

FILED
Court of Appeals
Division II
State of Washington

NO. 51481-8-II
3/23/2018 1:43 PM
IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

In re the Personal Restraint of
ALLIXZANDER DEVELL HARRIS,
Petitioner.

REGARDING THE JUDGMENT AND SENTENCE ENTERED BY
THE SUPERIOR COURT OF KITSAP COUNTY
Superior Court No. 13-1-00087-1

BRIEF OF RESPONDENT

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SERVICE	Allixzander Devell Harris DOC#324111 Coyote Ridge Corr. Center PO Box 769 Connell WA 99326	This brief was served, as stated below, via U.S. Mail or the recognized system of interoffice communications, <i>or, if an email address appears to the left, electronically.</i> I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. DATED March 23, 2018, Port Orchard, WA <i>Robert Meyers</i> Original e-filed at the Court of Appeals; Copy to counsel listed at left. Office ID #91103 kcpa@co.kitsap.wa.us
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TABLE OF CONTENTS

TABLE OF AUTHORITIES iii

I. COUNTERSTATEMENT OF THE ISSUES.....1

II. RESPONSE.....1

III. STATEMENT OF THE CASE.....2

IV. AUTHORITY FOR PETITIONER’S RESTRAINT4

V. ARGUMENT4

 A. STANDARD OF REVIEW ON COLLATERAL
 ATTACK.4

 B. HARRIS’S TRIAL COUNSEL WAS NOT
 INEFFECTIVE FOR NOT ARGUING A
 FRIVOLOUS SUPPRESSION MOTION.....7

 C. HARRIS FAILS TO SHOW A PRETEXTUAL
 TRAFFIC STOP WHERE HE WAS DETAINED
 BASED ON PROBABLE CAUSE THAT HE HAD
 COMMITTED CRIMINAL OFFENSES.8

 1. Facts regarding Harris’s arrest.9

 2. Ladson does not apply where the police have
 probable cause to arrest the driver on a
 criminal charge.....13

 D. THERE IS NO EVIDENCE THAT HARRIS WAS
 UNDULY OR UNLAWFULLY DETAINED.16

 E. HARRIS’S CONSENT TO SEARCH WAS NOT
 THE PRODUCT ON AN UNREASONABLE OR
 UNLAWFUL DETENTION.16

F. THE WARRANT TO SEARCH HARRIS’S VEHICLE WOULD BE VALID EVEN IF THE STOP OF HARRIS WERE IMPROPER, WHERE PROBABLE CAUSE WOULD HAVE EXISTED EVEN WITH REDACTION OF THE INFORMATION OBTAINED AT THE STOP FROM THE COMPLAINT.17

G. HARRIS FAILS TO MEET HIS BURDEN OF IDENTIFYING ANY FRUIT OF THE ALLEGED UNLAWFUL STOP.32

H. HARRIS FAILS TO SHOW THAT THE CUMULATIVE ERROR DOCTRINE APPLIES TO HIS CLAIM.33

VI. CONCLUSION.....34

TABLE OF AUTHORITIES

CASES

<i>In re Cook</i> , 114 Wn.2d 802, 792 P.2d 506 (1990).....	5, 6
<i>In re Crow</i> , 187 Wn. App. 414, 349 P.3d 902 (2015).....	4
<i>In re Dyer</i> , 143 Wn.2d 384, 20 P.3d 907 (2001).....	6
<i>In re Hagler</i> , 97 Wn.2d 818, 650 P.2d 1103 (1982).....	5
<i>In re Music</i> , 104 Wn.2d 189, 704 P.2d 144 (1985).....	5
<i>In re Rice</i> , 118 Wn.2d 876, 828 P.2d 1086 (1992).....	7
<i>In re Schreiber</i> , 189 Wn. App. 110, 357 P.3d 668 (2015).....	5
<i>In re Woods</i> , 154 Wn.2d 400, 114 P.3d 607 (2005).....	5
<i>In re Yates</i> , 177 Wn.2d 1, 296 P.3d 872 (2013).....	6
<i>State v. Arreola</i> , 176 Wn.2d 284, 290 P.3d 983 (2012).....	14, 15
<i>State v. Betancourth</i> , ___ Wn.2d ___, 2018 WL 1415114 (Mar. 22, 2018).....	28
<i>State v. Blazina</i> , 182 Wn.2d 827, 344 P.3d 680 (2015).....	3
<i>State v. Campbell</i> , 166 Wn. App. 464, 272 P.3d 859 (2011).....	31
<i>State v. Coates</i> , 107 Wn.2d 882, 735 P.2d 64 (1987).....	27, 28, 29
<i>State v. D.E.D.</i> , 200 Wn. App. 484, 402 P.3d 851 (2017).....	8
<i>State v. Espey</i> , 184 Wn. App. 360, 336 P.3d 1178 (2014).....	30
<i>State v. Flores–Moreno</i> , 72 Wn. App. 733, 866 P.2d 648 (1994).....	31
<i>State v. G.M.V.</i> , 135 Wn. App. 366, 144 P.3d 358 (2006).....	8
<i>State v. Gaines</i> , 154 Wn.2d 711, 116 P.3d 993 (2005).....	27, 28, 29

