RCW 9A.44.130(7).

32 **5.8-PERSISTENT OFFENDER-**

33 **"Three Strike" Warning-**You have been convicted of an offense that is classified as a "most serious offense"  
34 under RCW 9.94A.030. A third conviction in Washington State of a most serious offense, regardless of whether the  
35 first two convictions occurred in a federal or non-Washington state court, will render you a "persistent offender."

36 **"Two Strike" Warning-**In addition, if this offense is (1) rape in the first degree, rape of a child in the first degree,  
37 rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child  
38 molestation in the first degree; or (2) any of the following offenses with a finding of sexual motivation: murder in the  
39 first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second  
40 degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in  
41 the second degree, or a burglary in the first degree; or (3) any attempt to commit any of the crimes listed in RCW  
9.94A.030(32), and you have at least one prior conviction for a crime listed in RCW 9.94A.030(32) in this state,  
federal court, or elsewhere, this will render you a "persistent offender." RCW 9.94A.030(32).

42 **Persistent Offender Sentence-**A persistent offender shall be sentenced to a term of total confinement for life  
43 without the possibility of early release, or, when authorized by RCW 10.95.030 for the crime of aggravated murder in  
44 the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. RCW 9.94A.570.

45  **5.8-DEPARTMENT OF LICENSING NOTICE-**The court finds that Count \_\_\_\_\_ is a felony in the  
46 commission of which a motor vehicle was used. **Clerk's Action-**The clerk shall forward an Abstract



523

1 of Court Record (ACR) to the DOL, which must revoke the Defendant's driver's license. RCW  
2 46.20.285. Findings for DUI, Physical Control, Felony DUI or Physical Control, Vehicular  
3 Assault, or Vehicular Homicide (ACR information):

4  BAC The defendant had an alcohol concentration of breath or blood within two hours after driving  
5 or being in physical control of \_\_\_\_\_;

6  No BAC test.

7  BAC Refused. The defendant refused to take a test offered pursuant to RCW 46.20.308.

8  Drug Related. The defendant was under the influence of or affected by any drug.

9  THC.

10  Mental Health.

11  Passenger under age 16. The defendant committed the offense while a passenger under the age of  
12 sixteen was in the vehicle.

13 Vehicle Information: Commercial Vehicle  Yes  No; 16 Passenger  Yes  No; Hazmat  Yes  
14  No.

15 58-TREATMENT RECORDS-If the Defendant is or becomes subject to court-ordered mental health or  
16 chemical dependency treatment, the Defendant must notify DOC and must share the Defendant's treatment  
17 information with DOC for the duration of the Defendant's incarceration and supervision. RCW 9.94A.562.

18 **Voting Rights Statement:**

19 I acknowledge that my right to vote has been lost due to felony conviction. If I am registered to vote, my voter  
20 registration will be cancelled.

21 My right to vote will be provisionally restored as long as I am not under the authority of DOC (not serving a sentence  
22 in the custody of DOC and not subject to community custody as defined in RCW 9.94A.030). I must re-register before  
23 voting. The provisional right to vote may be revoked if I fail to comply with all the terms of my legal financial  
24 obligations or an agreement for the payment of legal financial obligations.

25 My right to vote may be permanently restored by one of the following for each felony conviction: a) A certificate of  
26 discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the  
27 right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050;  
28 or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C  
29 felony, RCW 92A.84.660. Registering to vote before the right is restored is a class C felony, RCW 29A.84.140.

30 Defendant's Signature: X [Signature]

31 **SO ORDERED IN OPEN COURT.**

DATED 1/14/14

JUDGE [Signature]  
SALLY FOLSEN

[Signature], WSBA NO. 40761  
Deputy Prosecuting Attorney

[Signature], WSBA NO. 38828  
Attorney for Defendant

Defendant has previously, through their plea agreement, waived  
his or her presence at any future restitution hearing.

(initials)

[Signature]  
ANTHONY DEWAYNE PARKER  
Defendant

If I have not previously done so, I hereby agree to waive my  
right to be present at any restitution proceedings:

JUDGMENT AND SENTENCE; Page 11

[Form revised January 29, 2010]



Russell D. Hauge, Prosecuting Attorney  
Adult Criminal and Administrative Divisions  
614 Division Street, MS-35  
Port Orchard, WA 98366-4681  
(360) 337-7174; Fax (360) 337-4949  
www.kitsapgov.com/pros

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**Russell D. Hange, Prosecuting Attorney**  
Adult Criminal and Administrative Divisions  
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525

1 INTERPRETER'S DECLARATION - I am a certified or registered interpreter, or the court has found me other  
2 wise qualified to interpret, the \_\_\_\_\_ language, which the Defendant  
3 understands. I interpreted this Judgment and Sentence for the Defendant into that language.

4 I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and  
5 correct.

6 Translator signature/Print name- \_\_\_\_\_  
7 Signed at Port Orchard, Washington, on \_\_\_\_\_, 201\_\_.

8 **IDENTIFICATION OF DEFENDANT**

9 Race: Black Sex: Male DOB: 06/15/1979 Age: 34  
10 D/L: PARKEAD212LN D/L State: Washington SID: WA16599095 Height: 508  
11 Weight: 187 JUVIS: Unknown Eyes: Brown Hair: Black  
12 DOC: Unknown SSN: 415-35-9025 FBI: 749294TA5

13 FINGERPRINTS-I attest that I saw the same Defendant who appeared in Court on this document affix his or  
14 her fingerprints and signature thereto.

15 Clerk of the Court- \_\_\_\_\_, Deputy Clerk. Dated- 7/14/14

16 DEFENDANT'S SIGNATURE \_\_\_\_\_

17 Left 4 fingers taken simultaneously	18 Left Thumb	19 Right Thumb	20 Right 4 fingers taken simultaneously
			

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29 Prosecutor's File Number-13-102535-66

30 Prosecutor Distribution-Original (Court Clerk); 1 copy (Prosecutor), 1 copy (DOC), 1 copy (Defense Atty); 1 copy (Pros Stat Keeper)

31 JUDGMENT AND SENTENCE; Page 13

[Form revised January 29, 2010]



Russell D. Hauge, Prosecuting Attorney  
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526

APPENDIX B. PROBABLE CAUSE

STATEMENT OF PROBABLE CAUSE

Clerk Code \_\_\_\_\_

**CERTIFICATE OF PROBABLE CAUSE**

(required for all probable cause arrests and all cases submitted for criminal prosecution)

**SUSPECT NAME:** Anthony D Parker (6/15/79)

**COURT:**  Superior  District  Juvenile  Bremerton Municipal

**ARREST CRIME:** 1) RCW 9A.36.011 Assault 1<sup>st</sup> Degree, Domestic Violence  
2) RCW 9A.40.100 Human Trafficking 2<sup>nd</sup> Degree  
3) RCW 9A.1.040 Unlawful Possession of a Firearm

**ARREST DATE & TIME:** 4/13/13, 0300

**ARREST LOCATION:** Bremerton

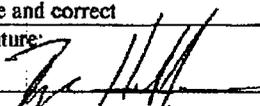
**STATEMENT OF PROBABLE CAUSE**

Summarize the facts showing probable cause for the arrest for each element of every offense committed. If a witness can be identified, please include that witness' name if the witness has supplied you with information supporting your determination of probable cause. If the full name of the witness should not be disclosed, please use the initials and date of birth to identify the witness.

Over the course of the last several months, SOG detectives have investigated the criminal activities of the "Jaccet" street gang. Detectives identified Anthony Parker (AKA Baby Deuce) as a member of the gang. Parker has an extensive criminal history including seven felony convictions. Through the course of the investigation, Detectives learned that Parker's former girlfriend, Lorena Llamas (AKA Crazy), groomed women to work as prostitutes for Parker while she (Llamas) was incarcerated in the Kitsap County jail. Detectives identified one of these prostitutes as Johanna Holliday.

Through a review of jail phone calls as well as contact with confidential informants and Jaccet associates, Detectives learned that Parker bailed Holliday out of jail in or around December 2012, and since that time has been involved in a dating relationship with Holliday and acted as her pimp. Detectives reviewed Holliday's ads for prostitution on backpage.com, which list phone numbers and addresses associated with Parker. Detectives performed surveillance, and confirmed that Holliday was living with Parker, and performing acts of prostitution at 1720 14<sup>th</sup> St in Bremerton Washington. The residence is believed to be owned by a family member of Llamas. Parker and Holliday have since moved to a residence at 703 1/2 S Summit Ave in Bremerton, Washington.

On 4/12/13, detectives responded to Holliday's backpage.com ad posing as a potential customer. Holliday agreed to meet with detectives at the Oyster Bay Inn on Kitsap Way in Bremerton.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct		
Signature: 	Print Name: R. HEFFERMAN	Badge #: 462
Date: April 13, 2013	Place: Bremerton	Agency: Bremerton PD
	Case #: B13-001589	Page 1 of 4

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Prosecutor's File Number-13-102535-66



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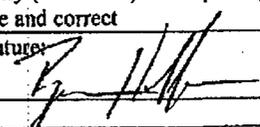
### STATEMENT OF PROBABLE CAUSE

Detectives met with Holliday, and placed her into custody for possession of a schedule II drug, Percocet, and an outstanding warrant.

After being provided with her Miranda rights, Holliday agreed to speak with detectives. Holliday provided a taped statement, detailing her relationship with Llamas and Parker. Holliday confirmed that Parker has acted as her pimp, and boyfriend since he bailed her out of jail approximately four months ago. Since that time, Holliday has lived with Parker and maintained a dating relationship with him. Holliday told detectives that Parker helped place her ads on backpage.com, responded to customers and kept nearly all of the money she made through prostitution. Parker saw it all as his money, and gave it out to Holliday as he saw fit. Although Parker was initially nice to Holliday and courted her as his girlfriend, he later forced her to work as a prostitute seven days a week, and left her alone for days at a time in the house demanding that she not spend time with her friends and family. Holliday told detectives that she lost everything she ever had - friends, family, possessions etc. over the last several months at the hands of Parker.

Holliday told detectives that she was terrified to leave Parker, and was isolated with nowhere else to go. When Holliday disobeyed Parker, he verbally abused her and often beat her severely. Detectives have reviewed numerous jail phone calls in which Parker berates Holliday, screaming, "You need to follow my orders . . . what the fuck I tell you from right now until I get the fuck out of here in three days." Parker also cautions Holliday that that "[her] money better be right when I get out." Parker instructs Holliday to help with his bail saying, "Take that little bit of clump change that you fucking got and give it to Jaccet." I know that Jaccet is the moniker used by Tyler Williams, the leader of the gang. When Holliday starts to sob, Parker says, "I don't want to hear any crying bitch. . . . stop crying nigga, I want someone to be making fucking moves."

In addition to verbal abuse and threats, Holliday recounted numerous instances in which Parker assaulted, and imprisoned her in an effort to prevent her from leaving him. In one instance in or around the middle January, Parker became infuriated that Holliday had been with Anthony Flewellen, another Jaccet gang member and pimp. After scolding Holliday over the phone, Parker located Holliday at Flewellen's apartment at 901 Pleasant Ave in Bremerton. Parker came to the residence, and demanded to be let in. Jennifer Prerost, who was present at the residence with her (Prerost's) young daughter, allowed Parker inside the residence over Holliday's protests. Holliday huddled on the ground in Flewellen's locked bedroom. Parker came inside the residence, and broke down the bedroom door. Parker picked Holliday up off the ground by the hair, threw her against the wall and beat her face. Holliday was so terrified that she urinated in her pants. She later discovered large clumps of her hair missing. Detectives spoke to Prerost, who independently confirmed this account of events, telling detectives that it was one of the worst beatings she had ever witnessed. Detectives have also reviewed jail telephone calls, in which Parker tells Llamas that he beat Holliday for stealing from him. In addition, Detectives reviewed jail calls in which Holliday describes this portion of the assault in great detail to Llamas, who appeared more concerned about damage to the wall (Llamas mistakenly believed that the assault occurred in her residence).

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct		
Signature: 	Print Name: R. HEFFERMAN	Badge #: 462
Date: April 13, 2013	Place: Bremerton	Agency: Bremerton PD
Case #: B13-001589	Page 2 of 4	

7

## STATEMENT OF PROBABLE CAUSE

Holliday told detectives that Parker took her from Flewellen's residence against her will to an unknown house on Houston Ave. Parker continued to beat Holliday about the head and face while in the car, which caused her to temporarily black out. Parker told Holliday that he planned to have his cousins tie her down, and torture her at the residence. Instead, Parker took Holliday inside and retrieved a towel for her to clean the blood from her face. Parker then drove Holliday back to 1720 14<sup>th</sup> St where he continued to abuse her for the next several hours.

