

No. 51481-8-II

In The Court Of Appeals Of The State Of Washington  
Division II

In Re the Personal Restraint of  
Allixzander D. Harris,  
Petitioner

Regarding The Judgement And Sentence Entered By  
The Superior Court of Kitsap County  
Superior Court No. 13-1-00087-1

• Defendant's • Response •

Signed: Allixzander D. Harris  
Print: Allixzander D. Harris  
5/29<sup>th</sup>/2018

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4	Hendrickson, 129 Wn.2d at 78
4	Herring v. New York 422 U.S. 853, 862, 95 S. Ct. 2550, 45 L.Ed. 2d 593 (1975)
26	Hughes v. Rowe 66 LED2D 163, 449, U.S. 5 (1980)
1	In re Crow 187 Wn. App. 414, 420-21, 349 P.3d 902 (2015)
25	In Re Pers. Restraint of Lui 2017 Wash. Lexis 639 L. Cumulative error 39, 40 97 76)
12	Kitsap Sun Newspaper
24	Murry v. U.S., 487 U.S. 533 (1988)
14, 17	State v. Arreola, 176 Wn.2d 284 (2012)
19, 20	State v. Brigham, 382 F.3d 500 (2014)
21, 22	State v. Cantrell, 70 Wn. App. 340 (1993)
4	State v. D.E.D., 200 Wn. App. 484, 490, 402 P.3d 851 (2017)
5	State v. G.M.V., 135 Wn. App. 366, 372, 144 P.3d 358 (2006)
25	State v. Herrington, 167 Wash.2d 656, 222 P.3d 92 (2009)
9, 13, 18, 24	State v. Ladson, 138 Wn.2d 343 (1998)
2, 5	State v. McFarland, 127 Wn.2d 322 (1995)
1	State v. Whelchel, 115 Wn.2d 708, 801 P.2d 948 (1990)

3 Strickland v. Washington, 466 U.S. 668 (1984)

3 United States v. Cronk, 466 U.S. 648  
(1984)

### Rules

B. Rap. 16.4(2), (3)

3, 18 W.A. Const., Art. I, ss 7 (Private Affairs)  
12, 13 U.S. Const., amend. VI (Effective assist-  
14 ance of counsel)

## I. Counterstatement of the issues.

1. Whether Harris's Ineffective Assistance of counsel claim should be granted for his attorney failing / refusing to move for suppression of illegally obtained evidence due to a Pretext traffic stop?
2. Whether Harris's Pretextual traffic stop claim holds merit?
3. Whether Harris shows that the detention arising from the traffic stop was unlawfully prolonged?
4. Whether Harris proves that the consent to search was a product of that unlawfully prolonged detention?
5. Whether the warrant to search Harris's vehicle is valid when its motivation was caused by sight of illegally seen evidence?

A.

6. Whether Harris meets his burden of identifying the fruits of the Pretextual traffic stop?

7. Whether Harris shows that the cumulative error doctrine applies to his claim?

## II. Response

Harris respectfully moves this court for an order granting reversal of his convictions with remand for a new trial with new directions to hold a suppression hearing regarding illegally obtained evidence, or reverse and remand for a new trial with all directly, and indirectly illegally obtained evidence suppressed.

Rap 16.4 (2) (3)

### III. Statement of the Case.

Allixzander Devell Harris was charged by information filed in Kitsap County Superior Court.

Counts I - VI alleged counts of promoting commercial sexual abuse of minor, involving two underage girls, K.H., and S.D.. The information further alleged counts of (VII) tampering with a witness, (VIII) second-degree promoting prostitution, which involved an adult, L.P., and (IX) second-degree possession of depictions of minor engaged in sexually explicit conduct, and various aggravating circumstances.

Count IX was dismissed without prejudice. After trial a jury found Harris guilty as charged of counts I - VIII. The trial court imposed an exceptional sentence of 486 months each on counts I through VI. It imposed standard range sentences of 60 months on each counts VII and VIII. All eight counts were ordered to run concurrently.

Harris appealed. State v. Harris, 194 Wn. App. 1017, 2016 WL 3163079 (2016) unpublished. The court rejected his  
C.

challenge to his exceptional sentence, and his claims that his rights to be present and self-representation had been violated. In his statement of Additional grounds, he also claimed ineffective assistance of counsel with regard to CrR 3.3. The court also rejected these claims. The court remanded for the trial court to make an individual inquiry on Harris's ability to pay discretionary LFO's pursuant to state v. Blazina, 182 Wn.2d 827, 830, 344 P.3d 680 (2015).

The supreme court denied review. state v. Harris, 186 Wn.2d 1021, 383 P.3d 1016 (2016). The mandate issued on November 8, 2016. The trial court entered an order complying with the mandate on June 9, 2017.

The instant petition was timely filed on October 30, 2017.

The facts of this case are summarized in the Court of Appeals opinion. (See: states Response Pg's 1-4).

## I V. Authority for Petitioners Restraint.

The Authority for the restraint of Allixzander Devell Harris lies within the judgement and sentence entered by the Superior Court of the state of Washington for Kitsap County, on September 26, 2014, and as amended on June 9, 2017, in cause number 13-1-00087-1, upon Harris's conviction of 6 counts of promoting commercial sexual abuse of minor, tampering with a witness, and second-degree promoting prostitution.

## V. Argument

### A. Standard of review on Collateral attack.

The petitioner in a PRP must first prove error by a preponderance of the evidence. In re Crow, 187 Wn. App. 414, 420-21, 349 P.3d 902 (2015).

Then, if the petitioner is able to show error, he must also prove prejudice. Crow, 187 Wn. App. at 421.

Harris does not fail to meet the standards discussed on pg. 4-6 of the states response under standards of review.

Harris makes a prima facie showing of actual prejudice in his PRP through the issues that he raises because of the illegally obtained evidence being used at trial.

" Evidence admitted in violation of a defendants 4<sup>th</sup> amend. rights USCA is constitutional error that is presumed prejudicial. see; state v. Whelchel 115 Wn.2d 708, 801 P. 2d 948 (1990).

1 [B]. Harris's trial counsel was ineffective  
2 for failing/refusing to move for the  
3 suppression of illegally obtained evidence.  
4

5 This claim should not fail, because had  
6 counsel for the defendant properly briefed the  
7 3.6 suppression motion on the pretextual traffic  
8 stop issue, that motion would have been granted.

9 #1 The fact that the actual motion that had  
10 been briefed by (Eric Valley) the defense attorney  
11 for the defendant was incorrect is not the  
12 issue, the issue is that this defense attorney  
13 refused to move for suppression due to his  
14 ignorance in law specifically on W.A. state  
15 pretextual traffic stops.

16 #2 Along with that same defense attorney  
17 not moving for suppression of the illegally obtained  
18 evidence in the case period.

19  
20 Under state v. McFarland the defendant  
21 bears the burden of demonstrating both deficient  
22 performance and prejudice.

23 (See: state v. McFarland 127 Wn.2d. 322-  
24 (1995))

25 Harris has put together a fine demonstration  
26

1 of deficient performance and prejudice.

2 Counsels performance was ineffective due to  
3 his lack of knowledge, preparation, and ignorance  
4 of law pertaining to Pretextual traffic stops in  
5 Washington State Under Article 1 § 7 of the W.A.  
6 Constitution.