<i>State v. Harris</i> , 186 Wn.2d 1021, 383 P.3d 1016 (2016).....	3, 9
<i>State v. Harris</i> , 194 Wn. App. 1017, 2016 WL 3163079 (2016).....	2, 3
<i>State v. Hendrickson</i> , 129 Wn.2d 61, 917 P.2d 563 (1996).....	8
<i>State v. Hodges</i> , 118 Wn. App. 668, 77 P.3d 375 (2003).....	33
<i>State v. Huff</i> , 64 Wn. App. 641, 826 P.2d 698 (1992).....	31
<i>State v. Ladson</i> , 138 Wn.2d 343, 979 P.2d 833 (1999).....	13, 14, 15, 16
<i>State v. Lansden</i> , 144 Wn.2d 654, 30 P.3d 483 (2001).....	14
<i>State v. Lord</i> , 117 Wn.2d 829, 822 P.2d 177 (1991).....	7, 33
<i>State v. Lund</i> , 70 Wn. App. 437, 853 P.2d 1379 (1993).....	31, 32
<i>State v. McFarland</i> , 127 Wn.2d 322, 899 P.2d 1251 (1995).....	7, 8
<i>State v. McReynolds</i> , 104 Wn. App. 560, 17 P.3d 608 (2000).....	30
<i>State v. Quezadas-Gomez</i> , 165 Wn. App. 593, 267 P.3d 1036 (2011).....	15
<i>State v. Reding</i> , 119 Wn.2d 685 (1992).....	15
<i>State v. Terranova</i> , 105 Wn.2d 632, 716 P.2d 295 (1986).....	31
<i>State v. Thein</i> , 138 Wn.2d 133, 977 P.2d 582 (1999).....	30
<i>Strickland v. Washington</i> , 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984).....	7, 8

STATUTORY AUTHORITIES

RCW 10.31.100	15
RCW 46.20.342	15
RCW 46.37.390	15
RCW 46.64.015	15

RULES

RAP 16.7(a)(2)..... 5

TREATISES

Wayne R. LaFave, *Search And Seizure* (3d ed.1996)..... 30

I. COUNTERSTATEMENT OF THE ISSUES

1. Whether Harris fails to show trial counsel was ineffective for not arguing a suppression motion that would have been frivolous?

2. Whether Harris fails to show a pretextual traffic stop where he was detained based on probable cause that he had committed criminal offenses?

3. Whether Harris fails to show that he was unduly or unlawfully detained?

4. Whether Harris fails to show his consent to search was the product of an unreasonable or unlawful detention?

5. Whether the warrant to search Harris's vehicle would have been valid even if the stop of Harris were improper, where probable cause would have existed even with redaction of the information obtained at the stop from the complaint?

6. Whether Harris fails to meet his burden of identifying any fruit of the alleged unlawful stop?

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

II. RESPONSE

The State respectfully moves this court for an order dismissing

Harris's timely petition with prejudice because it is substantively without merit.

III. STATEMENT OF THE CASE

Allixzander Devell Harris was charged by information filed in Kitsap County Superior Court. Counts I through VI alleged counts of promoting commercial sexual abuse of minor, involving two underage girls, KH and SD. The information further alleged counts of (VII) tampering with a witness, (VIII) second-degree promoting prostitution, which involved an adult, LP, and (IX) second-degree possession of depictions of minor engaged in sexually explicit conduct, and various aggravating circumstances. App. A.