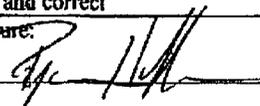
At one point, Parker took a handgun and held it to Holliday's head asking if she was ready to die. Parker made Holliday look down the chamber of the gun, which he pointed directly at her face. Holliday broke down in tears as she told detectives that she was terrified for her life. Parker eventually put the gun away, but continued to torment Holliday for the next several days, periodically beating her and demanding that she continue to see clients despite having a black eye, significant bruising and limited function of one of her arms.

Although this was the worst beating that Parker inflicted on Holliday, it was far from the last. He continued to beat her, often for no reason, in an effort to maintain her as a prostitute under his control. Parker assaulted Holliday as recently as 4/12/13, crushing her cheek against the wall of their apartment with his fist. Parker applied such a degree of pressure that Holliday feared he would break bones in her face. Holliday said that Parker treated her like a piece of property, and made it clear that he could leave her at any time. He expected complete obedience from Holliday, saying that she needed to always be on point, and Holliday lived in constant fear of being assaulted, or possibly killed if she could not perform to his expectations.

Holliday spoke extensively about Parker's gun, which she described as a small handgun with a large light on the barrel. Holliday, who is not familiar with guns, noted that it was similar in appearance to a semi-automatic handgun carried by a detective. Holliday told detectives that Parker referred to the gun as "Monster", and usually kept it hidden under his mattress. Holliday confirmed that Parker took the gun to the couple's new residence at 703 1/2 S Summit Ave. Holliday told detectives that Parker asked her to move the gun on or around 4/6/13 from under the mattress to a bag in the garage. Parker made the request in a phone call from the jail. Detectives reviewed the call in which Parker tells Holliday to move "Monster" from under the mattress to the attached garage. Holliday told detectives that she followed Parker's instructions, and placed the gun in a blue Victoria Secret clothing bag in the garage.

On 4/12/13 at approximately 2200, detectives observed a male matching Parker's description going in and out of the residence located at 703 1/2 S Summit Ave. Detectives applied for a telephonic search warrant for residence. The Honorable Kitsap County Judge Jennifer Forbes issued the warrant allowing law enforcement to enter the residence to effectuate the arrest of Parker, and search for the firearm.

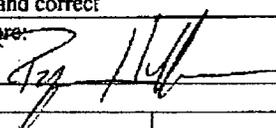
On 4/13/13 at approximately 1200, detectives and patrol officers went to the residence to serve the warrant. Parker, who could be seen inside the residence, refused repeated demands to exit.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct		
Signature: 	Print Name: R. HEFFERLAW	Badge # 462
Date: April 13, 2013	Place: Bremerton	Agency: Bremerton PD
Case #: B13 - 001589		Page 3 of 4

STATEMENT OF PROBABLE CAUSE

Because of the severity of the crimes and safety concerns associated with the handgun, the SWAT team responded to the scene. Parker came out of the residence at approximately 1500, and was placed into custody. During a search of the residence, detectives located a confirmed stolen Taurus 45 caliber semi-automatic handgun S/N NBO91701 equipped with a light on the barrel in a blue Victoria Secret clothing bag in the garage.

DISPOSITION: Parker was placed into custody, and booked into the Kitsap County Jail for DV Assault 1<sup>st</sup> Degree, Human Trafficking 2<sup>nd</sup> Degree and Unlawful Possession of a Firearm, \$250,000 bail.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct		
Signature: 	Print Name: R. HEFFERLAW	Badge # 462
Date: April 13, 2013	Place: Bremerton	Agency: Bremerton PD
	Case #: B13-001589	Page 4 of 4

SUPERIOR COURT OF WASHINGTON  
COUNTY OF KITSAP

THE STATE OF WASHINGTON

Hon. SALLY F. OLSEN

Court Reporter JAMI HETZEL

vs.

Court Clerk GINA VINECOURT

ANTHONY PARKER

Date JUNE 11, 2013

Defendant

No. 13-1-00597-1

The State of Washington represented by C. Schnepf, Deputy Prosecuting Attorney

The Defendant appearing YES/NO  In custody  Not in custody Represented by Hunko

The matter before the court is:

- Preliminary Appearance
- Formal Charging
- Arraignment
- Omnibus
- Call Only
- Stipulated Facts Trial
- Change of Plea
- 3.5(s) / 3.6 (s) / FA
- Waiver of Extradition
- Status
- Mot to With/Sub Counsel
- Motion
- Motion For / To Quash Bench Warrant
- Return on Bench Warrant
- Motion to Continue
- Reset
- Motion for PR Release and/or Bail Reduction
- Drug Court

- Defendant answers to true name as charged
- Served with true copy of Arrest Offense/Information (Amended)
- Counsel Appointed: Ness/Hunko/Hemstreet/Thimons/ LaCross/OPD
- Will / Has Retain Counsel
- Released on P. R.  Bail set at/reduced to \$ 700,000
- Release Conditions Order Signed
- Prosecutor Sworn to give Probable Cause/Further Summary for plea
- Court finds Probable Cause
- No Contact Order signed
- Sexual Assault Protection Order signed
- Advised of Rights
- Signed
- Read in Open Court
- Read in Open Court/Reading Waived
- Posted/Dist. Ct.
- Concurrent with
- Waiver of Extradition Signed
- Amended Release Order Signed
- Probable Cause waived/stipulated
- Probable Cause/Plea established through warrant/certification
- No Contact Order served on Defendant
- Book and Release
- Sexual Assault Protection Order served on Defendant

- Not Guilty Plea
- Guilty Plea
- Alford Plea
- Court finds Defendant guilty on his/her plea of guilty
- Plea Agreement signed
- Statement on Plea of Guilty Signed
- Order Detaining/Releasing after conviction
- Court Finds Defendant Guilty on Stipulated Facts
- Pre-sentence Investigation ordered
- Notification of Conviction and Firearm Warning signed
- Omnibus/3.5 Stipulation Signed
- Defendant Waives Speedy Trial/Sentencing to
- Order Approving Investigator Funds
- Bail Bond Extended Pending Sentencing
- Defendant advised of further arraignment/hold back charges
- Court orders Bail Forfeited/Exonerated

Omnibus 07-10-2013 at 9:00 am/pm Formal Charging/Entry of Plea \_\_\_\_\_ at \_\_\_\_\_ am/pm

Set for Trial 08-05-2013 at 9:00 am Drug Court Hearing \_\_\_\_\_ at \_\_\_\_\_ am/pm

3.5(s)/3.6(s)/Further Arraignment/ Change Of Plea/Status \_\_\_\_\_ at \_\_\_\_\_ am/pm

Motion/Special Set hearing for Bail review set 6/14/2013 at 9:00 am/pm

Sentencing date \_\_\_\_\_ at \_\_\_\_\_ am/pm  Defendant remanded

Courtroom Polled: No Response Time \_\_\_\_\_ am/pm

Bench Warrant Ordered/Quashed  Bail set at \$ \_\_\_\_\_ Consecutive/Concurrent  Cash only

Mr. Hunko requests bail study hrg on 06/14/2013

\* On the record the Court said \$700,000 bail/ Court wrote \$750,000 on pre-trial release \*

- Written and oral notice given to defendant for above-set dates
- Motion Granted/Denied
- Matter Stricken
- Court Scheduler notified of Special Set/Trial
- Strike trial date of \_\_\_\_\_

30 10  
SUB(3)

APPENDIX C. NEWS REPORT



# Bainbridge woman and alleged prostitute arrested on drug charge

Like 8 | +1 0 | Tweet 1 | Share 0

by RICHARD D. OXLEY, Bainbridge Island Review Staff Writer  
Apr 16, 2013 at 2:03PM updated at 4:10PM

A Bainbridge Island woman has been charged with possession of Oxycodone after she was caught selling services as a prostitute.

Johanna Catherine Holliday, 23, of Bainbridge Island was arrested on Friday, April 12 when detectives with the Bremerton Police Department responded to Holliday's advertisement for prostitution services on backpage.com. The website offers a variety of classified ads, including adult services.

Detectives arranged for a date with Holliday, posing as a potential customer, and she was later arrested at the Oyster Bay Inn on Kitsap Way.

The arrest was the conclusion to an incident on Thursday, April 4 when Holliday was pulled over immediately following the purchase of Oxycodone from a known, local gang member.

A Bremerton police officer observed Holliday get into the car of the gang member, take a short ride, and soon return to a fellow prostitute's car. Officers then pulled over the car with the two women inside and found a pill of Oxycodone that Holliday admitted to purchasing. She said that she intended to smoke the pill.

Oxycodone is a prescription pain medication that opiate addicts will often crush and smoke, though recently many manufacturers have altered the pills making them difficult to smoke.

Officers released Holliday at the scene because she agreed to meet with detectives the following day to make a statement about her criminal activities. Holliday, however, failed to meet with officers the next day, leading detectives to apprehend her by responding to her backpage.com ad.

Bremerton Police's Special Operations Group was already investigating Holliday at the time she was stopped after the drug deal. Detectives were investigating her for prostitution and involvement with drugs.

The charging document for Holliday states that the investigation has revealed that Holliday is a prostitute and is addicted to heroin and prescription pills.

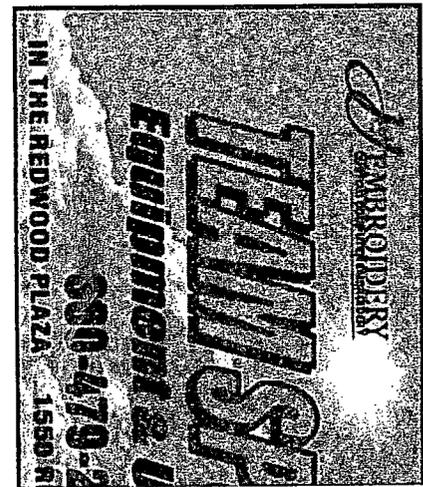
Holliday was booked into the Kitsap County Jail on April 13 for possession of narcotics and an outstanding DUI warrant. Bail was set at \$25,000.

Possession of oxycodone, a controlled substance, is a felony. If convicted, Holliday could face a maximum five-year prison term and \$10,000 fine.

RICHARD D. OXLEY, Bainbridge Island Review Staff Writer  
roxley@bainbridgereview.com or (206) 842-6613

### Related Stories

- Bainbridge woman charged with drug possession
- Poulsbo woman arrested for alleged involvement in Bainbridge Island drug deal
- Charges filed in Bainbridge prostitution case | UPDATE
- Alleged Bainbridge burglar faces charges throughout region
- Bainbridge Island police arrest alleged liquor thief
- Shine a light on prostitution
- Port Orchard woman arrested after alleged identity theft involving Bainbridge Island woman



## WIN \$2,000

How would you spend it?

Enter to Win at:  
[www.pulsepoll.com](http://www.pulsepoll.com)

Pulse Research

### Flyerboard



*Bug Robinson*

Local display advertising by PaperG



C.  
**Sent:** Tuesday, November 19, 2013 8:44 AM  
**To:** Chris Mace  
**Subject:** Re: Anthony Parker

Here is the rest of the conversations.

---

**From:** "Chris Mace" <cmace@co.kitsap.wa.us>  
**To:** "kparker 1" <kparker\_1@comcast.net>  
**Sent:** Thursday, November 7, 2013 3:51:12 PM  
**Subject:** RE: Anthony Parker

Hi Keesha, was just talking to Tony a second ago and he said you had an article you were going to send. I'll take a look at it, I did have a few articles I sent to Tony's attorney some time ago, but if this is new I'll send it along to him as well. Hard to tell for sure if it will help, but I can say it won't hurt to have it. I believe we have some witnesses that can attest that she was prostituting long before Tony came along. I'll see what Matt wants to do and thanks for sending it. Try and have a good night there. Chris

---

**From:** kparker\_1@comcast.net [mailto:kparker\_1@comcast.net]  
**Sent:** Thursday, November 07, 2013 3:07 PM  
**To:** Chris Mace  
**Subject:** Anthony Parker

Hello Chris,

I came across this article while online. I wasn't sure if this involves Johanna Holliday because it doesn't enclose the names of the four women involved. Is there some way you could find out if she was one of these four women. This will prove that she was involved in this type of activity before meeting Anthony. Could you please let me know if this was helpful?

Thanks,

Keesha

<http://www.bainbridgereview.com/news/38818494.html>

---

**From :** Chris Mace <cmace@co.kitsap.wa.us>  
**Subject :** RE: Anthony Parker  
**To :** kparker 1 <kparker\_1@comcast.net>

Thu, Nov 07, 2013 03:51 PM

Hi Keesha, was just talking to Tony a second ago and he said you had an article you were going to send. I'll take a look at it, I did have a few articles I sent to Tony's attorney some time ago, but if this is new I'll send it along to him as well. Hard to tell for sure if it will help, but I can say it won't hurt to have it. I believe we have some witnesses that can attest that she was prostituting long before Tony came along. I'll see what Matt wants to do and thanks for sending it. Try and have a good night there. Chris

---

**From:** kparker\_1@comcast.net [mailto:kparker\_1@comcast.net]  
**Sent:** Thursday, November 07, 2013 3:07 PM  
**To:** Chris Mace



APPENDIX D. INFORMATION AND AMENDED INFORMATION



ORIGINAL

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2013 JUN 10 AM 10:37  
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IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,

Plaintiff,

v.