7 Not only did the defense's Counsel  
8 fail/refuse to move for suppression of illegally  
9 obtained evidence due to his ignorance of law,  
10 but he also took a state's witness out of court  
11 statement as validation in accessing the law  
12 that he misunderstood which destroyed the  
13 adversarial process guaranteed to each defendant  
14 by our Due process of law. (See: R.P. 7/11/14 -  
15 pg. 2, line 16 - pg. 5, line 15).

16 Counsels critical role in the adversarial  
17 System protects defendants fundamental rights to a fair trial  
18 (Strickland v. Washington, 466 U.S. 668, 684, 85, 104 S.Ct.  
19 2052, 80 L.Ed. 2d 674, reh'g denied, 467 U.S. 1267,  
20 104 S.Ct. 3562 82 L.Ed. 2d 864 (1984); United v.  
21 Cronin, 466 U.S. 648, 656, 104 S.Ct. 2039, 80 L.Ed.  
22 2d 257 (1984), "[T]he very premise of our  
23 adversary system of criminal justice is that  
24 partisan advocacy on both sides of a case will  
25 best promote the ultimate objective that the guilty  
26

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1 be convicted and the innocent go free." (Herring v.  
2 New York), 422 U.S. 853, 862, 95 S.Ct. 2550, 45  
3 L.Ed. 2d 593 (1975).

4  
5 Had counsel properly moved for suppression  
6 of the evidence in this case that motion would  
7 have been granted, and the prejudicial evidence  
8 would have been suppressed.

9 To show prejudice, the defendant must establish that  
10 "there is a reasonable probability that, but for counsels  
11 errors, the result of the trial would have been different."<sup>55</sup>  
12 (Hendrickson, 129 Wn. 2d at 78; Strickland, 466 U.S.  
13 at 687.)

14 As explained in Harris's PRP on pg. 41-45  
15 of 46 pages under (Prejudice and the fruits that  
16 came with it), illegally obtained evidence would be  
17 suppressed through the fruit of the poisonous tree doc-  
18 trine. That evidence is shown through these pages  
19 of Harris's PRP and the evidence within them if  
20 suppressed would have eliminated convictions.

21  
22 In the context of the failuar to bring a  
23 motion to surppress, counsel can only have been  
24 ineffective if it can be shown that the motion  
25 likely would have been granted. (State v. D.E.D.,  
26

1 200 Wn. App. 484, 490, 402 P.3d 851 (2017) (  
2 citing McFarland, 127 Wn.2d at 334); State v.  
3 G.M.V., 135 Wn. App. 366, 372, 144 P.3d 358  
4 (2006), review denied, 160 Wn.2d 1024 (2007).

5

6 This claim of Ineffective should be  
7 granted.

8

9 [C]. Harris does not fail to show a  
10 Pretextual traffic stop that lead to  
11 illegally obtained evidence used in Harris's  
12 trial.

13

14 The state contends that because Harris was stopped  
15 and or detained based on probable cause that he  
16 committed criminal offenses that his Pretext claim  
17 is without merit.

18 (See: States Response Pg 8.)

19

20 That contention is incorrect, under Art 1 ss -  
21 7 of the Washington state Constitution this  
22 claim has merit.

23

24 Though Harris may have been pulled over due  
25 to a subsequent Traffic infraction of expired tabs

26

27 Pg. 5 of 26 Defendant's Response

1 and on a "criminal offense" of DWLS<sup>03</sup> it was only  
2 after officer Inklebanger used that reason to stop  
3 Harris for an unrelated criminal investigation, not  
4 for the traffic infraction and/or the "criminal offense"  
5 of DWLS<sup>03</sup>.

6 This traffic stop was truly pretextual in all  
7 of its nature, Harris was specifically stopped because officer  
8 Inklebanger of the Bremerton Police Department (B.P.D.)  
9 wanted to search or seize Harris and/or allow him to be  
10 searched or seized related to the Special Operations  
11 Group (S.O.G.) investigation Sgt. Randy Plumb of the  
12 (B.P.D.) and Detective of the (S.O.G.) was inve-  
13 stigating.

14 1. As was shown in Harris's PRP (pg -  
15 of ) there was a prior agreement between Sgt.  
16 Endicott of the (B.P.D.) and Detective Sgt. Randy-  
17 Plumb of the (B.P.D./S.O.G.) that if any of the  
18 officers came into contact with Harris Sgt. En-  
19 dicott would contact Plumb asap so that Plumb  
20 could see if Harris was in possession of any  
21 evidentiary items for Plumb's investigation.

22 (See: R.P. 8/25/14 Pg. 1183, line 2-17)

23 (See: ex 1. E-mail

24

25

26

27

2. The inception of this traffic stop

1 was caused by this agreement. The beginning of  
2 this traffic stop was not included in the Police report  
3 of Harris's arrest.

4 (See: ex 2 Police Report) Nor was  
5 the initiating officer Inklebargers report.

6 The only way that the inception of Harris's  
7 arrest via officer Inklebargers report was found  
8 happend to be done when and only when the  
9 prosecutor (Coreen Schnepf) responded to Harris's  
10 Defense attorney Eric Valley after (Coreen) told  
11 officer Inklebarger that she would need both him  
12 and the arresting officer Meador for the 3.6  
13 hearing the next day.

14 (See: ex 1 E-mail)

15

16 3. The only reason this vehicle Harris was  
17 arrested out of happened to be spotted was because  
18 the initiating officer Inklebarger knew the vehicle  
19 was connected to Harris from previous information  
20 ,and prior dealings with Harris. allegedly.

21 (See: Ex 1 E-mail) It was not spotted  
22 because of probable cause to arrest nor detain  
23 Harris. There were no warrants, criminal  
24 offenses, or any authority of law at this time to  
25

26

27 Pg. 7 of 26 Defendants Response

1 invade Harris's private affairs because the vehicle  
2 was legally parked (see: ex 1, E-mail) After spotting  
3 the vehicle officer Inklebarger decided to shadow/  
4 tail the vehicle to find a legal reason to stop the,  
5 vehicle. (see: ex 1 E-mail)

6

7 Inklebarger then pulled behind the vehicle  
8 to run the plates verifying that the tabs were  
9 expired.

10 There are inconsistencies along with  
11 cleverly distorted and misrepresented facts in the  
12 Police report by the arresting officers report contr-  
13 adicted to the full report that includes the hidden  
14 or missing report that the (7/11/14) E-mail that  
15 exposes the initiating officer Inklebarger's conten-  
16 tions of what took place when Harris was arrested,  
17 aka the inception of this Pretextual traffic  
18 stop. (see: ex 1 E-mail)

19 (see: ex 2 Police Report)

20

21 The police report states that officer Meador was  
22 called to the area of Arsenal way and Oyster Bay to  
23 stand by for a vehicle that had expired tabs,  
24 and possibly a suspended driver identified as  
25 Allixzander D. Harris, driving suspended in an  
26

27

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1 expired vehicle, spotted Harris and invaded his  
2 private affairs which initiated the traffic stop in  
3 order to further the investigation of this case being  
4 conducted by Detective Sgt. Randy Plumb of  
5 (S.O.G.) / (B.P.D.).

6 (see: Ex. 2 Police Report)

7 Had Intleberger not spotted this vehicle due to  
8 prior information from (S.O.G.) or known the vehicle Harris  
9 was known to drive then officer Meador would not have  
10 conducted or helped set up the stop, because officer  
11 Meador would not have been called out of his  
12 patrol duties to stand by for any vehicle period.