Count was IX was dismissed without prejudice. App. B. After trial a jury found Harris guilty as charged of Counts I-VIII. App. C. The trial court imposed an exceptional sentence of 486 months each on Counts I through VI. App. D, at 3. It imposed standard range sentences of 60 months on each on Counts VII and VIII. App. D, at 4. All eight counts were ordered to run concurrently. *Id. See also* App. E (findings of fact and conclusions of law for exceptional sentence).

Harris appealed. *State v. Harris*, 194 Wn. App. 1017, 2016 WL 3163079 (2016) (unpublished) (App. F). The Court rejected his challenge to his exceptional sentence, and his claims that his rights to be present and

to self-representation had been violated. App. F, at 11-17. In his Statement of Additional grounds, he also claimed ineffective assistance of counsel with regard to CrR 3.3. App. F, at 17-20. The Court also rejected these claims. *Id.* The Court remanded for the trial court to make an individual inquiry on Harris's ability to pay discretionary LFOs pursuant to *State v. Blazina*, 182 Wn.2d 827, 830, 344 P.3d 680 (2015). App. F, at 17.

The Supreme Court denied review. *State v. Harris*, 186 Wn.2d 1021, 383 P.3d 1016 (2016) (App. G). The mandate issued on November 8, 2016. App. H. The trial court entered an order complying with the mandate on June 9, 2017. App. I.

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

The facts of the case are summarized in the Court of Appeals opinion:

In late 2012, S.D. and K.H., both minors, became homeless. They asked Harris about becoming prostitutes because they needed money for a place to stay. He took S.D. and K.H. to meet a woman, Trista, who taught them about prostitution. Trista helped them find their first client. S.D. and K.H. were instructed to go into a nearby room where they performed oral intercourse on the client. K.H. also had penile-vaginal intercourse with the client. As payment, they received money, marijuana, and a marijuana pipe from the client. K.H. was arrested shortly thereafter, but after her release, she continued prostituting.

Harris took pictures of S.D. and created Backpage.com¹ advertisements for K.H. and S.D. He received phone calls from the advertisements on his cell phone. Harris, S.D., and K.H. responded to inquiries by text

message. Harris made the arrangements for S.D. and K.H. to meet clients. Harris drove S.D. and K.H. to different locations to meet new clients. He took all of the money S.D. and K.H. made.

¹ Backpage.com is a classified advertising website where escorts advertise their services. Advertisers include phone numbers in their advertisements that interested clients can call or text message.

App. F, at 2. Additional facts relevant to Harris's claims will be presented in the argument portion of this brief.

IV. AUTHORITY FOR PETITIONER'S RESTRAINT

The authority for the restraint of Allixzander Devell Harris lies within the judgment 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 four counts of promoting commercial sexual abuse of minor, tampering with a witness, and second-degree promoting prostitution. App. D, E, I.

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.

To obtain relief, the petitioner must show either constitutional or

nonconstitutional error. *In re Cook*, 114 Wn.2d 802, 810-11, 792 P.2d 506 (1990). If the error is constitutional, the petitioner must demonstrate that it resulted in actual and substantial prejudice. *In re Woods*, 154 Wn.2d 400, 409, 114 P.3d 607 (2005). “Actual and substantial prejudice, which ‘must be determined in light of the totality of circumstances,’ exists if the error ‘so infected petitioner’s entire trial that the resulting conviction violates due process.’” *Crow*, 187 Wn. App. at 421 (*quoting In re Music*, 104 Wn.2d 189, 191, 704 P.2d 144 (1985)).

This actual prejudice standard places the burden upon the petitioner, as opposed to the harmless error standard on direct appeal, because “[c]ollateral relief undermines the principles of finality of litigation, degrades the prominence of the trial, and sometimes costs society the right to punish admitted offenders.” *In re Hagler*, 97 Wn.2d 818, 824, 650 P.2d 1103 (1982). If the error is nonconstitutional, the petitioner must meet a stricter standard and demonstrate that the error resulted in a fundamental defect which inherently resulted in a complete miscarriage of justice. *In re Schreiber*, 189 Wn. App. 110, 113, 357 P.3d 668 (2015).