ANTHONY DEWAYNE PARKER,  
Age: 33; DOB: 06/15/1979,

Defendant.

No. 13 1 00597 1

INFORMATION

(Total Counts Filed - 2)

COMES NOW the Plaintiff, STATE OF WASHINGTON, by and through its attorney, COREEN E. SCHNEPF, WSBA NO. 37966, Deputy Prosecuting Attorney, and hereby alleges that contrary to the form, force and effect of the ordinances and/or statutes in such cases made and provided, and against the peace and dignity of the STATE OF WASHINGTON, the above-named Defendant did commit the following offense(s)-

**Count I**  
**Human Trafficking in the Second Degree**

On or between November 1, 2012 and April 12, 2013, in the County of Kitsap, State of Washington, the above-named Defendant did recruit, harbor, transport, transfer, provide, obtain, or receive by any means another person knowing that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor, involuntary servitude, a sexually explicit act, or a commercial sex act; or did benefit financially or by receiving anything of value from participation in a venture that has recruited, harbored, transported, transferred, provided, obtained, or received by any means another person knowing that force, fraud, or



Russell D. Hauge, Prosecuting Attorney  
Adult Criminal and Administrative Divisions  
614 Division Street, MS-35  
Port Orchard, WA 98366-4681  
(360) 337-7174 Fax (360) 337-4949  
www.kcwa.gov

1 coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor,  
2 involuntary servitude, a sexually explicit act, or a commercial sex act; contrary to the Revised  
3 Code of Washington 9A.40.100(2).

4 (MAXIMUM PENALTY—Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.40.100(2)  
5 and RCW 9A.20.021(1)(a), plus restitution and assessments.)

6 (If the Defendant has previously been convicted on two separate occasions of a “most serious  
7 offense” as defined by RCW 9.94A.030, in this state, in federal court, or elsewhere, the  
8 mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant  
9 to RCW 9.94A.030 and 9.94A.570.)

9 JIS Code: 9A.40.100(2) Trafficking 2 [aka Human Trafficking 2]

10  
11 **Special Allegation—Domestic Violence**

12 AND FURTHERMORE, the Defendant did commit the above crime against a family or  
13 household member; contrary to Revised Code of Washington 10.99.020. “Family or household  
14 members” means spouses, former spouses, persons who have a child in common regardless of  
15 whether they have been married or have lived together at any time, adult persons related by blood  
16 or marriage, adult persons who are presently residing together or who have resided together in the  
17 past, persons sixteen years of age or older who are presently residing together or who have  
18 resided together in the past and who have or have had a dating relationship, persons sixteen years  
19 of age or older with whom a person sixteen years of age or older has or has had a dating  
20 relationship, and persons who have a biological or legal parent-child relationship, including  
21 stepparents and stepchildren and grandparents and grandchildren.

22  
23 **Count II**

24 **Unlawful Possession of a Firearm in the First Degree**

25 On or about April 12, 2013, in the County of Kitsap, State of Washington, the above-  
26 named Defendant did knowingly own, possess, or have in his or her control a firearm, after  
27 having been previously convicted of a serious offense as defined in RCW 9.41.010, to wit:  
28 DELIVERY OF A CONTROLLED SUBSTANCE; contrary to the Revised Code of Washington  
29 9.41.040(1)(a).

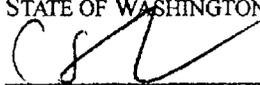
30 (MAXIMUM PENALTY—Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW  
31 9.41.040(1)(b) and 9A.20.021(1)(b), plus restitution and assessments.)



1 JIS Code: 9.41.040.1A Firearm Possession Unlawful-1

2 I certify (or declare) under penalty of perjury under the laws of the State of Washington  
3 that I have probable cause to believe that the above-named Defendant committed the above  
4 offense(s), and that the foregoing is true and correct to the best of my knowledge, information and  
5 belief.

6 DATED: June 7, 2013  
7 PLACE: Port Orchard, WA

STATE OF WASHINGTON  
  
COREEN E. SCHNEPF, WSBA NO. 37966  
Deputy Prosecuting Attorney

10 All suspects associated with this incident are--  
11 Anthony Dewayne Parker  
12 Johanna Catherine Holliday  
13 Angelica Lorena Dibella-Lira

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**DEFENDANT IDENTIFICATION INFORMATION**

ANTHONY DEWAYNE PARKER  
1240 E California Avenue  
Port Orchard, Wa 98366

Alias Name(s), Date(s) of Birth, and SS Number  
Baby Nmi Deuce, 06/15/1979  
Mandel L. Irving, 06/15/1979  
Tony Dewanye Parker, 06/15/1979  
Dontrel D. Madison, 06/15/1979  
Quan J. Mcwhorther, 06/15/1979  
Anthony Dwayne Parker, 06/15/1979  
Baby Nmi Duece, 06/15/1979  
Anthony D. Parker, 06/15/1979  
Tony Nmi Parker, 06/15/1979  
Tony D. Parker, 06/15/1979

[Address source--(1) Kitsap County Jail records if Defendant in custody, or law enforcement report noted below if Defendant not in custody, or (2) Washington Department of Licensing abstract of driving record if no other address information available]

Race: Black                      Sex: Male                      DOB: 06/15/1979                      Age: 33  
D/L: PARKEAD212LN                      D/L State: Washington                      SID: WA16599095                      Height: 508  
Weight: 187                      JUVIS: Unknown                      Eyes: Brown                      Hair: Black  
DOC: Unknown                      FBI: 749294TA5

**LAW ENFORCEMENT INFORMATION**

Incident Location: [Incident Address Line 1], Bremerton, WA [Incident Address Zip]  
Law Enforcement Report No.: 2013BP001589  
Law Enforcement Filing Officer: Ryan M. Heffernan, 462  
Law Enforcement Agency: Bremerton Police Department - WA0180100  
Court: Kitsap County Superior Court, WA018015J  
Motor Vehicle Involved? No  
Domestic Violence Charge(s)? Yes  
Law Enforcement Bail Amount? \$750,000

**CLERK ACTION REQUIRED**

In Custody  
Appearance Date If Applicable: N/A

**PROSECUTOR DISTRIBUTION INFORMATION**

Superior Court	District & Municipal Court
Original Charging Document-- Original +2 copies to Clerk 1 copy to file	Original Charging Document-- Original +1 copy to Clerk 1 copy to file
Amended Charging Document(s)--	Amended Charging Document(s)--



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RECEIVED AND FILED  
IN OPEN COURT  
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DAVID W. PETERSON  
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IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,	)	
	)	No. 13-1-00597-1
Plaintiff,	)	
	)	THIRD AMENDED INFORMATION
v.	)	
	)	(Total Counts Filed - 11)
ANTHONY DEWAYNE PARKER,	)	
Age: 34; DOB: 06/15/1979,	)	
	)	
Defendant.	)	

COMES NOW the Plaintiff, STATE OF WASHINGTON, by and through its attorney, FARSHAD M. TALEBI, WSBA NO. 40461, Deputy Prosecuting Attorney, and hereby alleges that contrary to the form, force and effect of the ordinances and/or statutes in such cases made and provided, and against the peace and dignity of the STATE OF WASHINGTON, the above-named Defendant did commit the following offense(s)-

**Count I**  
**Human Trafficking in the First Degree**

On or about November 1, 2012 and April 12, 2013, in the County of Kitsap, State of Washington, the above-named Defendant did recruit, harbor, transport, transfer, provide, obtain, or receive by any means another person knowing that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor, involuntary servitude, a sexually explicit act, or a commercial sex act; or did benefit financially or by receiving anything of value from participation in a venture that has recruited, harbored, transported, transferred, provided, obtained, or received by any means another person knowing that force, fraud, or

CHARGING DOCUMENT; Page 1 of 15



Russell D. Hauge, Prosecuting Attorney  
Adult Criminal and Administrative Divisions  
614 Division Street, MS-35  
Port Orchard, WA 98366-4681  
(360) 337-7174; Fax (360) 337-4949  
www.kitsapgov.com/pros

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SUB(52)

1 coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor,  
2 involuntary servitude, a sexually explicit act, or a commercial sex act; and that the acts involve  
3 the committing or attempting to commit a kidnapping, involve a finding of sexual motivation  
4 under RCW 9.94A.835, involve the illegal harvesting or sale of human organs, or result in a  
5 death; contrary to the Revised Code of Washington 9A.40.100(1).

6 (MAXIMUM PENALTY—Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.40.100(1)  
7 and RCW 9A.20.021(1)(a), plus restitution and assessments.)

8 (If the Defendant has previously been convicted on two separate occasions of a “most serious  
9 offense” as defined by RCW 9.94A.030, in this state, in federal court, or elsewhere, the  
10 mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant  
11 to RCW 9.94A.030 and 9.94A.570.)

11 JIS Code: 9A.40.100(1) Trafficking 1 [aka Human Trafficking 1]

12  
13 Special Allegation—Domestic Violence

14 AND FURTHERMORE, the Defendant did commit the above crime against a family or  
15 household member; contrary to Revised Code of Washington 10.99.020. “Family or household  
16 members” means spouses, former spouses, persons who have a child in common regardless of  
17 whether they have been married or have lived together at any time, adult persons related by blood  
18 or marriage, adult persons who are presently residing together or who have resided together in the  
19 past, persons sixteen years of age or older who are presently residing together or who have  
20 resided together in the past and who have or have had a dating relationship, persons sixteen years  
21 of age or older with whom a person sixteen years of age or older has or has had a dating  
22 relationship, and persons who have a biological or legal parent-child relationship, including  
23 stepparents and stepchildren and grandparents and grandchildren.

24  
25 Special Allegation—Aggravating Circumstance—Deliberate Cruelty

26 AND FURTHERMORE, the Defendant’s conduct during the commission of the current  
27 offense manifested deliberate cruelty to the victim, contrary to RCW 9.94A.535(3)(a).

28  
29 Special Allegation—Armed With Firearm

30 AND FURTHERMORE, at the time of the commission of the crime, the Defendant or an  
31



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1 accomplice was armed with a firearm; contrary to the Revised Code of Washington 9.94A.602.

2 (MINIMUM PENALTY—If the Defendant is found to have been armed with a firearm at the time of  
3 the commission of the crime, an additional sixty (60) months is added to the presumptive range of  
4 confinement for a first offense and an additional one-hundred-twenty (120) months is added to  
5 the presumptive range of confinement if the Defendant has previously been sentenced for any  
6 deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.533(3)(a) and (d).)

7 **Count II**

8 **Promoting Prostitution in the First Degree**

9 On or about November 1, 2012 and April 12, 2013, in the County of Kitsap, State of  
10 Washington, the above-named Defendant (a) did knowingly advance prostitution or profit from  
11 prostitution by compelling a person, to-wit: Johanna Chatherine Holliday, by threat or force, to  
12 engage in prostitution; and/or (b) did knowingly advance or profit from prostitution of a person  
13 less than eighteen years old, to-wit: Johanna Chatherine Holliday, a person whom the Defendant  
14 knew was less than eighteen years old; contrary to the Revised Code of Washington  
15 9A.88.070(1).

16 (MAXIMUM PENALTY—Ten (10) years imprisonment and/or \$20,000 fine, or both, pursuant to  
17 RCW 9A.88.070(2) and RCW 9A.20.021(1)(b), a mandatory \$300 prostitution prevention and  
18 intervention account fee under RCW 43.63A.740 pursuant to RCW 9A.88.120(1)(c), plus  
19 restitution and assessments.)

20 (If the Defendant has previously been convicted on two separate occasions of a "most serious  
21 offense" as defined by RCW 9.94A.030, in this state, in federal court, or elsewhere, the  
22 mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant  
23 to RCW 9.94A.030 and or 9.94A.570.)

24 JIS Code: 9A.88.070 Promoting Prostitution 1st Degree

25 **Special Allegation—Domestic Violence**

26 AND FURTHERMORE, the Defendant did commit the above crime against a family or  
27 household member; contrary to Revised Code of Washington 10.99.020. "Family or household  
28 members" means spouses, former spouses, persons who have a child in common regardless of  
29 whether they have been married or have lived together at any time, adult persons related by blood  
30 or marriage, adult persons who are presently residing together or who have resided together in the  
31 past, persons sixteen years of age or older who are presently residing together or who have  
resided together in the past and who have or have had a dating relationship, persons sixteen years



1 of age or older with whom a person sixteen years of age or older has or has had a dating  
2 relationship, and persons who have a biological or legal parent-child relationship, including  
3 stepparents and stepchildren and grandparents and grandchildren.