13  
14 Under state v. Ladson "Provision of state  
15 constitution prohibiting the invasion of private affairs  
16 on the home without Authority of law forbids use of  
17 pretext as a justification for a warrantless search  
18 or seizure; provision requires court to look beyond  
19 the formal justification for the stop to the actual  
20 one, and in case of pretext, actual reason  
21 for the stop is inherently unreasonable, other-  
22 wise the use of pretext would not be necessary.  
23 (see State v. Ladson 138 Wn. 2d 343 (1999))

24  
25 A). The obvious reason Harris was  
26

1 stopped is because of the (S.O.G.) investigation of this  
2 case, which was inherently unreasonable.

3 At the time of the traffic stop this case  
4 was still being investigated.

5 This is shown through the facts of this  
6 case. (1.) Detective Randy Plumb told Sgt,  
7 Endicott to call him if officers came into contact  
8 with the defendant so he could see if Harris  
9 was in possession of evidentiary items for this case,  
10 not to arrest nor detain him implying that the  
11 investigation was still going

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and (2). There was no warrant.

(see: ex B Search Warrant for (1) and (4)) Pg 13-  
line 20-29).

B). The state claims that Harris was detained /  
stopped based off of probable cause that Harris had  
committed criminal offenses of Rape and or  
DWLS<sup>03</sup> but where would that probable cause come  
from to give authority to invade Harris's private affairs?

(1). The investigation of this case  
was still going on, but in case the state is also  
claiming that there was probable cause from  
when the detectives had confirmed Harris rented rooms  
at the Dunes Hotel as the victim L.P. had claimed

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1 in order to pull Harris over then it was wrong  
2 because the (S.O.G.) Detectives were the only  
3 ones that knew this at the time Harris was  
4 being set up by the (B.P.D.), The (B.P.D.) did  
5 not know about this new info themselves.

6 In the e-mail that officer Inklebarger  
7 responded back to Coreen schnepp with, explain-  
8 ing the inception of Harris's arrest and the  
9 beginning of the pretextual traffic stop on 12/31/12  
10 you will notice that officer Inklebarger notes that  
11 "We all new (S.O.G.) was looking for him becau-  
12 se they put the information out at an earlier  
13 date." (see: ex 1. E-mail)

14 He does not say that (S.O.G.) mentioned  
15 anything about (S.O.G.) Detectives relaying the current  
16 information learned the day of Harris's arrest  
17 on 12/31/12 before the traffic stop commenced  
18 and Harris was subsequently arrested.

19 (see: states response pg. 9)

20  
21 In 2012 the many police Departments,  
22 and other agencies did not work closely  
23 together, and in 2013 the new chief of the  
24 (B.P.D.) fixed that issue. So that the police,  
25 and different agencies could work closely  
26

1 together to beat crime.

2 (See: Kitsap Sun Newspaper 2013)

3

4 (2). Harris was not driving the expired  
5 vehicle when officer Inklebarger spotted Harris and  
6 started setting up to pull Harris over based off  
7 "probable cause".

8 (See: ex 1 E-mail)

9

10 C). Officer Inklebarger could and  
11 should have stopped/detained or arrested Harris  
12 in the parking lot, on the side of the road, and  
13 or while in the vehicle before Harris took off,  
14 if there was in fact any Authority of law, and  
15 or probable cause to do so.

16

17 (1). It is not reasonable to allow a  
18 known vehicle with expired tabs nor to allow  
19 a suspected or known Driver with no license  
20 to drive off or even get on the road.

21 (see: ex 1 E-mail)

22

23 Reasonable articulable suspicion that a  
24 traffic infraction has occurred which justifies an  
25 exception to the warrant requirement under state

26

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1 constitution for an ordinary traffic stop does not  
2 justify a stop for criminal investigation. West's  
3 R.C.W.A. Const. Art. I, § 7.

4 (See: state v. Ladson 138 Wn. 2d 343-  
5 (1999).

6 Officer Inklebarger set this pretextual traffic  
7 stop up from the beginning to make it seem like  
8 an ordinary traffic stop in order to allow Harris  
9 to be or get searched and or seized to further  
10 Detective Sgt. Randy Plumb's (S.O.G.) investigation  
11 of this case. Plumb had already made a  
12 prior agreement with the (B.P.D.) officers in  
13 order to do just that.

14 (See: R.P. 8/25/14 Pg. 183, line 2-17)

15  
16 The police purposefully waited for and shad-  
17 owed the vehicle, and Harris until he pulled off in  
18 the expired vehicle in order to guarantee an  
19 exception to the warrant requirement, and gain  
20 Authority of law.

21  
22 The only exception to the warrant requirement  
23 would be a valid traffic stop within this case's  
24 circumstances that happened.

25

26

27

1 The spirit of *ladson* should survive in *Harris's*  
2 case unlike in *Arreola* because it was not a  
3 mixed motive stop.

4 In *Arreola* the officer responded to a  
5 D.U.I. report. When he showed up he did not  
6 observe any D.U.I. signs but he did observe  
7 that the vehicle had an altered muffler and  
8 conducted the stop for that independent reason  
9 claiming that he "would have stopped the vehicle,  
10 once following it, even if he wasn't suspicious of  
11 a D.U.I., and even though his primary  
12 purpose for stopping the vehicle was to further  
13 investigate a possible D.U.I."

14 (See: *Arreola* 176 Wn.2d 284(2012))

15  
16 This case is more or so like *ladson's*.

17 In the *ladson* case the driver *Fogle* attracted  
18 the attention of officers *Jim Mack*, and *Cliff*  
19 *Ziesmer* when *Fogle* drove by the officers  
20 due to a unsubstantiated street rumor about  
21 drugs. The officers tailed and shadowed  
22 the vehicle looking for and waiting to observe  
23 a legal reason to pull the vehicle over.

24 It refueled at a local filling station  
25 and then finally was pulled over several blocks  
26

1 later on the grounds that Fogles license plate tabs  
2 had expired five days earlier. The officers  
3 do not deny that the stop was pretextual.

4 The trial court found, "Officer Macks suspicions  
5 about Fogles reputed drug dealing was his motiva-  
6 tion in finding a legal reason to initiate the  
7 stop of Fogles vehicle."  
8

9 In this present case the vehicle Harris  
10 was known to drive attracted the attention of  
11 officer Inklebarger of the (B.P.D.) while the  
12 vehicle was legally parked and vacant.

13 (See: ex 1 E-mail)

14 Inklebarger knew Detective Sgt. Randy Plumb  
15 of the (B.P.D.) and the lead Detective of the  
16 (S.O.G.) investigation of this case. wanted to  
17 see if Harris was in possession of any evidentiary  
18 items for his case because the (S.O.G.) Det-  
19 ective put out prior information about it.