In addition, the petitioner must state with particularity facts that, if proven, would entitle him to relief, and he must present evidence showing his factual allegations are based on more than speculation and conjecture. RAP 16.7(a)(2); *In re Rice*, 118 Wn.2d 876, 886, 828 P.2d 1086, *cert.*

denied, 506 U.S. 958 (1992). A petitioner cannot rely on conclusory allegations. *Cook*, 114 Wn.2d at 813-14. To support a request for a reference hearing, the petitioner must state with particularity facts which, if proven, would entitle him to relief. *In re Dyer*, 143 Wn.2d 384, 397, 20 P.3d 907 (2001). If the petitioner's allegations are based on matters outside the existing record, the petitioner must demonstrate that he has competent, admissible evidence to establish the facts that entitle him to relief *Id.* If the petitioner's evidence is based on knowledge in the possession of others, he may not simply state what he thinks those others would say, but must present their affidavits or other corroborative evidence. *Id.*

If the petitioner fails to make a prima facie showing of either actual or substantial prejudice or a fundamental defect, the Court should deny the PRP. *In re Yates*, 177 Wn.2d 1, 17, 296 P.3d 872 (2013). If the petitioner makes such a showing, but the record is not sufficient to determine the merits, the Court should remand for a reference hearing. *Yates*, 177 Wn.2d at 18. But if the Court is convinced that the petitioner has proven actual and substantial prejudice or a fundamental defect, the petition should be granted. *Id.* Harris fails to meet these standards, and for the following reasons his petition should be dismissed.

B. HARRIS’S TRIAL COUNSEL WAS NOT INEFFECTIVE FOR NOT ARGUING A FRIVOLOUS SUPPRESSION MOTION.

Harris first claims that trial counsel was ineffective for withdrawing his CrR 3.6 motion to suppress. This claim fails because, as will be addressed in the later sections of this brief, the motion lacked merit. Counsel is not ineffective for not pursuing a meritless suppression motion.

In order to overcome the strong presumption of effectiveness that applies to counsel’s representation, a defendant bears the burden of demonstrating both deficient performance and prejudice. *State v. McFarland*, 127 Wn.2d 322, 334-35, 899 P.2d 1251 (1995); *see also Strickland v. Washington*, 466 U.S. 668, 686, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984). If either part of the test is not satisfied, the inquiry need go no further. *State v. Lord*, 117 Wn.2d 829, 894, 822 P.2d 177 (1991), *cert. denied*, 506 U.S. 856 (1992).

The performance prong of the test is deferential to counsel: the reviewing court presumes that the defendant was properly represented. *Lord*, 117 Wn.2d at 883; *Strickland*, 466 U.S. at 688-89. It must make every effort to eliminate the distorting effects of hindsight and must strongly presume that counsel’s conduct constituted sound trial strategy. *Strickland*, 466 U.S. at 689; *In re Rice*, 118 Wn.2d 876, 888-89, 828 P.2d 1086 (1992). “Deficient performance is not shown by matters that go to trial strategy or

tactics.” *State v. Hendrickson*, 129 Wn.2d 61, 78, 917 P.2d 563 (1996).

To show prejudice, the defendant must establish that “there is a reasonable probability that, but for counsel’s errors, the result of the trial would have been different.” *Hendrickson*, 129 Wn.2d at 78; *Strickland*, 466 U.S. at 687.

In the context of the failure to bring a motion to suppress, counsel can only have been ineffective if it can be shown that the motion likely would have been granted. *State v. D.E.D.*, 200 Wn. App. 484, 490, 402 P.3d 851 (2017) (*citing McFarland*, 127 Wn.2d at 334); *State v. G.M.V.*, 135 Wn. App. 366, 372, 144 P.3d 358 (2006), *review denied*, 160 Wn.2d 1024 (2007). As will be shown, Harris’s claims that a suppression motion would have been granted are without merit. As such, his claim of ineffective assistance must fail.

C. HARRIS FAILS TO SHOW A PRETEXTUAL TRAFFIC STOP WHERE HE WAS DETAINED BASED ON PROBABLE CAUSE THAT HE HAD COMMITTED CRIMINAL OFFENSES.

Harris’s first substantive claim is that the traffic stop that led to his arrest and the search of his car was pretextual. This claim is without merit because the police stopped Harris based on probable cause that he had committed criminal offenses.

1. Facts regarding Harris's arrest.

On December 28, 2012, Bremerton police took a report from LP. App. J, at 2. At that time LP described a series of sexual assaults occurring from December 26 through 28. She identified the perpetrators as Harris and Demario Jones. App. J, at 2-5. The rapes took place at a Motel 6 in Tacoma, and at the Dunes Motel in Bremerton. On December 31, before Harris was arrested, detectives confirmed that Harris had rented the two rooms at the Dunes Motel that LP had identified. App. J, at 5.