4  
5 Special Allegation—Aggravating Circumstance—Deliberate Cruelty

6 AND FURTHERMORE, the Defendant's conduct during the commission of the current  
7 offense manifested deliberate cruelty to the victim, contrary to RCW 9.94A.535(3)(a).  
8

9  
10 Special Allegation—Armed With Firearm

11 AND FURTHERMORE, at the time of the commission of the crime, the Defendant or an  
12 accomplice was armed with a firearm; contrary to the Revised Code of Washington 9.94A.602.

13 (MINIMUM PENALTY—If the Defendant is found to have been armed with a firearm at the time of  
14 the commission of the crime, an additional thirty-six (36) months is added to the presumptive  
15 range of confinement for a first offense and an additional seventy-two (72) months is added to the  
16 presumptive range of confinement if the Defendant has previously been sentenced for any deadly  
17 weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.533(3)(b) and (d).)

18 (If the Defendant has previously been convicted on two separate occasions of a "most serious  
19 offense" as defined by RCW 9.94A.030, in this state, in federal court, or elsewhere, the  
20 mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant  
21 to RCW 9.94A.030 and 9.94A.570)

22 Count III

23 Assault in the Second Degree

24 On or about December 13, 2012 and January 20, 2013, in the County of Kitsap, State of  
25 Washington, the above-named Defendant, with intent to commit a felony, to-wit—Unlawful  
26 Imprisonment, did assault another, to wit: Johanna Chatherine Holliday; contrary to the Revised  
27 Code of Washington 9A.36.021(1)(e).

28 (MAXIMUM PENALTY—Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW  
29 9A.36.021(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

30 (If the Defendant has previously been convicted on two separate occasions of a "most serious  
31 offense" as defined by RCW 9.94A.030, in this state, in federal court, or elsewhere, the  
mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant  
to RCW 9.94A.030 and 9.94A.570)

JIS Code: 9A.36.021.2A Assault-2



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Special Allegation—Domestic Violence

AND FURTHERMORE, the Defendant did commit the above crime against a family or household member; contrary to Revised Code of Washington 10.99.020. "Family or household members" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

Special Allegation—Aggravating Circumstance—Domestic Violence

AND FURTHERMORE, the current offense involved domestic violence, as defined in RCW 10.99.020, and one or more of the following was present: (i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time; (ii) The offense occurred within sight or sound of the victim's or the Defendant's minor children under the age of eighteen years; or (iii) The Defendant's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim, contrary to RCW 9.94A.535(3)(h).

**Count IV**  
**Burglary in the First Degree**

On or about January 1, 2013 and February 2, 2013, in the County of Kitsap, State of Washington, the above-named Defendant, with intent to commit a crime against a person or property therein, did enter or remain unlawfully in a building, and in entering or while in the building or in immediate flight therefrom, the Defendant or another participant in the crime was armed with a deadly weapon and/or did assault any person therein, to-wit: Johanna Chatherine Holliday; contrary to the Revised Code of Washington 9A.52.020.



256

1 (MAXIMUM PENALTY—Life imprisonment and/or a \$50,000.00 fine pursuant to RCW  
2 9A.52.020(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

3 (If the Defendant has previously been convicted on two separate occasions of a “most serious  
4 offense” as defined by RCW 9.94A.030, in this state, in federal court, or elsewhere, the  
5 mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant  
6 to RCW 9.94A.030 and 9.94A.570.)

6 JIS Code: 9A.52.020 Burglary 1

7  
8 **Count V**

9 **Assault in the Second Degree**

10 On or between January 1, 2013 and February 2, 2013, in the County of Kitsap, State of  
11 Washington, the above-named Defendant did intentionally assault another, to wit: Johanna  
12 Chatherine Holliday, and thereby recklessly inflicted substantial bodily harm; contrary to the  
13 Revised Code of Washington 9A.36.021(1)(a).

14 (MAXIMUM PENALTY—Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW  
15 9A.36.021(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

16 (If the Defendant has previously been convicted on two separate occasions of a “most serious  
17 offense” as defined by RCW 9.94A.030, in this state, in federal court, or elsewhere, the  
18 mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant  
19 to RCW 9.94A.030 and 9.94A.570)

18 JIS Code: 9A.36.021.2A Assault-2

20 **Special Allegation—Domestic Violence**

21 AND FURTHERMORE, the Defendant did commit the above crime against a family or  
22 household member; contrary to Revised Code of Washington 10.99.020. “Family or household  
23 members” means spouses, former spouses, persons who have a child in common regardless of  
24 whether they have been married or have lived together at any time, adult persons related by blood  
25 or marriage, adult persons who are presently residing together or who have resided together in the  
26 past, persons sixteen years of age or older who are presently residing together or who have  
27 resided together in the past and who have or have had a dating relationship, persons sixteen years  
28 of age or older with whom a person sixteen years of age or older has or has had a dating  
29 relationship, and persons who have a biological or legal parent-child relationship, including  
30 stepparents and stepchildren and grandparents and grandchildren.  
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1  
2 Special Allegation—Aggravating Circumstance—Domestic Violence

3 AND FURTHERMORE, the current offense involved domestic violence, as defined in RCW  
4 10.99.020, and one or more of the following was present: (i) The offense was part of an ongoing  
5 pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents  
6 over a prolonged period of time; (ii) The offense occurred within sight or sound of the victim's or  
7 the Defendant's minor children under the age of eighteen years; or (iii) The Defendant's conduct  
8 during the commission of the current offense manifested deliberate cruelty or intimidation of the  
9 victim, contrary to RCW 9.94A.535(3)(h).  
10

11  
12 **Count VI**  
**Kidnapping in the First Degree**

13 On or about January 1, 2013 and February 2, 2013, in the County of Kitsap, State of  
14 Washington, the above-named Defendant did, intentionally abduct another person, to-wit:  
15 Johanna Chatherine Holliday, with intent to hold him or her for ransom or reward, or as a shield  
16 or hostage; and/or to facilitate the commission of any felony or flight thereafter; and/or to inflict  
17 bodily injury on him or her; and/or to inflict extreme mental distress on him or her or a third  
18 person; and/or to interfere with the performance of any governmental function; contrary to the  
19 Revised Code of Washington 9A.40.020(1) and 9A.40.010(2).

20 (MAXIMUM PENALTY—Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.40.020(2)  
21 and RCW 9A.20.021(1)(a), plus restitution and assessments.)

22 (If the Defendant has previously been convicted on two separate occasions of a “most serious  
23 offense” as defined by RCW 9.94A.030, in this state, in federal court, or elsewhere, the  
24 mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant  
to RCW 9.94A.030 and 9.94A.570.)

25 JIS Code: 9A.40.020 Kidnapping I  
26

27 Special Allegation—Domestic Violence

28 AND FURTHERMORE, the Defendant did commit the above crime against a family or  
29 household member; contrary to Revised Code of Washington 10.99.020. “Family or household  
30 members” means spouses, former spouses, persons who have a child in common regardless of  
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258

1 whether they have been married or have lived together at any time, adult persons related by blood  
2 or marriage, adult persons who are presently residing together or who have resided together in the  
3 past, persons sixteen years of age or older who are presently residing together or who have  
4 resided together in the past and who have or have had a dating relationship, persons sixteen years  
5 of age or older with whom a person sixteen years of age or older has or has had a dating  
6 relationship, and persons who have a biological or legal parent-child relationship, including  
7 stepparents and stepchildren and grandparents and grandchildren.

8  
9 Special Allegation–Aggravating Circumstance–Domestic Violence

10 AND FURTHERMORE, the current offense involved domestic violence, as defined in RCW  
11 10.99.020, and one or more of the following was present: (i) The offense was part of an ongoing  
12 pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents  
13 over a prolonged period of time; (ii) The offense occurred within sight or sound of the victim's or  
14 the Defendant's minor children under the age of eighteen years; or (iii) The Defendant's conduct  
15 during the commission of the current offense manifested deliberate cruelty or intimidation of the  
16 victim, contrary to RCW 9.94A.535(3)(h).

17  
18  
19 **Count VII**

**Assault in the Second Degree**

20 On or about January 1, 2013 and February 2, 2013, in the County of Kitsap, State of  
21 Washington, the above-named Defendant did intentionally assault another, to wit: Johanna  
22 Chatherine Holliday and thereby recklessly inflicted substantial bodily harm; contrary to the  
23 Revised Code of Washington 9A.36.021(1)(a).

24 (MAXIMUM PENALTY–Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW  
25 9A.36.021(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

26 (If the Defendant has previously been convicted on two separate occasions of a “most serious  
27 offense” as defined by RCW 9.94A.030, in this state, in federal court, or elsewhere, the  
28 mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant  
to RCW 9.94A.030 and 9.94A.570)

29 JIS Code: 9A.36.021.2A Assault-2  
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Special Allegation—Domestic Violence

AND FURTHERMORE, the Defendant did commit the above crime against a family or household member; contrary to Revised Code of Washington 10.99.020. "Family or household members" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

Special Allegation—Aggravating Circumstance—Domestic Violence

AND FURTHERMORE, the current offense involved domestic violence, as defined in RCW 10.99.020, and one or more of the following was present: (i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time; (ii) The offense occurred within sight or sound of the victim's or the Defendant's minor children under the age of eighteen years; or (iii) The Defendant's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim, contrary to RCW 9.94A.535(3)(h).

Special Allegation—Aggravating Circumstance—Deliberate Cruelty

AND FURTHERMORE, the Defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim, contrary to RCW 9.94A.535(3)(a).

**Count VIII**  
**Assault in the Second Degree**

On or about January 1, 2013 and February 2, 2013, in the County of Kitsap, State of Washington, the above-named Defendant did intentionally assault another, to wit: Johanna Catherine Holliday, and did assault another, to wit: Johanna Catherine Holliday, with a deadly



260

1 weapon; and/or did knowingly inflict bodily harm which by design caused such pain or agony as  
2 to be the equivalent of that produced by torture upon another, to wit: Johanna Catherine Holliday;  
3 contrary to the Revised Code of Washington 9A.36.021(1)(a) and/or (f).

4 (MAXIMUM PENALTY—Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW  
5 9A.36.021(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

6 (If the Defendant has previously been convicted on two separate occasions of a “most serious  
7 offense” as defined by RCW 9.94A.030, in this state, in federal court, or elsewhere, the  
8 mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant  
9 to RCW 9.94A.030 and 9.94A.570)

9 JIS Code: 9A.36.021.2A Assault-2

10  
11 Special Allegation—Domestic Violence

12 AND FURTHERMORE, the Defendant did commit the above crime against a family or  
13 household member; contrary to Revised Code of Washington 10.99.020. “Family or household  
14 members” means spouses, former spouses, persons who have a child in common regardless of  
15 whether they have been married or have lived together at any time, adult persons related by blood  
16 or marriage, adult persons who are presently residing together or who have resided together in the  
17 past, persons sixteen years of age or older who are presently residing together or who have  
18 resided together in the past and who have or have had a dating relationship, persons sixteen years  
19 of age or older with whom a person sixteen years of age or older has or has had a dating  
20 relationship, and persons who have a biological or legal parent-child relationship, including  
21 stepparents and stepchildren and grandparents and grandchildren.

22  
23 Special Allegation—Aggravating Circumstance—Domestic Violence

24 AND FURTHERMORE, the current offense involved domestic violence, as defined in RCW  
25 10.99.020, and one or more of the following was present: (i) The offense was part of an ongoing  
26 pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents  
27 over a prolonged period of time; (ii) The offense occurred within sight or sound of the victim’s or  
28 the Defendant’s minor children under the age of eighteen years; or (iii) The Defendant’s conduct  
29 during the commission of the current offense manifested deliberate cruelty or intimidation of the  
30 victim, contrary to RCW 9.94A.535(3)(h).



261

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Special Allegation—Armed With Firearm

AND FURTHERMORE, at the time of the commission of the crime, the Defendant or an accomplice was armed with a firearm; contrary to the Revised Code of Washington 9.94A.602.

(MINIMUM PENALTY—If the Defendant is found to have been armed with a firearm at the time of the commission of the crime, an additional thirty-six (36) months is added to the presumptive range of confinement for a first offense and an additional seventy-two (72) months is added to the presumptive range of confinement if the Defendant has previously been sentenced for any deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.533(3)(b) and (d).)

(If the Defendant has previously been convicted on two separate occasions of a “most serious offense” as defined by RCW 9.94A.030, in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030 and 9.94A.570)

Special Allegation—Aggravating Circumstance—Deliberate Cruelty

AND FURTHERMORE, the Defendant’s conduct during the commission of the current offense manifested deliberate cruelty to the victim, contrary to RCW 9.94A.535(3)(a).