20 (See: ex 1 E-mail)

21

22 Inklebarger drove by and ran the license  
23 plates verifying that Harris's vehicle was expired.

24 Inklebarger then called officer Meador  
25 to set up for Harris to drive off.

26

27 Pg. 15 of 26 Defendants Response

1 vehicle is not valid due to him  
2 being pretextually traffic stopped.  
3

4 There would be no reason or motivation  
5 for the officers to search or impound the  
6 vehicle had they not found any evidentiary  
7 items found in the initial illegal search,  
8 even though there was no evidence taken this  
9 search warrant was not independent.  
10

11 Regardless of a nexus between  
12 crimes and the vehicle or Probable cause to  
13 search it because of that nexus or other  
14 reasons, this search warrant was not indep-  
15 endent. Sgt. Plumb only requested that  
16 the police impound the vehicle to apply for a  
17 search warrant based only on Sgt. Endicott  
18 finding items Sgt. Plumb was looking for.  
19 (see: ex 3 search warrant)  
20

21 The stop was pretextual from the  
22 beginning, and anything after it must be sup-  
23 pressed.

24 (See: state v. Ladson 138 Wn.2d 343 -  
25 (1999))  
26

1 Under *Murray v. U.S.*, 487 U.S. 533 (1988) it says  
2 (The ultimate question is whether the search  
3 pursuant to warrant was in fact a genuinely indepen-  
4 dent source of the information and tangible evid-  
5 ence at issue. This would not have been the  
6 case if the agents decision to seek the warrant  
7 was prompted by what they had seen during the  
8 initial entry or if the information obtained  
9 during that entry was presented to the magistr-  
10 ate and affected his decision to issue the  
11 warrant. (see: *Murray v. U.S.*, 487 U.S. 533 (1988)  
12 at Pgs 2535-2536.)

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(G). Harris meets his burden of  
identifying the fruits of the  
poisonous tree doctrine that came  
from the Pretextual traffic stop.

look at the PRP of Harris's on Pg. 41-  
45 of 46.

This claim too should prevail  
because Harris has identified these fruits of  
the pretextua traffic stop.

1 (H). Harris claims that each error  
2 raised is cumulative but also  
3 each an error in its own.

4  
5 "A series of police actions may meet  
6 constitutional muster when each action is viewed  
7 individually, but may constitute an unlawfull search  
8 and seizure when the actions are viewed cumula-  
9 tively". (See: State v. Harrington 167 Wash-  
10 .2d 656, 222 P.3d 92 (2009)).

11  
12 The cumulative error doctrine applies where a  
13 combination of trial errors denied an accused  
14 a fair trial. An accused petitioning for relief  
15 has the burden of showing that accumulated  
16 prejudice from multiple trial errors resulted in  
17 substantial prejudice that denied defendant of  
18 fair trial. (See: In re Pers. Restraint of  
19 Lui 2017 Wash, lexis 639 L. cumulative error  
20 39, 40 97 76).

21  
22 Though each error does warrant relief  
23 individually, together they require a new trial,  
24 Due to the defendant for being denied a  
25 fair trial.

26  
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1 Last but not least Harris is a pro-  
2 se litigant, and it must be remembered, and  
3 taken into consideration that he is not  
4 held to as stringent standards as formal  
5 pleadings drafted by lawyers. Hughes V.  
6 Rowe citing Haines v. Kerner.

7 (see, Haines v. Kerner 30 L&D 2D652,  
8 404 U.S. 519 (1972).  
9

10 Harris also asks this court to  
11 appoint him a appeal attorney if the  
12 court wishes Harris's pleadings to be  
13 drafted by lawyers.  
14

15 Dated this 29<sup>th</sup> day of may  
16 2018.

17 Signed: *Allixzander D. Harris*  
18 Print: Allixzander D. Harris  
19  
20  
21  
22  
23  
24  
25  
26

I Declare under penalty of perjury  
That I Allixzander D. Harris has caused  
1 copy to go out by Coyote Ridge  
Correction Center legal Mail on this  
29<sup>th</sup>, day of May, 2018 to each  
address below.

(Court of Appeals)  
950 Broadway, Suite 300,  
Tacoma, Washington  
98402-4454

And to the

(Kitsap County Prosecutors  
office)  
614 Division Street  
Port Orchard, Washington  
98366-4614

FILED  
COURT OF APPEALS  
DIVISION II

2018 JUN -4 AM 10:42

STATE OF WASHINGTON

BY \_\_\_\_\_  
DEPUTY

Signed: *Allixzander D. Harris*

Exhibit's

Harris

**Eric Valley**

**From:** "Coreen E. Schnepf" <CSchnepf@co.kitsap.wa.us>  
**To:** <evalley@hctc.com>  
**Sent:** Friday, July 11, 2014 11:59 AM  
**Subject:** FW: tomorrow  
FYI

**From:** Jeffrey Inklebarger [mailto:Jeffrey.Inklebarger@ci.bremerton.wa.us]  
**Sent:** Thursday, July 10, 2014 7:22 PM  
**To:** Coreen E. Schnepf  
**Subject:** RE: tomorrow

I checked history and I dealt with him or something involving him a few days earlier. I knew SOG was looking for him and knew the vehicle he was driving. I saw the vehicle at the old Dunes Motel a few days prior but not Harris. We also knew the vehicle was expired because I drove by and ran the license. We set up for it to leave and I believe I saw him get into the driver's seat when it left. It went Officer Meador's direction and he conducted the stop. We all new SOG was looking for him because they put the information out at an earlier date.

Thanks,  
Jeff

**From:** Coreen E. Schnepf [mailto:CSchnepf@co.kitsap.wa.us]  
**Sent:** Thursday, July 10, 2014 3:13 PM  
**To:** Jonathan Meador; Jeffrey Inklebarger  
**Cc:** Randy Plumb  
**Subject:** tomorrow

There is a 3.6 hearing tomorrow at 2:30pm. I will need both of you for that hearing. Please let me know if this is a problem. Thanks,  
Coreen

ex 1 of 18

# Incident / Investigation Report

Bremerton Police Dept

OCA: B12-012602

O T H E R S  I N V O L V E D	CODES: DE-Deceased, DR-Driver, MN-Mentioned, MP-Missing Person, OT-Other, OW-Owner, PA-Passenger, PT-Parent/Guardian, RA-Runaway, RO-Registered Owner, RP-Reporting Party, VI-Victim				
Code	Name (Last, First, Middle)	Victim of Crime #	Age / DOB	Race	Sex
Home Address		Home Phone	Cell Phone		
Employer Name/Address		Business Phone			
Code	Name (Last, First, Middle)	Victim of Crime #	Age / DOB	Race	Sex
Home Address		Home Phone	Cell Phone		
Employer Name/Address		Business Phone			

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On 12/31/12 I was called by Officer Inklebarger to the area of Arsenal Way and Oyster Bay to stand by for a vehicle had had expired tabs and a suspended driver possibly behind the wheel. The driver was identified as Allixzander Harris.

The description of the vehicle was a blue Chevy Geo Metro, Wa# ACK8054.

At approx. 1921hrs, I observed the vehicle pass by me turning EB onto Arsenal Way. I had my headlights on however couldn't see through the tinted windows of the vehicle as it passed by me to see who the driver was. I turned around and followed the vehicle until I found a safe place to stop it.

As we approached Arsenal Way and Loxie Eagan's I activated my emergency lights and stopped the vehicle. Other units arrived on scene.

I contacted the driver and explained the reason for the stop. I asked the driver for his driver's license, registration and insurance. The driver told me without prompting that he was suspended 3rd degree.

I had the driver exit the vehicle where he was detained. The driver identified himself as Allixzander Harris. The driver was run via Cencom, he came back DWLS 3rd degree for unpaid tickets.

During the contact I found out that the vehicle was sold in October of 2012 and hadn't been registered in the new owner's name. Harris stated that he hadn't gotten around to registering the vehicle yet. This was confirmed through DOL.