Bremerton Sergeant William Endicott testified that he was the patrol shift supervisor on December 31. He was aware that there had been an ongoing investigation into Harris since December 28. App. K, at 1183, 1187. As a result of a conversation with Detective Randy Plumb, he agreed to contact Plumb if any officers came into contact with Harris on that date. App. K, at 1183. When he heard on the radio that Officer Jonathan Meador was arresting Harris, he proceeded to the scene. App. K, at 1184.

Once Endicott learned who the driver was, he contacted Plumb. App. K, at 1184. Endicott then asked Harris for permission to look in the car. App. K, at 1185. Harris told him that there was nothing illegal in the car and that he could look. App. K, at 1185. Plumb had asked to see if there was a laptop or a cell phone in the car. App. K, at 1185. There were and Endicott called Plumb back, who requested that the car be impounded. App.

K, at 1185. Endicott arranged for it to be towed to the Bremerton Police evidence garage. App. K, at 1185.

Meador's report also described the arrest:

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 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, Na# 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 [sic] 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.

App. L, at 2. Meador further reported:

On 12/31/12 at approx. 1921hrs, I executed a traffic stop on Wa# ACK8054 at Arsenal Way and Loxie Eagan's [sic]. During this stop the driver, Allixzander Park (Harris) was taken into custody for driving while license suspended 3rd degree. Harris was turned over to Officer Inklebarger for booking. Reference case# B12-012602.

I was instructed to impound the vehicle for a search warrant in reference to this case, B12-012534. I stood by till Bremerton Tow arrived. Upon arrival I followed the tow back to the Bremerton Police Department where I secured it into evidence.

Note: Looking from the outside of the vehicle I observed a red backpack in the back of the vehicle, a cell phone on the dash board and two knives on the right rear passenger side.

App. M.

At trial, Meador testified that he was on patrol on December 31. App. N, at 1097. He contacted Harris through a traffic stop. App. N, at 1098. Officer Inklebarger had called him to the area for "a subject that may or may not have been suspended, but had expired tabs on the vehicle."¹ App. N, at 1098. He first saw the vehicle, a dark-colored Geo Metro, going eastbound on Arsenal Way toward National Avenue. App. N, at 1098. Meador pulled behind the vehicle and noted that the tabs were expired. App.

¹ According to the email provided by Harris the Inklebarger "knew [Harris's] vehicle was expired because [he] drove by and ran the license." He then saw Harris "get into the driver's seat when it left. It went Officer Meador's direction and he conducted the stop. We all [k]new SOG was looking for him because they put the information out at an earlier date." Petition, Exhibits at 13.

N, at 1098. The windows were extremely tinted so he could not see the driver. App. N, at 1098.

Meador contacted the driver, Harris, who informed him without prompting, that his license was suspended. App. N, at 1099-1100. Meador detained him based on the suspended license. App. N, at 1099. Inklebarger arrived at the scene and took Harris into custody. App. N, at 1099. Sergeant Endicott instructed him to impound the Geo. App. N, at 1099. Meador did not know if anyone searched the car before it was impounded. App. N, at 1101.

Plumb's report summarized Harris's arrest as follows:

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

I requested they book Park into the Kitsap County Jail for Second Degree Rape and set his bail at \$100,000. I also asked Sergeant Endicott to impound Park's Geo car to the Bremerton Police Department's evidence storage garage, pending the application of a search warrant. Officer Meador

took care of impounding the car to the police department's evidence storage garage.

App. O, at 5-6. Plumb subsequently obtained a warrant to search the car.

App. P.

2. *Ladson* does not apply where the police have probable cause to arrest the driver on a criminal charge.

Citing *State v. Ladson*, 138 Wn.2d 343, 979 P.2d 833 (1999), Harris argues that the initial stop of his car was unlawful pretext stop. This contention is incorrect because *Ladson* only applies to stops for traffic infractions. Harris was detained based on probable cause to believe he had committed criminal offenses.

In Washington, an arrest may not be used as a pretext to conduct a warrantless search for evidence. *Ladson*, 138 Wn.2d at 353. However, *Ladson* concerned the use by police of narrow exceptions to the warrant requirement as a pretext to search for evidence of other crimes. *Ladson*, 138 Wn.2d at 356. As the Court explained:

[T]he problem with a pretextual traffic stop is that it is a search or seizure which cannot be constitutionally justified for its true reason (*i.e.*, *speculative criminal investigation*), but only for some other reason (*i.e.*, to enforce traffic code) which is at once lawfully sufficient but not the real reason. Pretext is therefore a triumph of form over substance; a triumph of expediency at the expense of reason. But it is against the standard of reasonableness which our constitution measures exceptions to the general rule, which forbids search or seizure absent a warrant. Pretext is result without reason.