Count IX

Assault in the Fourth Degree

On or about April 1, 2013 and April 12, 2013, in the County of Kitsap, State of Washington, the above-named Defendant did intentionally assault Johanna Catherine Holliday; contrary to Revised Code of Washington 9A.36.041(1).

(MAXIMUM PENALTY—Three hundred sixty-four (364) days in jail or \$5,000 fine, or both, pursuant to RCW 9A.36.041(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

JIS Code: 9A.36.041 Assault 4th Degree

Special Allegation—Domestic Violence

AND FURTHERMORE, the Defendant did commit the above crime against a family or household member; contrary to Revised Code of Washington 10.99.020. “Family or household members” means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood



262

1 or marriage, adult persons who are presently residing together or who have resided together in the  
2 past, persons sixteen years of age or older who are presently residing together or who have  
3 resided together in the past and who have or have had a dating relationship, persons sixteen years  
4 of age or older with whom a person sixteen years of age or older has or has had a dating  
5 relationship, and persons who have a biological or legal parent-child relationship, including  
6 stepparents and stepchildren and grandparents and grandchildren.

7  
8 **Count X**

9 **Unlawful Possession of a Firearm in the First Degree**

10 On or about April 12, 2013, in the County of Kitsap, State of Washington, the above-  
11 named Defendant did knowingly own, possess, or have in his or her control a firearm, after  
12 having been previously convicted of a serious offense as defined in RCW 9.41.010, to wit:  
13 BURGLARY 2, DELIVERY OF A CONTROLLED SUBSTANCE; contrary to the Revised Code  
14 of Washington 9.41.040(1)(a).

15 (MAXIMUM PENALTY—Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW  
16 9.41.040(1)(b) and 9A.20.021(1)(b), plus restitution and assessments.)

17 JIS Code: 9.41.040.1A Firearm Possession Unlawful-1

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19 Special Allegation—Aggravating Circumstance—Multiple Current Offenses; Some Unpunished

20 AND FURTHERMORE, the Defendant has committed multiple current offenses and the  
21 Defendant's high offender score results in some of the current offenses going unpunished,  
22 contrary to RCW 9.94A.535(2)(c) [determination by judge].

23  
24  
25 **Count XI**

26 **Tampering With a Witness**

27 On or about June 29, 2013 and July 1, 2013, in the County of Kitsap, State of  
28 Washington, the above-named Defendant did, attempt to induce a witness or person the  
29 Defendant had reason to believe was about to be called as a witness in any official proceeding or  
30 a person whom the Defendant had reason to believe may have information relevant to a criminal  
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263

1 investigation to testify falsely and/or to withhold any testimony without the right or privilege to  
2 do so and/or absent himself or herself from such proceedings and/or withhold from a law  
3 enforcement agency information which he or she has relevant to a criminal investigation; contrary  
4 to the Revised Code of Washington 9A.72.120.

5 (MAXIMUM PENALTY—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW  
6 9A.72.120(2) and 9A.20.021(1)(c), plus restitution and assessments.)

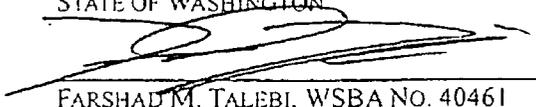
7 JIS Code: 9A.72.120 Tampering with a Witness

8 I certify (or declare) under penalty of perjury under the laws of the State of Washington  
9 that I have probable cause to believe that the above-named Defendant committed the above  
10 offense(s), and that the foregoing is true and correct to the best of my knowledge, information and  
11 belief.

12 DATED: November 1, 2013

13 PLACE: Port Orchard, WA

STATE OF WASHINGTON

  
14 FARSHAD M. TALEBI, WSBA NO. 40461  
15 Deputy Prosecuting Attorney

16 All suspects associated with this incident are—

17 Anthony Dewayne Parker  
18 Johanna Catherine Holliday  
19 Angelica Lorena Dibella-Lira  
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264

1 **DEFENDANT IDENTIFICATION INFORMATION**

2 ANTHONY DEWAYNE PARKER Alias Name(s), Date(s) of Birth, and SS Number  
3 1240 E California Avenue Baby Nmi Duce, 06/15/1979  
4 Port Orchard, Wa 98366 Mandel L. Irving, 06/15/1979  
5 Tony Dewanye Parker, 06/15/1979  
6 Dontrel D. Madison, 06/15/1979  
7 Quan J. Mcwhorther, 06/15/1979  
8 Anthony Dwayne Parker, 06/15/1979  
9 Baby Nmi Duce, 06/15/1979  
10 Anthony D. Parker, 06/15/1979  
11 Tony Nmi Parker, 06/15/1979  
12 Tony D. Parker, 06/15/1979

13 [Address source--(1) Kitsap County Jail records if Defendant in custody, or law enforcement report noted below if Defendant not in  
14 custody, or (2) Washington Department of Licensing abstract of driving record if no other address information available]

15 Race: Black Sex: Male DOB: 06/15/1979 Age: 34  
16 D/L: PARKEAD212LN D/L State: Washington SID: WA16599095 Height: 508  
17 Weight: 187 JUVIS: Unknown Eyes: Brown Hair: Black  
18 DOC: Unknown FBI: 749294TA5

19 **LAW ENFORCEMENT INFORMATION**

20 Incident Location: [Incident Address Line 1], Bremerton, WA [Incident Address Zip]  
21 Law Enforcement Report No.: 2013BP001589  
22 Law Enforcement Filing Officer: Ryan M. Heffernan, 462  
23 Law Enforcement Agency: Bremerton Police Department - WA0180100  
24 Court: Kitsap County Superior Court, WA018015J  
25 Motor Vehicle Involved? No  
26 Domestic Violence Charge(s)? Yes  
27 Law Enforcement Bail Amount? [Bail]

28 **CLERK ACTION REQUIRED**

29 In Custody  
30 Appearance Date if Applicable: [PROMISE TO APPEAR]

31 **PROSECUTOR DISTRIBUTION INFORMATION**

Superior Court	District & Municipal Court
Original Charging Document-- Original +2 copies to Clerk 1 copy to file	Original Charging Document-- Original +1 copy to Clerk 1 copy to file
Amended Charging Document(s)--	Amended Charging Document(s)--

CHARGING DOCUMENT; Page 14 of 15



Russell D. Hauge, Prosecuting Attorney  
Adult Criminal and Administrative Divisions  
614 Division Street, MS-35  
Port Orchard, WA 98366-4681  
(360) 337-7174; Fax (360) 337-4949  
www.kitsapgov.com/pros

265

APPENDIX E. BOOKING DOCUMENT



1612

# Kitsap County Sheriff's Office

## REQUEST FOR PUBLIC RECORDS

Fill out and fax to 360-337-4923 or attach and email to  
KCSOPUBLICRECORDS@CO.KITSAP.WA.US



**NOTE: PLEASE PRINT. INSUFFICIENT OR ILLEGIBLE INFORMATION MAY DELAY RESPONSE.**

### REQUESTING PARTY

TODAY'S DATE 03 June 2014		CHECK ONE: Copy <input checked="" type="checkbox"/> View only <input type="checkbox"/>	
REQUESTER'S NAME Klesha Parker		HOME PHONE # 253-226-0092	CELL PHONE # SAME
MAILING ADDRESS: STREET [REDACTED]	CITY [REDACTED]	STATE WA	ZIP CODE 98424

### INCIDENT INFORMATION

DATE OF INCIDENT Oct 21 or Oct 31, 2012	TIME OF INCIDENT	LOCATION in Kitsap County, State of Washington
PERSON INVOLVED IN INCIDENT Johanna Catherine Holliday DOB 9/27/1989		ADDITIONAL PERSON INVOLVED IN INCIDENT NA
INVESTIGATING DEPUTY	BADGE #	CASE NUMBER

### DESCRIPTION OF REQUESTED DOCUMENTS

PLEASE BE SPECIFIC AS TO THE ITEMS/INFORMATION REQUESTED

(\*\*Print legibly\*\* If you need more space, please continue on the back.)

Dates Johanna C. Holiday was in custody from Oct 21 or Oct 31, 2012 - Dec 2012.

*K Parker 10 Commerce St. WP*

# RECEIVED

JUN 03 2014  
KITSAP COUNTY  
SHERIFF'S OFFICE  
RECEPTION

### KCSO RESPONSE

REQUEST RECEIVED BY: [Signature]	<input checked="" type="checkbox"/> ATTACHED <i>See Below</i> <input type="checkbox"/> RELEASED WITH REDACTIONS; SEE ATTACHED REDACTION LOG <input type="checkbox"/> REPORT NOT AVAILABLE TO RELEASE
DATE RECEIVED: 6/3/14	
PROCESSED BY: KB # 1030	<input type="checkbox"/> OTHER AGENCY REPORT <input type="checkbox"/> NO REPORT WRITTEN <input type="checkbox"/> STILL UNDER INVESTIGATION (this matter is still under investigation and contains intelligence information and investigative records the non-disclosure of which is necessary for effective law enforcement pursuant to RCW 42.56.240(1))
DATE PROCESSED: 6-4-14	<input type="checkbox"/> REPORT PURGED/DESTROYED (The report you are requesting has been destroyed. Also any other documents and/or written statements that were attached to the original report has been purged and destroyed. (The destruction of reports is pursuant to RCW 40.14.070)) <input type="checkbox"/> JUVENILE OFFENSE (This is a record of a juvenile offense. The report is withheld because all records other than the official juvenile court file are confidential and may be released only as provided in this section: RCW 13.50.010, 13.40.215, and 4.24.550 pursuant to RCW 13.50.050.(3))
KCSO ASSIGNED #: 1612	<input type="checkbox"/> NOTHING LOCATED WITH INFORMATION PROVIDED
Method of Delivery: <input checked="" type="checkbox"/> US MAIL <input type="checkbox"/> FAX <input checked="" type="checkbox"/> EMAIL <i>WP</i> <input type="checkbox"/> PICKED UP	REQUEST FOR TIME SERVED BOOKED DATE: 11-16-12 RELEASE DATE: 12-6-12 RELEASED TO: Street NOTES FIELD 40276449

APPENDIX F. QUESTION FROM DELIBERATING JURY

7.

RECEIVED AND FILED  
IN OPEN COURT  
NOV 26 2013

Omm

IN THE KITSAP COUNTY SUPERIOR COURT

DAVID W. PETERSON  
KITSAP COUNTY CLERK

STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 ANTHONY DEWAYNE PARKER, )  
 )  
 Defendant. )

No. 13-1-00597-1

QUESTION FROM DELIBERATING JURY

*Jurors: If, after carefully reviewing the evidence and instructions, you need to ask the court a procedural or legal question that you have been unable to answer, then write down your question on this form. Please print legibly. Do not state how the jury has voted.*

JURY'S QUESTION: In the wording of Count 8 (VIII) the date of the assault is stated as "on or about January 1, 2013 and February 2, 2013"..... date range.....

The other counts ~~8~~ have this ~~as~~ "and" as a "through".  
Is the jury to determine guilt on 1/1/13 and 2/2/13 or 1/1/13 through 2/2/13.

DATE AND TIME: 10:59 11/26/13

[Signature]  
Presiding Juror's Signature

COURT'S ANSWER (after consulting with attorneys):

The date range should read as follows: on <sup>1/1/13</sup> ~~1/1/13~~ about January 1, 2013 through Feb 2, 2013.

DATE AND TIME: 11/26/13 @ 11:30 am

[Signature]  
Judge's Signature

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CLTD/611

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RECEIVED AND FILED  
IN OPEN COURT  
NOV 26 2013

IN THE KITSAP COUNTY SUPERIOR COURT DAVID W. PETERSON  
KITSAP COUNTY CLERK

STATE OF WASHINGTON, )  
 ) No. 13-1-00597-1  
 )  
 ) Plaintiff, )  
 ) QUESTION FROM DELIBERATING JURY  
 )  
 ) v. )  
 )  
 ) ANTHONY DEWAYNE PARKER, )  
 )  
 ) Defendant. )

*Jurors: If, after carefully reviewing the evidence and instructions, you need to ask the court a procedural or legal question that you have been unable to answer, then write down your question on this form. Please print legibly. Do not state how the jury has voted.*

JURY'S QUESTION: For the Aggravating Circumstances for Counts  
1, 2, 3, 5, 6, 7, 8, 9 the list of three aggravating circumstances  
or special allegations does not include either an "and" or  
an "or". Do all three items <sup>in</sup> on the list be proven beyond  
a reasonable date or just one of the three?

DATE AND TIME: 11:46 11/26/13

[Signature]  
Presiding Juror's Signature

COURT'S ANSWER (after consulting with attorneys): \_\_\_\_\_

please refer to your jury  
instructions.