Disposition: Officer Inklebarger took custody of Harris and transported to the Kitsap County Jail and booked him for DWLS 3rd degree, Bail \$5000. Refer charges for fail to transfer title over 45 days.

The vehicle was impounded and secured into evidence per Sgt Endicott's direction. Reference case #B12-012534.

ex 2 of 18



1 Department, and presently hold the rank of Detective Sergeant. I am currently assigned  
2 as the unit supervisor of the Bremerton Police Department Special Operations Group  
3 (SOG). I have been employed with the City of Bremerton Police Department since  
4 October 4<sup>th</sup>, 1999. I have been assigned to the Special Operations Group since March of  
5 2001.

6  
7 Preceding my employment with the City of Bremerton, I was employed with the  
8 City of Port Orchard Police Department from August of 1994 to October of 1999. While  
9 working for the Port Orchard Police Department, I was assigned to patrol from October  
10 of 1994 to May of 1997. From May of 1997 to October of 1999, I was also a  
11 commissioned deputy sheriff in the County of Kitsap, State of Washington, and assigned  
12 to the multi-jurisdictional narcotics task force, referred to as the West Sound Narcotics  
13 Enforcement Team (WestNET).

14 During my law enforcement career, I have participated in multiple narcotics  
15 investigations, which have resulted in arrests, and seizures of various controlled  
16 substances, which consisted of Marijuana, Powder, and Rock / Crack Cocaine,  
17 Methamphetamine, and Black Tar Heroin and methylenedioxy-methamphetamine  
18 (MDMA or Ecstasy). In these investigations, I have become familiar with the methods of  
19 packaging controlled substances, values of controlled substances, terms associated with  
20 the manufacture, distribution, and use of these controlled substances. I have been an  
21 affiant on well over 125 narcotics related search warrants and I have participated in the  
22 execution of over 500 narcotics related search warrants. The majority of these resulted in  
23 arrests, and the discovery of various illegal narcotics (i.e. Marijuana, Cocaine,  
24 Methamphetamine and Heroin and MDMA), as well as items related to the use,  
25 packaging, distribution, and manufacturing of these illegal substances.

26  
27 I have attended 14 weeks of basic law enforcement training at the Washington  
28 State Criminal Justice Training Center (WSCJTC) in Burien, where I received instruction  
29 about drug identification, trafficking, and drug paraphernalia for my duties as a line  
30 police officer.  
31



ex 4 of 18

1 In February of 1997, I attended a 24 hour class on highway drug interdiction, of  
2 both commercial and private vehicles, presented by the U.S. Drug Enforcement  
3 Administration and the El Paso Intelligence Center. This class included information on  
4 techniques used by law enforcement officers to detect the illegal transport of drugs and  
5 currency.

6 In July of 1997, I attended a 24 hour marijuana spotting / eradication course. This  
7 course included instruction on marijuana, marijuana identification and spotting marijuana  
8 from the air.

9  
10 In December of 1997, I attended an 80 hour, basic drug enforcement class,  
11 presented by the Drug Enforcement Administration.

12 In November of 1998, I attended 20 hours of training in search warrant service  
13 and raid planning through WSCJTC.

14 In July of 2001, I received 40 hours of Clandestine Laboratory Investigation  
15 training as mandated by the Washington Administrative Code for law enforcement  
16 personnel who collect evidence at clandestine laboratories. This course included training  
17 on the various methods, chemicals, and hardware associated with the manufacture of  
18 methamphetamine. During this course we actually manufactured methamphetamine,  
19 giving us a first-hand knowledge of the process.

20  
21 In September of 2001, I attended 80 hours of training in undercover operations of  
22 which the majority of the class was based upon narcotics investigation. The class was  
23 taught by Seattle Police Department and administered through the Washington State  
24 Criminal Justice Training Commission.

25 In April of 2004, I received 16 hours of training on High Risk Entries through  
26 HSS International.

27 In March of 2005, I attended a 24 hour course on the Criminal Investigations of  
28 Street Crimes. This training included interview techniques for both witnesses and  
29 suspects.

30 During my tenure as a narcotics detective with both WestNET and SOG, I  
31



1 attended numerous training lectures and seminars through the Western States Information  
2 Network (WSIN), the California Narcotics Officers Association (CNOA) and the  
3 Washington State Narcotics Investigator's Association (WSNIA). The course topics in  
4 these training seminars covered instruction on Informant Management, Search and  
5 Seizure issues, Money Laundering, Asset Forfeiture, Highway Drug Interdiction,  
6 Controlled Buy and Buy-Bust operations, Reverse Sting Operations, Clandestine Drug  
7 Labs, Intelligence Gathering, Knock and Talks, Undercover Officer Survival, Warrant  
8 Planning and High Risk Entries, Marijuana Investigations, Rave and Club Drugs, Outlaw  
9 Motorcycle Gangs, Drug Identification and Pharmacology of Drugs.  
10

11  
12 This affidavit is made in support of an application for search warrant for the vehicle  
13 described as:

14  
15 A primer black and blue, 1994, Geo Metro, bearing Washington license: ACK8054, VIN:  
16 2C1MS2467R6720371, registered to Janet L. Baker, 1952 Pioneer Lane SE, Port  
17 Orchard, Washington. This vehicle is currently being stored in a secure Bremerton  
18 Police Department Facility, as item #1, under Bremerton PD case #B12-012534  
19

20  
21 Probable cause to request this warrant is based upon the following information:

22  
23 On December 28<sup>th</sup>, 2012, at approximately 1743 hours, Bremerton Police Officer  
24 Garrity (#445) was dispatched to a sexual assault that had occurred over the previous few  
25 days. Officer Garrity responded to the Harrison Hospital (Silverdale, WA.) to meet with  
26 the victim. Upon Officer Garrity's arrival, he contacted the victim, identified as \_\_\_\_\_  
27 \_\_\_\_\_, in the emergency room.

28 \_\_\_\_\_ told Officer Garrity that she met up with her boyfriend, Andre Herron  
29 (AKA: Williams) on Sunday, December 23<sup>rd</sup>, 2012, who gave her a ride to Allixzander  
30 Park's house, located in Bremerton, Washington. Once there, \_\_\_\_\_ stated she had  
31



1 consensual sexual intercourse, in the car, with Andre Herron.

2 On Monday, December 24<sup>th</sup>, 2012, ██████ agreed to advertise for prostitution  
3 related activities on a website called "Backpage" (located at [www.backpage.com](http://www.backpage.com),  
4 specifically in the "escort" section). This website (backpage.com), and others such as  
5 [www.TNABoard.com](http://www.TNABoard.com), [www.MadamFox.com](http://www.MadamFox.com) and [www.Sexy.com](http://www.Sexy.com), are commonly used  
6 by people involved in the commercial sex trade. Backpage.com is a website similar to  
7 Craigslist.com, wherein individuals can post, sell, trade, advertise, etc. The prostitution  
8 related advertisements can be found under the "Adult" category and the subcategory  
9 "Escorts". The advertisements that ██████ was in were created by Andre Herron's  
10 friend, Allixzander Park. The contact phone number listed on these advertisements was  
11 Allixzander Park's cell phone number of (360) 471-2687. These advertisements also  
12 included photographs of ██████.

13  
14 After created the posts, ██████ said she met with two customers; one in Port  
15 Townsend, Washington and the other in Port Orchard, Washington. ██████ told Andre  
16 Herron and Allixzander Park that she wanted to go home for Christmas.