Ladson, 138 Wn.2d at 351 (emphasis added). Thus, *Ladson* does not apply to any stop that can be constitutionally justified for its true reason. *See, e.g., State v. Lansden*, 144 Wn.2d 654, 662, 30 P.3d 483 (2001) (*Ladson* categorically inapplicable to any case in which a valid warrant has issued). The distinction was explained in *State v. Arreola*, 176 Wn.2d 284, 295-96, 290 P.3d 983 (2012):

[I]n a pretextual traffic stop, ... the traffic stop is desired because of some other (constitutionally infirm) reason—such as a mere hunch regarding other criminal activity or another traffic infraction—or due to bias against the suspect, whether explicit or implicit. A pretextual stop thus disturbs private affairs without valid justification.

Here, the police were not engaging in a “speculative criminal investigation” or seeking to detain Harris based on a “mere hunch.” To the contrary, they were seeking to detain Harris based on probable cause to believe that he was driving with a suspended license and had committed rape.

In *Arreola*, the Supreme Court held that a traffic stop motivated primarily by an uncorroborated tip “is not pretextual so long as the desire to address a suspected traffic infraction (or criminal activity) for which the officer has a reasonable articulable suspicion is an actual, conscious, and independent cause of the traffic stop.” *Arreola*, 176 Wn.2d at 288. In *Arreola*, the officer’s primary motivation in pulling the defendant’s car over was to investigate a reported DUI. *Arreola*, 176 Wn.2d at 289. But, because

his secondary motivation, the car's altered exhaust in violation of RCW 46.37.390, was an actual reason to stop the defendant, the stop was not pretextual. *Arreola*, 176 Wn.2d at 299-300.

Here, a valid reason for the stop existed: that Harris was driving with a suspended license. Indeed, Meador, the arresting officer, believed that Harris was booked on that charge. App. L, at 2; App. M. Even if the probable cause to arrest Harris for rape played a role in the decision to stop him, it makes no difference to the validity of the stop. An independent basis for the stop existed. There was thus no pretext.

Further, unlike the "minor traffic infraction" at issue in *Ladson*, both of the offenses for which there was probable cause to arrest Harris were criminal. *See State v. Reding*, 119 Wn.2d 685, 691, 695, 835 P.2d 1019 (1992). The relevant statutes specifically authorize a custodial arrest for DWLS. *See* RCW 46.64.015(2), RCW 10.31.100(3)(f), and RCW 46.20.342; *see also Reding*, 119 Wn.2d at 691-92.

Finally, when police have probable cause to arrest a suspect on a felony charge, they may lawfully stop the suspect while he is driving. *State v. Quezadas-Gomez*, 165 Wn. App. 593, 603, 267 P.3d 1036 (2011), *review denied*, 173 Wn.2d 1034 (2012). Police here had ample probable cause to believe Harris raped LP. Thus even if that were the primary motivation for the stop, it would have been "constitutionally justified for its true reason,"

Ladson, 138 Wn.2d at 356, and was therefore not an improper pretextual stop.

D. THERE IS NO EVIDENCE THAT HARRIS WAS UNDULY OR UNLAWFULLY DETAINED.

Harris next claims that his traffic stop was unduly detained. This contention is without merit. As discussed in the previous section, when Endicott heard Meador had stopped Harris, he immediately contacted Plumb, who then asked him to book Harris on rape charges and upon learning that items identified by LP were in the car, asked him to impound the car in relation to those charges. App J, at 5, App. O, at 5-6. . Harris cites no authority showing that this was improper. This contention should be rejected because it is without legal or factual basis.

E. HARRIS'S CONSENT TO SEARCH WAS NOT THE PRODUCT ON AN UNREASONABLE OR UNLAWFUL DETENTION.

Harris next claims that claims that his consent for Endicott to search the car was invalid because it was the product of illegal detention.² As previously discussed, however, his detention and arrest were based on probable cause and lawful. He offers no evidence that his consent was otherwise not voluntarily given, other than his contention that he was

² Harris concedes he gave consent for Endicott to search his car. Petition, at 30-31.

illegally detained.