DATE AND TIME: 11/26/13

[Signature]  
Judge's Signature

62-302

APPENDIX G. STATEMENTS/AFFIDAVITS/REPORT OF THE COURT

**WASHINGTON SHORT-FORM INDIVIDUAL ACKNOWLEDGMENT** (RCW 42.44.100)

State of Washington }  
County of Kitsap } ss.

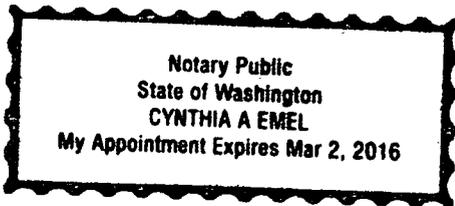
I certify that I know or have satisfactory evidence that Dontrel P. Madison  
Name of Signer

is the person who appeared before me, and said  
person acknowledged that he/she signed this  
instrument and acknowledged it to be his/her  
free and voluntary act for the uses and purposes  
mentioned in the instrument.

Dated: June 13, 2014  
Month/Day/Year

Cynthia A Emel  
Signature of Notarizing Officer

Notary Public  
Title (Such as "Notary Public")



Place Notary Seal and/or Stamp Above

My appointment expires  
March 2, 2016  
Month/Day/Year of Appointment Expiration

**OPTIONAL**

*Although the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: Personal Letter

Document Date: 6/13/14 Number of Pages: 1

Signer(s) Other Than Named Above: none

**RIGHT THUMBPRINT OF SIGNER**  
Top of thumb here



My name is Dontrel Madison. I am a long-term friend of Tony Parker. I'll start by saying off by saying that myself, along with a few other people that were suppose to get subpoenas to Tony Parker trial which never happened. His attorney told us when he was asked why we got nothing. He said we didn't need one and that we could testify without one but we had to be interviewed by the prosecutor first. They had a sit around for four to five hours then called me back first and the prosecutor just drilled me with questions one after another with Tony's attorney sitting there saying nothing. After they asked me all the questions, I was free to go home. But less than ten minutes after getting home, there was a knock at the door by two police officers looking for letters from me that Tony had written. I had no idea that they were coming and they didn't have a warrant. They were not going to let us testify from the start is what I found out soon after. I have valuable information that would have helped my friend's case. I don't understand the injustice and would never trust my life with the state of Washington after going through this.



6/13/14

AFFIDAVIT

STATE OF WASHINGTON )  
 ) ss:  
COUNTY OF

I, Patricia Battles, declare under penalty of perjury that the following statement(s) within this affidavit are true and correct to the best of my knowledge and has been executed on this 17 day of June, 2014, at the following address \_\_\_\_\_

in the County of Kitsap/Port Orchard Washington:

I, was a witness for Anthony Parker. Parker's lawyer Matt Warham informed me that I could sit through Parker's trial and later be called as a witness, for which later on I found out that I wasn't on Parker's witness list.

Mr. Wareham told the judge towards the end of the trial that he would like a break so he could have me call any of Parker's witnesses. I did get in touch with a couple of people, but most of them could not take the day off of work to come to court. I also had to get names and birthdays for proof. I did a job Mr. Wareham should have been doing.

Mr. Wareham, did not investigate or call me to go over the statements made with the private investigator Chris Mace, nor did Mr. Wareham subpoena anyone or had the intentions of calling anyone to testify on behalf of Anthony Parker including myself.

Furthermore, while Mr. Wareham and myself were standing in the hallway outside the courtroom discussing Parker's case a juror overheard us speaking for a while, and when she noticed that we had observed her listening she came up to us. Mr. Wareham said he was going to have her removed because the things she heard could make her bias, however he never had her removed. He was incompetent and failed to do a job he swore to uphold.."

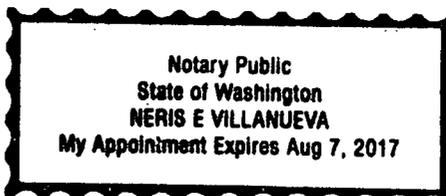
Patricia Battles  
(Affiant's Name/Signature)

SUBSCRIBED AND SWORN to before me this 17<sup>th</sup> day of June  
2014

[Signature]  
Notary Public in and for the  
State of Washington Residing at  
Kitsap County  
My commission expires Aug 7, 2017

AFFIDAVIT

PATRICIA BATTLES



AFFIDAVIT

STATE OF WASHINGTON )  
 ) ss:  
COUNTY OF

I, Patricia Battles, declare under penalty of perjury that the following statement(s) within this affidavit are true and correct to the best of my knowledge and has been executed on this 17 day of June, 2014, at the following address \_\_\_\_\_

in the County of Kitsap / Port Orchard Washington:

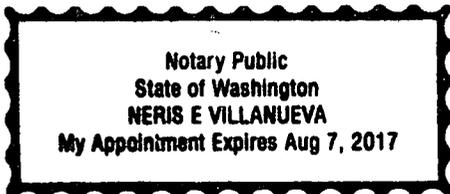
I, was sitting on the bench during Anthony Parker's trial when Parker's witnesses walked into the courtroom, and the prosecutor Schnepf screamed "if any of you testify for Anthony Parker, you will be arrested and go to jail."

Some people left because of what Prosecutor Schnepf said, and some stayed, but for fear and intimidation from the Prosecutor screaming in the courtroom, and going into the hallway area saying "your going to be arrested, I believe scared his witnesses off.

Parker had no one to testify for him because of the Prosecutor's threats.....

Patricia Battles  
(Affiant's Name/Signature)

SUBSCRIBED AND SWORN to before me this 17<sup>th</sup> day of June 2014



Neris Villanueva  
Notary Public in and for the  
State of Washington Residing at  
Kitsap County  
My commission expires Aug 7, 2017

AFFIDAVIT

PATRICIA BATTLES

B.

To whom it may concern:

My name is Keesha Parker. I am Tony Parker's (aka Anthony Parker) sister. During Tony's trial in November 2013, I was waiting to receive a subpoena in the mail so that I could testify on his behalf. But the subpoena never came. So I voluntarily showed up in court at 8 a.m., to testify and I was greeted with threats from the prosecution. As our mother and myself begin to seat in our seats, a pregnant female prosecutor turned and looked at us and stated, "If they want to come and testify for him, they can be charged and arrested too." But this is impossible because I never observed any illegal activities going on when I was in the presence of Tony and Johanna. I felt threatened and so did the other people who showed up voluntarily, without subpoenas, to testify on Tony's behalf. Tony's lawyer (Matt Wareham) told us all that subpoenas were not necessary and that it didn't matter. He then told us that we were not allowed in the courtroom if we were going to testify and to come back to the courthouse around noon. The prosecution would interview us and then we would be able to testify. We were then asked for personal information so that the prosecution could run background checks on us before returning to the courthouse to be interviewed.

We returned to the courthouse at noon. Dontrel Madison was interviewed first and then a man that I only know as John. While John was being interviewed, Matt Wareham came out and told us that it was not looking good for John and they would not be done interviewing him for a while. Mr. Wareham said that John maybe charged with a crime and that we all need to think long and hard about what it is that we have to say and if we want to testify for Tony and risk being charged with a crime also. We were terrified.

My testimony could have helped Tony's case if I had been giving the opportunity to receive a subpoena and testify. The jury was only allowed to hear the prosecution view of the events that took place.



6.

My NAME IS ROMOND WATSON, I WAS CALLED  
by PARKER To show up to his TRIAL AND WHEN I AND SOME  
OTHERS APPEARED IN THE COURT ROOM. THE PROSECUTOR SCHNEPF  
LOOK AT US AND VOICED VERY LOUDLY THAT IF WE TESTIFY  
FOR PARKER, THAT SHE WOULD HAVE US LOCK UP FOR A ASSESSORY  
FOR CRIMES I DIDN'T COMMIT. PROSECUTOR SCHNEPF WAS LOUDLY  
THREATENING ME AND OTHER WITNESS'S AND DUE SCHNEPF BEHAVIOR  
A LOT OF US WAS SCARED OFF OR WHEN PROSECUTOR SCHNEPF TOLD  
US TO COME BACK THE COURT HOUSE WAS CLOSED AND NO ONE WAS  
THERE.

Romond A. Watson  
7-2-14

**WASHINGTON SHORT-FORM INDIVIDUAL ACKNOWLEDGMENT**  
(RCW 42.44.100)

State of Washington }  
County of Kittitas } ss.

I certify that I know or have satisfactory evidence that Raymond Watson  
Name of Signer

is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 7-2-2014  
Month/Day/Year

Paulino M. Shopire  
Signature of Notarizing Officer

Notary  
Title (Such as "Notary Public")

Place Notary Seal and/or Stamp Above

My appointment expires: 12-15-2017

**OPTIONAL**

*Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.*

**Description of Attached Document**

Title or Type of Document: Letter to Client

Document Date: 7-2-2014 Number of Pages: 1

Signer(s) Other Than Named Above: None

My NAME IS ROMOND WATSON. I WAS A WITNESS FOR ANTHONY PARKER. I MET WITH PARKER'S PRIVATE INVESTIGATOR CHRIS MACE AND GAVE A STATEMENT BUT PARKER'S ATTORNEY MATT WAREHAM NEVER RETURN MY PHONE CALLS WHEN I LEFT MESSAGES, MR. WAREHAM NEVER CALLED OR SUBPOENA ME FOR PARKER'S TRIAL. I KNOW IF MR. WAREHAM WOULD HAVE INVESTIGATED MY STATEMENT AND SUBPOENA ME, PARKER'S TRIAL WOULD HAVE CAME OUT DIFFERENTLY CAUSE I WAS A ROOM-MATE WITH HOLIDAY-N-PARKER.

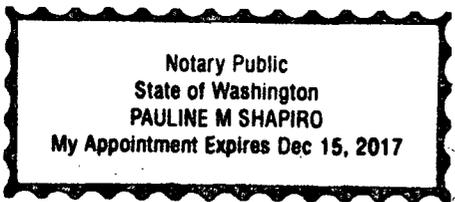
Romond A Watson  
7-2-14

**WASHINGTON SHORT-FORM INDIVIDUAL ACKNOWLEDGMENT**  
(RCW 42.44.100)

State of Washington }  
County of   Kitsap   } ss.

I certify that I know or have satisfactory evidence that   Ramond Watson    
Name of Signer

is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.



Dated:   7-2-2014    
Month/Day/Year

  Pauline M Shapiro    
Signature of Notarizing Officer

  Notary    
Title (Such as "Notary Public")

Place Notary Seal and/or Stamp Above

My appointment expires:   12-15-2017  

**OPTIONAL**

*Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.*

**Description of Attached Document**

Title or Type of Document:   Letter to Court  

Document Date:   7-2-14   Number of Pages:   1  

Signer(s) Other Than Named Above:   N/A

G.

☺ Let me know how things go Keesha and we'll talk to you later. Chris

---

**From:** kparker\_1@comcast.net [mailto:kparker\_1@comcast.net]  
**Sent:** Friday, December 20, 2013 10:55 AM  
**To:** Chris Mace  
**Subject:** Re: Anthony Parker

Hi Chris,

It's very clear. I will pass your info along to the attorney when the time comes. I do not think Matt will be any help to a new attorney because he isn't accepting any of Tony calls. Seems he has washed his hands of this.

But thanks for your input, it has been very helpful.

Thanks.  
Keesha

---

**From:** "Chris Mace" <cmace@co.kitsap.wa.us>  
**To:** "kparker 1" <kparker\_1@comcast.net>  
**Sent:** Friday, December 20, 2013 9:09:07 AM  
**Subject:** RE: Anthony Parker

Hi Keesha. I did hear the outcome a few days after the trial, but haven't heard about any sentencing, but speaking to Tony it sounded like that hasn't happened yet. I don't think a statement from me on Tony's defense would be all that helpful to you for a few reasons. One, I am not an attorney or Judge, so really no one will care at all about what I think; two, because I might have been called as a rebuttal witness I wasn't able to sit in the courtroom to see any of the trial. What I believe happens if Tony hires another attorney, is that Matt Wareham should pass along all the information I sent him (Matt) to Tony's new attorney. If that attorney has any questions for me on the material I collected; I believe I could assist him/her with that and would be willing to do that for Tony and your family for sure. I'm not sure I'm explaining this well but does this make sense to you? In other-words I think Tony would need an opinion from another attorney who then could argue that Tony had in-effective counsel and then hope he/she can convince a Judge that in fact Tony had in-effective counsel. Honestly I believe this is something that would naturally take place in the appeal process and I think Tony will be assigned a new attorney for the appeal. You could always double check with a private attorney to make sure what I believe should happen, is what actually happens. If this was as clear as mud to you, please feel free to just give me a call and we can talk over the phone. My number is 360-337-7015 ext. 3930. Chris

---

**From:** kparker\_1@comcast.net [mailto:kparker\_1@comcast.net]  
**Sent:** Thursday, December 19, 2013 2:34 PM  
**To:** Chris Mace  
**Subject:** Anthony Parker

Hello Chris,

I am sure by now you have heard about the outcome of Tony's trial. He mentioned that he had discussed his concerns to you about he's legal representation or the lack of. He wanted me to ask if you would write a statement discussing your experience or view of what went on during the trial.