17 On Wednesday, December 26<sup>th</sup>, 2012, ██████ said she went to Tacoma,  
18 Washington with Herron. She told Officer Garrity that they took the ferry that leaves  
19 about 1400 hours to Seattle, and then took a bus to Tacoma. Once there, they met with  
20 Allixzander Park at the Tacoma Mall. Park was there with a friend who was unknown to  
21 ██████. They left the Tacoma Mall and went to a Motel 6 located at 1811 S. 74<sup>th</sup> Street,  
22 Tacoma, WA., and that they stayed in room 110.

23  
24 That evening at the Motel 6, at approximately 2100-2200 hours, Herron, Park, and  
25 the unknown friend, were all smoking what ██████ thought was marijuana. She said she  
26 had a couple of puffs and started to "feel funny" and added that she thought she became  
27 "high". When ██████ asked them if it was regular marijuana, they told her "my bad" and  
28 told her at that time the substance was "Spice". ██████ told Officer Garrity that she was  
29 very disoriented and dizzy after smoking the substance.  
30  
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ex 7 of 18

1           ██████████ told Officer Garrity that she was on the bed and was "making out" with  
2 Herron when Alex was "all up on me". Herron told Park he could do "whatever he  
3 wanted to" to ██████████. Park told ██████████ that she, "better get used to it", and then forced  
4 her to have sex. Officer Garrity asked ██████████ if she had sex with both Park and Herron  
5 and she indicated she did. ██████████ continued on and explained she was sleeping next to  
6 Herron with Park sleeping at the foot of the bed. Park pulled her off of the bed and onto  
7 the floor. Park started having anal sex with her and forcing his fingers down her throat.  
8 ██████████ told Park to stop and that it was hurting her. After that, ██████████ said she "blacked  
9 out".  
10

11           On Thursday, December 27<sup>th</sup>, 2012, she returned to Bremerton with Herron and  
12 Park. Apparently during this time, Park and Herron were making drug deliveries, selling  
13 marijuana. ██████████ told Officer Garrity that when she tried to talk to them, Park yelled at  
14 her asking her why she was talking.

15           That night, December 27<sup>th</sup>, 2012, they checked into and stayed at the Dunes Motel  
16 in Bremerton, Room 113. This room was rented by Allixzander Park. During this stay,  
17 in addition to ██████████, Allixzander Park, Andre Herron, a subject identified as Demario  
18 Jones and an unknown male were also in the room. Sometime during that night, ██████████  
19 was in the bathroom, taking a shower. During that time, Herron came into the room and  
20 they started kissing. Soon after, Park and Jones entered. ██████████ said Herron left the  
21 room, leaving Park and Jones in the bathroom with her. The lights were turned off and  
22 Park told ██████████ that she "didn't matter" and proceeded to have anal sex with her, while  
23 Jones forced her to have oral sex with him. Jones told her, "Choke on there."

24           ██████████ said she took another shower and when she went to sleep it was around  
25 0200 hours. ██████████ said they kept trying to take her phone from her, so she couldn't call  
26 anyone. She said she woke up around 0900 hours on December 28<sup>th</sup>, 2012 and went to  
27 the bathroom with Herron. While in the bathroom with Herron, Jones entered the  
28 bathroom and forced her to have sex with him.  
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1 At approximately 1200 hours, [REDACTED] was able convince Park and Herron that  
2 she needed to meet someone at the Starbucks on Kitsap Way in Bremerton. Park and  
3 Herron transported [REDACTED] to the Starbucks and dropped her off. Once there, [REDACTED]  
4 was able to contact a female friend who came and picked her up.

5 At the conclusion of the interview with Officer Garrity, he asked her to clarify  
6 that the sex with Andre Herron was consensual, but the sex with Allixzander Park and  
7 Demario Jones was not consensual and she indicated in the affirmative. [REDACTED] also  
8 confirmed that the fourth, unidentified individual never had sexual contact with her.

9 [REDACTED] was ultimately transported to Harrison Medical Center (Bremerton)  
10 where she went through a sexual assault examination (SANE exam).

11 After the SANE exam, Detective Garland and I met with [REDACTED] and her friend,  
12 [REDACTED], at Harrison Hospital. Detective Garland and I walked with [REDACTED] and  
13 the SANE nurse from the exam room to a waiting room on the other end of the hospital.  
14 As [REDACTED] walked it was clear she was in pain from the assault and walked substantially  
15 slower than the three presumably from the pain. Detective Garland and I invited [REDACTED]  
16 and [REDACTED] to the Bremerton Police Department for a more thorough and detailed interview.

17 At approximately 2355 hours, on December 28<sup>th</sup>, 2012, Detective Garland and I  
18 began a video and audiotaped interview of victim [REDACTED]. Detective Garland  
19 asked [REDACTED] to explain to us what had occurred starting from as far back as she thought  
20 it was relevant to what occurred. For about the next forty minutes of the interview,  
21 [REDACTED] recounted the same events that are outlined in her statement to Officer Garrity.  
22 At the completion of her telling us this information, Detective Garland and I together  
23 asked specific, clarifying details of the events of the past week.

24 She explained that she originally met Andre Herron approximately a week-and-a-  
25 half to two-weeks ago on a website called "Tagged" (A website designed for people to  
26 meet new friends). [REDACTED] told us that prior to meeting Andre Herron, she had been in  
27 Seattle, Washington working prostitution activities for a guy she met that said she could  
28 make a lot of money doing that. [REDACTED] told us she later told Andre Herron about her  
29  
30  
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1 past prostitution related activities. [REDACTED] described first meeting with Herron and  
2 indicated she had sex with him in a car. [REDACTED] went on to explain the consensual sexual  
3 intercourse in the car with Herron actually occurred in the early morning hours of  
4 December 24<sup>th</sup>, 2012.

5  
6 Later in the morning they drove around and spent time in the car and ultimately  
7 ended up (at approximately 1100 hours) at the Dunes Motel in Bremerton on December  
8 24<sup>th</sup>, 2012, specifically room #322. Park rented this room. Staying at the room on this  
9 night was [REDACTED] Park, Herron and the unknown friend. [REDACTED] told us Park was trying  
10 to take photos of [REDACTED] for the backpage advertisements, but then she told him she had  
11 pictures he could use on her cell phone. [REDACTED] unsuccessfully attempted to upload  
12 photographs of herself to her e-mail so that she could send the photo's to Park's laptop  
13 computer to be used in the backpage advertisements. Since that didn't work, Park  
14 connected her phone, using a USB cord, right to his laptop computer and transferred her  
15 photos to his computer. [REDACTED] said she didn't like it when he did this because she had  
16 other pictures on her phone that she didn't want on his computer. She told him that she  
17 didn't want him to do that, but Park wouldn't let her on his computer. When asked to  
18 describe Park's laptop, she stated it was black in color, unknown make or model and that  
19 he always stored it in a red backpack.