But Harris fails to show that he was detained for an unreasonable period of time. Indeed, the evidence shows that Meador initiated the traffic stop at 7:21 p.m. App. M, at 1. The tow truck arrived at 7:50, and the car was towed away at 8:08. App. M (Bremerton Towing receipt). Thus, at most Harris could have been detained before consent was given for less than 50 minutes. That time period included the time it took Meador to get out of his car, contact Harris, converse with Harris about the reasons for the stop, and place him under arrest. Also within that time frame, Endicott requested Harris's consent and actually searched the car. Harris cites no authority holding that this relatively brief detention, based on probable cause to arrest him, would vitiate an otherwise valid consent to search. He has thus failed to meet his burden of establishing this claim.

F. THE WARRANT TO SEARCH HARRIS'S VEHICLE WOULD BE VALID EVEN IF THE STOP OF HARRIS WERE IMPROPER, WHERE PROBABLE CAUSE WOULD HAVE EXISTED EVEN WITH REDACTION OF THE INFORMATION OBTAINED AT THE STOP FROM THE COMPLAINT.

Harris next claims that the warrant to search his car was the product of an illegal search. As already discussed, Harris has failed to show that the search was unlawful. This claim therefore must fail.

Moreover, even if Endicott's brief search of the car were illegal, no evidence was obtained during that search. Therefore the question remains whether the warrant would be supportable under the independent source doctrine.

Plumb submitted the following as probable cause for the search warrant:

On December 28th, 2012, at approximately 1743 hours, Bremerton Police Officer Garrity (#445) was dispatched to a sexual assault that had occurred over the previous few days. Officer Garrity responded to the Harrison Hospital (Silverdale, WA.) to meet with the victim. Upon Officer Garrity's arrival, he contacted the victim, identified as [LP] in the emergency room.

[LP] told Officer Garrity that she met up with her boyfriend, Andre Herron (AKA: Williams) on Sunday, December 23rd, 2012, who gave her a ride to Allixzander Park's house, located in Bremerton, Washington. Once there, [LP] stated she had consensual sexual intercourse, in the car, with Andre Herron.

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

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

On Wednesday, December 26th, 2012, [LP] said she went to Tacoma, Washington with Herron. She told Officer Garrity that they took the ferry that leaves about 1400 hours to Seattle, and then took a bus to Tacoma. Once there, they met with Allixzander Park at the Tacoma Mall. Park was there with a friend who was unknown to [LP]. They left the Tacoma Mall and went to a Motel 6 located at 1811 S. 7 4th Street, Tacoma, WA., and that they stayed in room 110.

That evening at the Motel 6, at approximately 2100-2200 hours, Herron, Park, and the unknown friend, were all smoking what [LP] thought was marijuana. She said she had a couple of puffs and started to “feel funny” and added that she thought she became “high”. When [LP] asked them if it was regular marijuana, they told her “my bad” and told her at that time the substance was “Spice”. [LP] told Officer Garrity that she was very disoriented and dizzy after smoking the substance.

[LP] told Officer Garrity that she was on the bed and was “making out” with Herron when Alex was “all up on me”. Herron told Park he could do “whatever he wanted to” to [LP]. Park told [LP] that she, “better get used to it”, and then forced her to have sex. Officer Garrity asked [LP] if she had sex with both Park and Herron and she indicated she did. [LP] continued on and explained she was sleeping next to Herron with Park sleeping at the foot of the bed. Park pulled her off of the bed and onto the floor. Park started having anal sex with her and forcing his fingers down her throat. [LP] told Park to stop and that it was hurting her. After that, [LP] said she “blacked out”.

On Thursday, December 27th, 2012, she returned to Bremerton with Herron and Park. Apparently during this time, Park and Herron were making drug deliveries, selling marijuana. [LP] told Officer Garrity that when she tried to talk to them, Park yelled at her asking her why she was talking.

That night, December 27th, 2012, they checked into

and stayed at the Dunes Motel in Bremerton, Room 113. This room was rented by Allixzander Park. During this stay, in addition to [LP] Allixzander Park, Andre Herron, a subject identified as Demario Jones and an unknown male were also in the room. Sometime during that night, [LP] was in the bathroom, taking a shower. During that time, Herron came into the room and they started kissing. Soon after, Park and Jones entered. [LP] said Herron left the room, leaving Park and Jones in the bathroom with her. The lights were turned off and Park told [LP] that she “didn’t matter” and proceeded to have anal sex with her, while Jones forced her to have oral sex with him. Jones told her, “Choke on there.”