Anything would be greatly appreciated by Tony and our family.

Thanks.

Keesha Parker

---

**From :** kparker 1 <kparker\_1@comcast.net>

Thu, Dec 19, 2013 02:37 PM

**Subject :** Fwd: Anthony Parker

**To :** redmonds <redmonds@wavecable.com>

Hey b-in- law,

I just sent this to the private investigator that was working on Tony's case. He seemed to be on Tony's side and knew what they were doing, whenever I talked to him. Hopefully he responds and I'll let you know.

Keesha

---

**From:** "kparker 1" <kparker\_1@comcast.net>

**To:** cmace@co.kitsap.wa.us

**Sent:** Thursday, December 19, 2013 2:34:29 PM

**Subject:** Anthony Parker

Hello Chris,

I am sure by now you have heard about the outcome of Tony's trial. He mentioned that he had discussed his concerns to you about he's legal representation or the lack of. He wanted me to ask if you would write a statement discussing your experience or view of what went on during the trial.

Anything would be greatly appreciated by Tony and our family.

Thanks.

Keesha Parker

---

**From :** kparker 1 <kparker\_1@comcast.net>

Thu, Dec 19, 2013 02:34 PM

**Subject :** Anthony Parker

**To :** cmace@co.kitsap.wa.us

Hello Chris,

I am sure by now you have heard about the outcome of Tony's trial. He mentioned that he had discussed his concerns to you about he's legal representation or the lack of. He wanted me to ask if you would write a statement discussing your experience or view of what went on during the trial.

Anything would be greatly appreciated by Tony and our family.

Thanks.

Keesha Parker

---

should be remedied by tomorrow.

**1:35 Court will start at 9:00 am tomorrow morning.**

Ms. Schnepf reminds the Court of her medical appointment tomorrow afternoon; she was unable to reschedule it.

**1:37 Court will come back from lunch tomorrow at 1:00 pm to maximize time before Ms. Schnepf must leave for her medical appointment.**

**1:38 Mr. Parker addresses the Court.**

**Court directs Mr. Parker to speak to his attorney first.**

Mr. Wareham advises Mr. Parker against addressing the Court.

**1:39 Mr. Parker, against attorney advise, wishes to address the Court to make a record.**

**Court allows for same.**

Mr. Parker informs the Court that Mr. Wareham has not come to the jail even once to see him; no witnesses have been subpoenaed; unsure what the defense strategy is or how to defend himself; doesn't know what is going on because Mr. Wareham will not come see him to discuss the case; wants the record to be clear for the purpose of appeal.

**1:43 Court excuses counsel and defendant until tomorrow; calls for the jury panel.**

**1:45 Jury panel enters the courtroom.**

**1:47 Court apologizes to the jury panel; explains one of the parties became ill; directs jurors to return tomorrow for trial, which will resume at 9:00 am; excuses jury panel.**

**1:51 Jury panel exits the courtroom.**

**Court is at recess until tomorrow morning.**

APPENDIX H. JURY INSTRUCTIONS

H.

INSTRUCTION NO. 18

To convict the defendant of the crime of Human Trafficking in the First Degree as charged in Count I, each of the following Three elements of the crime must be proved beyond a reasonable doubt—

- (1) That on or about November 1, 2012 through April 12, 2013, the defendant recruited, harbored, or transported by any means Johanna Catherine Holliday knowing that force fraud or coercion would be used to cause Johanna Catherine Holliday to engage in a commercial sex act;
- (2) That these acts involved committing or attempting to commit kidnapping; and
- (3) That the acts occurred in the State of Washington.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all the evidence, you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty.

32A

APPENDIX I. EXHIBIT LIST

**EXHIBIT LIST (EXLST)**

NOV 20 2013

No: 13-1-00597-1

Type of Hearing: JURY TRIAL

DAVID W. PETERSON

Offered by	No. of Exhibit		Ruling	Title/Description of Exhibit	Date of Ruling
STATE	1	S	Admitted	Jail calls from Llamas jail account	11/20/13
STATE	2	S	Admitted	Call log for Llamas jail account	11/13/13
STATE	3	S	Admitted	Jail calls from Parker's jail account	11/20/13
STATE	4	S	Admitted	Call log for Parker's jail account	11/13/13
STATE	5	S	Admitted	Edited jail calls – Llamas to Parker while	11/19/13
STATE	5A	S	Admitted	Edited transcripts for Exhibit 5	11/19/13
STATE	6	S	Admitted	Edited jail calls for Llamas to Parker and Holliday while Parker/Holliday out of custody	11/19/13
STATE	6A	S	Admitted	Edited transcripts for Exhibit 6	11/19/13
STATE	7	S	Admitted	Edited phone calls from Parker to Holliday and Llamas to Holliday while Parker/Llamas in custody during Parker's first incarceration	11/19/13
STATE	7A	S	Admitted	Edited transcripts for Exhibit 7	11/19/13
STATE	8	S	Admitted	Edited phone calls from Llamas to Parker and Holliday after Parker is released from custody	11/19/13
STATE	8A	S	Admitted	Edited transcripts for Exhibit 8	11/19/13
STATE	9	S	Admitted	Edited phone calls from Parker to Holliday during Parker's second incarceration	11/19/13
STATE	9A	S	Admitted	Edited transcripts for Exhibit 9	11/19/13
STATE	10	S	Admitted	Edited jail calls from Parker to Prerost	11/19/13
STATE	10A	S	Admitted	Edited transcripts for Exhibit 10	11/19/13

\* S = Stipulated

271  
 54A  
 x  
 SUB 64A)

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KITSAP

**EXHIBIT LIST (EXLST)**

No: 13-1-00597-1

Type of Hearing: JURY TRIAL

Offered by	No. of Exhibit		Ruling	Title/Description of Exhibit	Date of Ruling
STATE	11	S	Admitted	ZTE Model Z431 phone – text photos	11/19/13
STATE	12	S	Admitted	ZTE phone	11/19/13
STATE	12A	-	Not Offered	Battery from Exhibit 12	N/A
STATE	13	S	Admitted	Motorola phone – text photos	11/19/13
STATE	14	S	Admitted	Motorola phone	11/19/13
STATE	14A	-	Not Offered	Battery from Exhibit 14	N/A
STATE	15	S	Admitted	BoostMobile phone – text photos	11/19/13
STATE	16	S	Admitted	BoostMobile phone	11/19/13
STATE	16A	-	Not Offered	Battery from Exhibit 16	N/A
STATE	17	S	Admitted	Backpage advertisement records	11/13/13
STATE	18	O	Admitted	Parker's FaceBook page records	11/19/13
STATE	19	O	Admitted	Photos downloaded from FaceBook by LE	11/19/13
STATE	20	O	Admitted	Gun	11/19/13
STATE	20A	O	Admitted	Gun magazine	11/19/13
STATE	21	S	Admitted	4/12/2013 outside of Parker's house	11/19/13
STATE	22	S	Admitted	4/12/2013 back of Parker's house	11/19/13
STATE	23	S	Admitted	4/12/2013 entry to garage	11/19/13
STATE	24	S	Admitted	4/12/2013 mail box to Parker's house	11/19/13
STATE	25	S	Admitted	4/12/2013 inside of Parker's mail box	11/19/13
STATE	26	O	Admitted	4/12/2013 Parker's driver's license	11/19/13
STATE	27	S	Admitted	4/12/2013 Parker's bedroom	11/19/13
STATE	28	S	Admitted	4/12/2013 washing area	11/19/13
STATE	29	S	Admitted	4/12/2013 garage area w/Parker's clothes	11/19/13
STATE	30	S	Admitted	4/12/2013 blue bag in garage	11/19/13
STATE	31	S	Admitted	4/12/2013 close up of blue bag	11/19/13
STATE	32	S	Admitted	4/12/2013 gun in bag	11/19/13

\* S = Stipulated

272



APPENDIX J. MOTION TO SUPPRESS EVIDENCE

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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION II

---

STATE OF WASHINGTON	)	COA.# 45811-0-II
Plaintiff,	)	No. 13-1-00597-1
	)	
V.	)	MOTION TO SUPPRESS
	)	EVIDENCE AND DISMISS
ANTHONY D. PARKER	)	THE CASE PURSUANT TO
Defendant.	)	CrR 3.5/3.6

I. MOTION

COMES NOW the defendant/appellant, Anthony D. Parker, by and through his own accord Pro Se and moves this Court for an Order to Suppress Evidence And Dismiss The Case pursuant to CrR 3.5/3.6 and Affidavit of Facts in Part II.

II. AFFIDAVIT OF FACTS

This declaration is made pursuant to CrR 3.5 and 3.6. Under no circumstances should this declaration be considered a waiver of attorney-client privilege, or any other privilege while on direct appeal.

For the purposes of this motion, the State sought to admit evidence of a cell phone belonging to Johanna Holliday which was taken from her on April 4, 2013 by Bremerton Police Officers, absent

a search incident to arrest. On April 4, 2013, Holliday was detained and searched for a possible drug violation by the Bremerton Police, they found a oxycodone pill on her persons however, she was not arrested. The police kept her cell phone, and released her on an agreement that she would meet with them the following day.

Holliday did not meet with them as planned, but was arrested on April 12, 2013, due to the police setting up a ruse on backpage.com.

Prior to the arrest the police searched Holliday's cell phone and compiled a wealth of information and contacts mainly my text messages and personal information. This was done without a search warrant and or consent of Holliday or myself.

The information obtained, from the cell phone the State intended and did use to prosecute me for multiple crimes as stated in the charging document.

This motion comes post conviction because my attorney of record Matthew Wareham failed to suppress prior to trial, and is attached to my Personal Restraint Petition for this Court to review and consider.

I, Anthony D. Parker, do swear under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct to best of my knowledge.

Dickerson v. Wainwright, 626 F.2d 1184 (1980)



III. ARGUMENT AND  
SUPPORTING AUTHORITY

No Person Shall Be Disturbed In His Private Affairs,  
Or His Home Invaded, without Authority Of Law. Wash. Const. art.  
1 § 7.

Here, absent a reason to confiscate Holliday's cell phone the police had no authority to search. When they released Holliday at the scene even after finding the drugs, the police gave up their right to search, for the confiscation of the cell phone was not due to a search incident to arrest. See State v. Snapp, 174 Wn.2d 177, 275 P.3d 289 (2012) on the discussion of search incident to arrest).

Under our State Constitution, officers of the law must have actual authority of the law to intrude into private affairs, even the affairs of bad men. State v. Winterstein, 167 Wn.2d 620, 636, 220 P.3d 1226 (2009).

A search occurs when the government disturbs those privacy interests that citizens of the State have held, and should be entitled to hold, safe from governmental trespass absent a warrant. State v. Hinton, 179 Wn.2d 862, 319 P.3d 9 (2014).

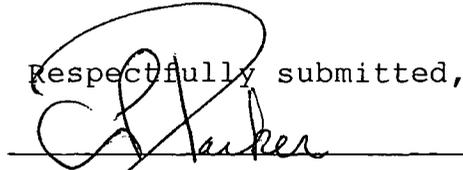
The exclusionary rule prohibits the admission of evidence that is the product of the unlawfully acquired evidence up to the point at which the connection with the unlawful search becomes so attenuated as to dissipate the taint. State v. Green, 177 Wn.App.

332, 312 P.3d 669 (2013). Therefore the evidence obtained from the cell phone must be suppressed, and the case dismissed because the convictions were obtained through the fruit of the poisonous tree. State v. Hinton, 179 Wn.2d 862, controls.

IV. CONCLUSION AND  
PRAYER FOR RELIEF

Based on the fact that the Police did not secure a search warrant prior to searching Holliday's cell phone for illegal activities this Court must grant motion to suppress evidence obtained from the cell phone, and the charges must be dismissed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E. H. Harker", is written over a horizontal line. The signature is somewhat stylized and cursive.

DATED this 7th day of July, 2014.

APPENDIX K. REPORT OF PROCEEDINGS/LAWYER CONFLICT

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

2 IN AND FOR THE COUNTY OF KITSAP

3 \_\_\_\_\_

4 STATE OF WASHINGTON, )  
 5 )  
 6 Plaintiff, )  
 7 )  
 8 vs. ) No. 13-1-00597-1  
 9 ) COA# 45811-0-II  
 10 ANTHONY PARKER, )  
 11 )  
 12 Defendant. )

13 \_\_\_\_\_

14 VERBATIM REPORT OF PROCEEDINGS

15 Before the Honorable Jennifer A. Forbes

16 October 28, 2013  
17 Port Orchard, Washington

18 APPEARANCES:

19 For the Plaintiff: FARSHAD M. TALEBI  
20 Deputy Prosecuting Attorney

21 For the Defendant: MATTHEW WAREHAM  
22 Attorney at Law

**COPY**

23 Andrea Ramirez, RPR, CRR, CCR#2293  
24 Official Court Reporter  
25 614 Division Street, Port Orchard, WA 98366  
(360)337-4461

## State v. Parker, 10/28/13

## P R O C E E D I N G S

\* \* \*

1  
2  
3 THE COURT: Next matter is Anthony Parker, Cause  
4 Number 13-1-00597-1.