20  
21 [REDACTED] said Park initially used Andre Herron's cell phone number on the  
22 backpage ad. [REDACTED] said one of the pictures of her showed her wrapped up only in a  
23 towel. [REDACTED] provided the phone number of 551-5350 and indicated that belonged to  
24 Andre Herron. (I checked [www.backpage.com](http://www.backpage.com) for this phone number and found an  
25 advertisement on December 24<sup>th</sup>, 2012, that contains two photographs of what appears to  
26 be [REDACTED] one of which shows her wearing only a white towel. This advertisement  
27 listed the contact phone number of (360) 551-5350, which is clearly Andre Herron's  
28 phone number. The post ID number for this advertisement is: 11408192. This post was  
29 for the Seattle / Bremerton area.) [REDACTED] said she never saw what the final advertisement  
30 looked like and added that they wouldn't let her see it. Detective Garland asked [REDACTED]  
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ex 10 of 18

1 if she knew what the pricing was on the advertisements and she stated, "\$300 for an hour  
2 and then \$150 for a half hour." [REDACTED] indicated Herron and Park came up with that  
3 pricing and never asked her input on that.

4 When asked about where the money went after she received it from a "date" she  
5 said she was told to give all of the money to Herron. She said they didn't really talk  
6 about it much after that because they told her they would be taking care of paying for the  
7 (motel) rooms with that money.

8 After the advertisement was posted, [REDACTED] said she went on two "out-calls"  
9 where she was driven by Park and Herron to and from. The first out-call was in Port  
10 Townsend, Washington and the second was in Port Orchard, Washington. [REDACTED] said  
11 Andre Herron drove Allixzander Park's blue Geo to the Port Townsend out-call, where  
12 she had sexual intercourse with a "John" (A "John" is a common term for a customer of a  
13 prostitute.) for \$200. [REDACTED] said she gave the entire \$200 to Andre Herron.

14 On the way back to Bremerton they received a call from a person (A "John") in  
15 Port Orchard who didn't feel comfortable coming to their motel room at the Dunes, so  
16 they went to his house in Port Orchard. The subject told her he only had \$80 and some  
17 marijuana, so [REDACTED] said Herron told her that this subject "could have twenty minutes."  
18 [REDACTED] met with this subject in his front yard because his family was inside the house.  
19 [REDACTED] said she performed oral sex on this subject for \$80 and about an eighth of an  
20 ounce of marijuana. She indicated the marijuana was given to her in a pill bottle.  
21 [REDACTED] said she gave the \$80 and the marijuana to Herron.

22 [REDACTED] said they returned to the Dunes around 3 o'clock in the morning and she  
23 took a shower and told them (Andre Herron and Allixzander Park) that she wanted to go  
24 home. She said she felt like they were too high all of the time and she didn't really want  
25 to be with them anymore. The following day, [REDACTED] was dropped off at the 7-11  
26 parking lot (at Wheaton and Sylvan Way) and ultimately went to another friend's house  
27 near the 7-11 and then spent that next day at her parent's house.  
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ex 11 of 18

1 On Wednesday, December 26<sup>th</sup>, 2012, ██████ said she took the bus to the  
2 Silverdale transfer station and Andre Herron met her there. Once they were together,  
3 they attempted to get a hold of Park by telephone, but his phone was out of minutes.  
4 ██████ and Herron went to Park's house, in Bremerton, but Park was not home. From  
5 there, they walked to the Bremerton ferry terminal and took a ferry to Seattle. Once in  
6 Seattle, they took a bus to Tacoma, specifically the Tacoma Mall and then to the Motel 6  
7 near the mall. They met with Park at the Motel 6, where Park rented a room (room  
8 #110).  
9

10 Once they were settled in at the Motel 6, Park posted another advertisement on  
11 backpage, using his phone number as the contact phone number. (It should be noted that  
12 I did some research on the backpage website, from December 26<sup>th</sup>, 2012, and found an  
13 advertisement for ██████ with Allixzander Park's cell phone number, 360-471-2687, as  
14 the contact number. The post ID number for this advertisement is: 11428165. This post  
15 was for the Tacoma area.) ██████ said Park created this advertisement using his laptop  
16 computer, while in the room at the Motel 6.  
17

18 After the advertisement was posted, people began calling Park's phone which  
19 ██████ said she answered. She said one guy called who was concerned about meeting  
20 her at her hotel room so she asked Park and Herrson what she should do. Park and  
21 Herron told her to just go meet the guy. She said she ultimately met the guy behind the  
22 LA Fitness, near the motel. She described the guy's vehicle as a white pickup and  
23 indicated the guy was very "jumpy". ██████ said she wouldn't get into the guy's truck  
24 without first seeing the money and the guy wouldn't show her the money and just wanted  
25 her to get into his truck. ██████ basically refused to do anything until she had the money  
26 in her pocket. ██████ added that she was "told to do that." ██████ said the guy asked  
27 about her already having a room and she said she did, but that she needed to call and tell  
28 her friend to leave. ██████ said she called Herron and Park and asked them to leave,  
29 because she was going to bring the customer to the room. ██████ said she did get into  
30 the guy's truck who gave her a ride over to the motel, but the guy saw a police car in the  
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ex 12 of 18

1 area and got scared, so he left. She added that the guy had drugs on him and that he was  
2 actually trying to "recruit" her. She said she thought this because he asked her a lot of  
3 questions. ██████ said she never actually got any money from him, so she returned to  
4 the motel room. Soon after Park and Herron returned to the room at different times and  
5 when they found out she didn't get any money, they were both upset with her.  
6

7 That night, after smoking what they told her was marijuana, she began to feel  
8 funny and was on the bed, lying on her stomach. While in this position, she felt two  
9 bodies (both Park and Herron) get on top of her and ultimately Park had anal sex with  
10 ██████. Apparently during this time Park made the comment that ██████ "needed to  
11 learn to be more open." After this she went into the bathroom where she performed oral  
12 sex on both men until both of them ejaculated. ██████ said she was uncomfortable about  
13 this entire situation, but sort of went along with everything. ██████ said that during the  
14 oral sex on Park, it began to hurt due to the size of his penis and she told him that she  
15 couldn't do it anymore. To this comment Park stated, "You need to learn how to do  
16 this."  
17

18 After this incident, ██████ Park and Herron fell asleep on the bed. ██████ said  
19 that the next thing she knew she woke up on the floor at the foot of the bed. She said that  
20 was when "she came to." Park was choking her by the throat and then put a few of his  
21 fingers down her throat and simultaneously told her that she needed to learn not to choke,  
22 even if it hurts. Also during this time, Park was performing anal sex on ██████. She  
23 said she was lying on her left side and that Park was lying behind her during this time.  
24 ██████ said Park made intimidating comments during this time to ██████ and that he  
25 ejaculated inside of her. She said she blacked-out due to Park choking her and the next  
26 thing she knew, she was still on the floor, but almost to the bathroom. Apparently Herron  
27 slept through all of this, despite her moaning and making noises during this portion of the  
28 incident. ██████ also recalled saying, "Stop, you're hurting me" and Park responded that  
29 saying she needed to keep going, even when it hurt.  
30  
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ex 13 of 18

1 ██████ said she felt like Park was doing this as sort of a form of punishment for  
2 not being successful with the date that met her behind the LA Fitness early that evening.

3 ██████ said she went to the bathroom and closed the door and when she came  
4 out, Park was asleep. ██████ said she curled up into a ball and went to sleep. The  
5 following morning (December 27<sup>th</sup>, 2012) they checked out at approximately 11 o'clock  
6 or noon, drove around for a while in Park's car, and returned to Bremerton and checked  
7 into the Dunes Motel (room #113) later that day. Later that night Park forced ██████ to  
8 smoke an unknown substance from a rolled up "blunt" that made her "feel weird." She  
9 said the substance didn't taste like marijuana because it had a more metallic taste. Park  
10 told her the substance was marijuana.