5 MS. MONTGOMERY: I'll see if they're out in the  
6 hall, Your Honor.

7 THE DEFENDANT: They went out in the hallway,  
8 him and the prosecutor.

9 THE COURT: This matter is added, I believe, to  
10 the calendar.

11 So Mr. Wareham, is this your request?

12 MR. WAREHAM: This is my request, Your Honor.  
13 For the record, Matthew Wareham representing Mr. Parker,  
14 who's present in court seated in the jury box in the first  
15 seat at the bottom.

16 Your Honor, this is my motion to withdraw. And  
17 the reason for my motion to withdraw is for severe  
18 conflict of interest with two of the witnesses in the case  
19 there. One of them is fairly severe. I can explain that  
20 in chambers further, if you wish, as far as the extent of  
21 the conflict of interest, as attorney-client privilege  
22 does attach to both of the conflicts of interest. So for  
23 that reason --

24 THE COURT: Can you explain without getting into  
25 the detail of the communication? Is there a relationship

1 or prior representation?

2 MR. WAREHAM: There is -- part of my practice  
3 has to deal with advising non-profits. And part of our  
4 practice has to deal with advising wealthy people as to  
5 where they put their money. And some of that -- one of  
6 the witnesses here is involved and owns a non-profit. And  
7 I didn't find out about that until Monday of last week.

8 THE COURT: And this is a non-profit that you  
9 advise -- that you provide legal advice to?

10 THE DEFENDANT: Your Honor, I can tell that to  
11 you in chambers. I believe attorney-client privilege  
12 attaches at that point.

13 THE COURT: Mr. Talebi, what's the State's  
14 position?

15 MR. TALEBI: We're ready for trial. We've been  
16 ready for trial. We agreed to a two-week continuance last  
17 week. It's kind of the first we've heard of it. And so  
18 we're objecting to him withdrawing at this point. The  
19 case has been pending since April 15. There's been, it  
20 looks like, two other attorneys. Mr. Wareham has had it  
21 at least since July. It's on the eve of trial at this  
22 point. I was kind of told about the conflict, but I don't  
23 really understand if it's a valid conflict, at this point,  
24 for him to withdraw.

25 THE COURT: Okay. Well, it seems like we

1 probably have to have a communication with -- that's in  
2 chambers to determine that, I guess. I can't do it right  
3 now.

4 MR. WAREHAM: Okay.

5 THE COURT: But I can send you around to the  
6 court scheduler, and maybe there's a judge that's  
7 available that can do it. At this point in time that's  
8 not me.

9 Does the Defendant need to be there?

10 MR. WAREHAM: Your Honor, the Defendant cannot  
11 be there.

12 THE COURT: Cannot be there because it involves  
13 information that you have relating to another client?

14 MR. WAREHAM: Right. Both I -- contain both  
15 secrets for one client and then for another client. And  
16 then one of the clients here involves -- let me point out  
17 and make it to the chase why this comes in so late, Your  
18 Honor. The reason it comes on so late is that they had a  
19 person from Lakewood prior to the person from Seattle who  
20 this switched over to. They switched over to the person  
21 from Seattle about a week ago. I received their CV about  
22 last week, too, as well, immediately began working,  
23 researching their CV, doing a conflicts check. That's  
24 when this all came up. I immediately tried contacting the  
25 Court to schedule this court date here. I was advised

1 that I couldn't get on to the Wednesday calendar. I was  
2 advised I couldn't get on to the Thursday calendar. I  
3 couldn't get on to the Friday calendar. And the Monday  
4 calendar was the soonest calendar I could get on, only by  
5 going through their office. So I tried to bring it up as  
6 soon as possible. It wasn't like I sat on this since  
7 July. I brought it up as soon as I could.

8 THE COURT: Okay.

9 THE CLERK: Your Honor, I checked with the court  
10 scheduler. She has one judge that can hear it now, but it  
11 would only be for a short amount of time.

12 THE COURT: Okay. I'm going to hand you the  
13 court file, and you can bring it around to the court  
14 scheduler. If you can come back to the courtroom.

15 Ms. Christensen, Mr. McMurdo, are you ready on  
16 Sykes (phonetic)?

17 MS. CHRISTENSEN: We are.

18 THE DEFENDANT: Excuse me, Ms. Forbes?

19 THE COURT: Yes?

20 THE DEFENDANT: So what is going on?

21 THE COURT: We haven't made a decision. Your  
22 attorney is going to talk to one of the judges in  
23 chambers, and then he's going to come back into court.

24 THE DEFENDANT: But I haven't even met this dude  
25 or sat down with this dude about my trial or anything.

1 THE COURT: We'll deal with that when he comes  
2 back into court.

3 THE DEFENDANT: Okay.

4 (Recess)

5 THE COURT: We're going to call the Anthony  
6 Parker matter again at this time.

7 For the record, we're back on the Anthony Parker  
8 matter, 13-1-00597-1. It's my understanding that  
9 Mr. Wareham has met with Judge Laurie. This has been an  
10 out-of-court meeting, pursuant to a request by  
11 Mr. Wareham, based on the statement from Mr. Wareham that  
12 his request to withdraw required him to disclose  
13 potentially confidential information. In wishing to  
14 maintain his obligation under the RPC's to maintain client  
15 confidentiality, he requested a hearing in chambers -- or  
16 I guess it might have been in a courtroom -- but anyway, a  
17 closed hearing to review the issue. I just need to put  
18 that on the record under the *Bone-Club* analysis. Because  
19 I wasn't present in that room with Judge Laurie, so I need  
20 to be the one that makes the record, since there's no  
21 other way to make a record. And we reviewed this on the  
22 record. No one objected to the in camera review. It was  
23 the most effective means available in order to have  
24 Mr. Wareham have a fair opportunity to explain what he  
25 felt was a potential conflict of interest. So based on

1 that, the Court has weighed the competing interests of a  
2 public hearing versus a closed hearing, found that this is  
3 the only way to have achieved an opportunity for  
4 Mr. Wareham to provide full information to the Court. And  
5 it was limited to just a few minutes with Mr. Wareham with  
6 Judge Laurie off the record. And we're now back on the  
7 record in a public courtroom.

8 At this point in time, Mr. Wareham, what were  
9 the results from your discussion with Judge Laurie?

10 MR. WAREHAM: Your Honor, the results from the  
11 discussion with Judge Laurie were that she stated -- and  
12 correct me, if I'm wrong -- was simply that if Your Honor  
13 has found from the information provided from you in open  
14 court that there is, indeed, a conflict for which a  
15 withdrawal would be mandatory, then Your Honor could grant  
16 that. If Your Honor has not found that, then I can appeal  
17 to Judge Laurie and have an in camera session with her  
18 whereby I'd resolve all the complete --

19 THE COURT: You haven't yet had the in camera  
20 review?

21 MR. WAREHAM: We have not had the in camera  
22 review. We had an open court review whereby I disclosed  
23 to her a few additional facts, I guess some additional  
24 facts. I guess mainly is what I explained to you was that  
25 I represent some non-profit organizations and some wealthy

1 individuals who donate money. Some of that money may very  
2 well be donated to some of the State's witnesses who they  
3 have disclosed, at this point in time, and their  
4 organizations.

5 THE COURT: And I'm not -- I'm in the same  
6 position I was in before. I don't have enough information  
7 from that to say that -- particularly in the light of the  
8 stage of the case that we're in that that represents a  
9 true conflict. Now, if you have clients that you actually  
10 represent who are witnesses or parties or people who have  
11 a direct conflict of interest with the outcome of this  
12 particular case, I certainly would see a direct conflict  
13 there. I understand you can't go into details, and I  
14 appreciate that. But that's -- as I sit here today, we  
15 can only --

16 MR. WAREHAM: Your Honor, I guess, just to kind  
17 of go into it a little bit further, is that from the  
18 outside it would appear as though I were diverting money  
19 from my clients over to the State's witness. And even  
20 though I don't think that they'd be corrupted by that,  
21 there is a gross appearance of a conflict of interest.  
22 I've spoken with the conflict counsel. They agreed, at  
23 this point in time, that this was what I should do was  
24 withdraw from this case here due to the gross appearance  
25 of the conflict of interest.

1           There was further one thing that I was not  
2 involved in, nor any of my clients, some type of a  
3 monetary scandal, too, as well, with this organization  
4 that we founded that was investigated by the US Attorney's  
5 Office that the State's witness was a member of the  
6 organization but he wasn't involved in. So it gets fairly  
7 complex fairly quickly.

8           THE COURT: Well, so are you saying that you  
9 handle money for a client and that you transfer money  
10 directly to one of the State's witnesses?

11           MR. WAREHAM: Your Honor, I advise people as far  
12 as what charities to donate money to and what charities to  
13 not donate money to.

14           THE COURT: And one of the State's witnesses is  
15 a charity to which you may or may not have influence over  
16 another client donating to?

17           MR. WAREHAM: That's correct.

18           THE COURT: Mr. Talebi?

19           MR. TALEBI: Well, my understanding from Judge  
20 Laurie was that she wanted you to make the determination  
21 whether or not there is a conflict. If you're not able to  
22 do that from the information here, then you proceed to an  
23 in camera hearing.

24           THE COURT: Which is, I thought, what we were  
25 doing already.

1 MR. TALEBI: I thought so too. But I guess  
2 she -- she wanted a clear answer from Your Honor.

3 THE COURT: I'm not sure I have enough to find a  
4 conflict under the circumstances. But it's -- the  
5 information you gave me there is -- it's closer in terms  
6 of the concern. Mr. Parker raised some concerns, when you  
7 walked out of the room, about what was going on, and so  
8 it's important that he's kept in the loop.

9 MR. WAREHAM: I can talk with him.

10 THE COURT: Is Judge Laurie available to hear it  
11 this morning?

12 MR. WAREHAM: I can go check with her, Your  
13 Honor. I believe she said that she was available to hear  
14 it. So I can go talk with her.

15 THE COURT: Well, that's, I guess, the direction  
16 I think we need to go is to have her review it and decide  
17 it.

18 MR. WAREHAM: Okay. Sounds good.

19 THE COURT: So if you can talk to your client,  
20 I'd appreciate it.

21 (Recess)

22 THE COURT: Okay. Back on to the Parker matter.  
23 I think I gave somebody my file.

24 Did you guys take my file? Does the judge have  
25 the file?

1 MR. WAREHAM: I don't know if the judge has the  
2 file.

3 THE COURT: You didn't bring it?

4 MR. WAREHAM: I don't recall bringing it over.

5 THE COURT: There we are. Okay. I have my  
6 file.

7 So what happened, Mr. Wareham?

8 MR. WAREHAM: Your Honor, after speaking with  
9 Judge Laurie, she'd like to see me back at 11:00 in order  
10 to discuss the RPC's with her in detail. So that's what  
11 I'm going to do. At this point in time, I believe  
12 Mr. Parker could go back, and I'll go back and see Judge  
13 Laurie. She just wanted to see me at 11:00.

14 THE COURT: Okay. So at this point we're set on  
15 for trial November 4. If Judge Laurie grants your request  
16 to withdraw --

17 MR. WAREHAM: Then I believe we'll need to  
18 schedule another court date, probably tomorrow or the next  
19 day.

20 THE COURT: So maybe we should do an order  
21 setting for tomorrow morning but then we can strike it, if  
22 you're not removed from the case?

23 MR. WAREHAM: That's fine.

24 THE COURT: Okay. So Mr. Parker, Mr. Wareham is  
25 going to see you, one way or another, and let you know

1 what's going to happen in the case. If you do have a new  
2 attorney appointed, we'll be addressing that tomorrow  
3 morning at 9:00.

4 And I assume you'll talk to the public defense  
5 office. Because you're appointed; right?

6 MR. WAREHAM: I'm appointed, yes.

7 THE COURT: Okay. So you'll talk to them about  
8 getting a new attorney?

9 MR. WAREHAM: I've already spoken with them,  
10 yes.

11 THE COURT: Okay. Thank you.

12 So tomorrow morning's hearing can be stricken.

13 And Mr. Wareham, if you can advise if it needs to be  
14 stricken, just so we know.

15 MR. WAREHAM: I will.

16 THE COURT: Okay. Thank you.

17 (Matter concluded)

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