11 ██████ said she went into the shower and Herron came in and started "making  
12 out" with her, which ultimately led to consensual sexual intercourse. A short time later,  
13 Demario Jones came into the hotel room and then Jones and Park came into the bathroom  
14 with ██████ and Herron. At that point, ██████ was giving oral sex to Herron, while one  
15 of the other two were "behind" her. Since the lights were off, she didn't know which one  
16 (Park or Jones) was behind her performing anal sex on her.

17 At some point Friday morning, Park made ██████ perform oral sex on him, while  
18 Herron performed anal sex on ██████. When Park and Herron were done with ██████,  
19 she went into the bathroom and Jones came in, turned her around and performed vaginal  
20 sex on her, but did not ejaculate inside of her. During the intercourse with Jones, ██████  
21 convinced him that she needed to go to the bathroom.

22 Detective Garland asked ██████ if at any point on Friday morning she ever told  
23 any of the three subjects, or gave them any indication, that wasn't what she wanted or  
24 that she wasn't willing or if she tried to push people away or tried to tell them "no" at any  
25 point. ██████ said she told all three of them (Park, Herron and Jones) that she "didn't  
26 want to be in there", that "it hurts" and that she "wanted them to stop." ██████ said she  
27 remembered saying those exact words to them.

28 Later that morning she convinced Herron and Park that she was going to meet  
29  
30  
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2814 of 18

1 someone at the Starbucks on Kitsap Way, so they dropped her off there. Once there,  
2 ██████ called her friend, ██████ who came and picked her up and transported her  
3 to the hospital for the SANE exam.

4 We asked ██████ if she left behind any belongings in the Dunes Motel room and  
5 she indicated she left her blue, Bass, backpack containing some of her personal  
6 belongings. Included in these personal items should have been a pair of her underwear.  
7 ██████ described the underwear as being large in size and blue, pink and black, with  
8 leopard print and black lace. She indicated that underwear more than likely contain  
9 evidence (more than likely semen) from both Park and Herron.  
10

11 ██████ allowed me to look at her cell phone and I observed text messages  
12 between her phone and both Park and Herron's cell phone. I took digital photographs of  
13 these text messages.

14 On December 31<sup>st</sup>, 2012, Detective Garland and I made contact at the Dunes  
15 Motel and confirmed that Allixzander Park rented room #322 on 12-24-12 and room  
16 #113 on 12-27-12 and 12-28-12, just as victim ██████ described.

17 On December 31<sup>st</sup>, 2012, at approximately 1921 hours, Bremerton Police Officers  
18 located Allixzander Park, driving his blue Geo, bearing Washington license: ACK8054,  
19 in the area of Arsenal Way and Loxie Eagans Boulevard in Bremerton. Park's driver's  
20 status is suspended in the third degree. Park was arrested for DWLS 3<sup>rd</sup> degree and  
21 Sergeant Endicott contacted me by telephone. I asked Sergeant Endicott to ask Park for  
22 permission to search his car and specifically asked him to look for any cell phones, a red  
23 backpack and laptop computers. Sergeant Endicott called me back a few minutes later  
24 and told me Park gave him permission to look in the car and when he did, he observed a  
25 cellular phone on the dashboard of the car and a red backpack in the backseat area.  
26 Sergeant Endicott looked into the backpack and observed a laptop computer and a digital  
27 camera.  
28

29 I requested they book Park into the Kitsap County Jail for Second Degree Rape  
30 and set his bail at \$100,000. I also asked Sergeant Endicott to impound Park's Geo car to  
31



ex 15 of 18

1 the Bremerton Police Department's evidence storage garage, pending the application of a  
2 search warrant. Officer Meador took care of impounding the car to the police  
3 department's evidence storage garage.  
4

5 Therefore, I request authority to search for and seize the following items:  
6

- 7  
8 1. Any books, records books, research products and materials, including  
9 formulas, tapes, film, photographs, data, calendars, receipts, notes, ledgers,  
10 telephone and address books, telephone records, bills, and any documents  
11 relating to co-conspirators, computer disks or records, and other papers  
12 relating to prostitution or promoting prostitution;
- 13 2. All monies, proceeds, and negotiable instruments that relate to prostitution  
14 and promoting prostitution;
- 15 3. Any papers and/or items showing evidence of occupancy, residency, and  
16 ownership, or dominion and control of vehicle described;
- 17 4. A red backpack containing a laptop computer and/or other electronic  
18 equipment;
- 19 5. Electronic equipment: such as pagers, cellular telephones, answering  
20 machines, video and/or audio recording devices, scanners, computers, laptop  
21 computers, internal and external hard drives, thumb drives, electronic personal  
22 data storage devices of any kind, and/or any other electronic devices that may  
23 be used to record and/or store information about prostitution and promoting  
24 prostitution, including immediate and future forensic examination(s) of said  
25 items to search for images, video, contacts, conspirator phone  
26 numbers/addresses, incoming and outgoing text messages, incoming and  
27 outgoing phone calls, email messages, ledgers, web-site information  
28 including, but not limited to, advertisement information from  
29 www.backpage.com, financial transaction information, electronic documents,  
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or any other stored information relating to prostitution and promoting prostitution.

*Randy D. Plumb # 413*  
DETECTIVE SERGEANT RANDY D. PLUMB  
Bremerton Police Department

SUBSCRIBED AND SWORN to before me this 2 day of January,  
2013

*[Handwritten Signature]*  
JUDGE  
LEILA MILL'S

RECEIVING OF COMPLAINT AND ISSUANCE  
OF SEARCH WARRANT APPROVED—



EX 17 of 18

MADEACK8054

LIC: ACK8054 EXP-DT: 12032012 ISSUE-DT: 122010 YR/MK: 1994/GEO  
F/USE:GPAS DEPR:1 TAX: VYR/VCDE:1993 007195. SERIES:GEOMETRO MOD:KF BT:2H  
SCALE: 01621 GWT: 000000 MG: 00 GWT-EXP: 00000000 GVWR: TL:1033715203  
DRJ: CO/AG:23 12 XFERDT:12032010 SPCL LIC: VIN:2C1MS2467R6720371

REMARKS: REGISTERED OWNER:  
TAB# IS G513972 12 BAKER, JANET L  
PREV TAB X777847 11 1952 PIONEER LN SE  
VEHICLE REPORTED SOLD PORT ORCHARD WA 983662920  
DESTROYED BY 1138 0213  
CENTENNIAL PLATE  
COLOR:  
BLUE

LEGAL OWNER:  
SAME AS REGISTERED OWNER ABOVE

CUR ODOMETER PREV REGIS OWNER OPT MAIL ADDRESS  
E A 0000010

CURR VIN:2C1MS2467R6720371 TITLE #:1033715203 SOT/DATE:WA 12/03/2010  
PREV VIN:2C1MS2467R6720371 TITLE #:9933427001 SOT/DATE:WA 06/05/2005  
DATE: 06/25/2014 TIME: 09:51

PLATE:ACK8054 VEHICLE BRANDS  
JURIS DESCRIPTION INCIDENT DATE SOURCE



I certify that this is a copy  
of a record on file in the  
Department of Licensing  
of the State of Washington

*Bill Johnson*  
Custodian of Records  
Place: Tumwater, Washington