[LP] said she took another shower and when she went to sleep it was around 0200 hours. [LP] said they kept trying to take her phone from her, so she couldn’t call anyone. She said she woke up around 0900 hours on December 28th, 2012 and went to the bathroom with Herron. While in the bathroom with Herron, Jones entered the bathroom and forced her to have sex with him.

At approximately 1200 hours, [LP] was able to convince Park and Herron that she needed to meet someone at the Starbucks on Kitsap Way in Bremerton. Park and Herron transported [LP] to the Starbucks and dropped her off. Once there, [LP] was able to contact a female friend who came and picked her up.

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

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

After the SANE exam, Detective Garland and I met with [LP] and her friend, [CH], at Harrison Hospital. Detective Garland and I walked with [LP] and the SANE nurse from the exam room to a waiting room on the other end of the hospital. As [LP] walked it was clear she was in pain from the assault and walked substantially slower than

the three presumably from the pain. Detective Garland and I invited [LP] and [CH] to the Bremerton Police Department for a more thorough and detailed interview.

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

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

Later in the morning they drove around and spent time in the car and ultimately ended up (at approximately 1100 hours) at the Dunes Motel in Bremerton on December 24th, 2012, specifically room #322. Park rented this room. Staying at the room on this night was [LP] Park, Herron and the unknown friend. [LP] told us Park was trying to take photos of [LP] for the backpage advertisements, but then she told him she had pictures he could use on her cell phone. [LP] unsuccessfully attempted to upload photographs of herself to her e-mail so that she could send the photo's to Park's laptop computer to be used in the backpage advertisements. Since that didn't work, Park connected her phone, using a USB cord, right to his laptop computer and transferred her photos to his computer. [LP] said she didn't like it when he did this because she had other pictures on her phone that she didn't want on his computer. She told him

that she didn't want him to do that, but Park wouldn't let her on his computer. When asked to describe Park's laptop, she stated it was black in color, unknown make or model and that he always stored it in a red backpack.

[LP] said Park initially used Andre Herron's cell phone number on the backpage ad. [LP] said one of the pictures of her showed her wrapped up only in a towel. [LP] provided the phone number of 551-5350 and indicated that belonged to Andre Herron. (I checked www.backpage.com for this phone number and found an advertisement on December 24th, 2012, that contains two photographs of what appears to be [LP] one of which shows her wearing only a white towel. This advertisement listed the contact phone number of (360) 551-5350, which is clearly Andre Herron's phone number. The post ID number for this advertisement is: 11408192. This post was for the Seattle/ Bremerton area.) [LP] said she never saw what the final advertisement looked like and added that they wouldn't let her see it. Detective Garland asked [LP] if she knew what the pricing was on the advertisements and she stated, "\$300 for an hour and then \$150 for a half hour." [LP] indicated Herron and Park came up with that pricing and never asked her input on that.

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

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

On the way back to Bremerton they received a call from a person (A "John") in Port Orchard who didn't feel comfortable coming to their motel room at the Dunes, so they went to his house in Port Orchard. The subject told her he only had \$80 and some marijuana, so [LP] said Herron

told her that this subject “could have twenty minutes.” [LP] met with this subject in his front yard because his family was inside the house. [LP] said she performed oral sex on this subject for \$80 and about an eighth of an ounce of marijuana. She indicated the marijuana was given to her in a pill bottle. [LP] said she gave the \$80 and the marijuana to Herron.

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

On Wednesday, December 26th, 2012, [LP] said she took the bus to the Silverdale transfer station and Andre Herron met her there. Once they were together, they attempted to get a hold of Park by telephone, but his phone was out of minutes. [LP] and Herron went to Park’s house, in Bremerton, but Park was not home. From there, they walked to the Bremerton ferry terminal and took a ferry to Seattle. Once in Seattle, they took a bus to Tacoma, specifically the Tacoma Mall and then to the Motel near the mall. They met with Park at the Motel 6, where Park rented a room (room #110).

Once they were settled in at the Motel 6, Park posted another advertisement on backpage, using his phone number as the contact phone number. (It should be noted that I did some research on the backpage website, from December 26th, 2012, and found an advertisement for [LP] with Allixzander Park’s cell phone number, 360-471-2687, as the contact number. The post ID number for this advertisement is: 11428165. This post was for the Tacoma area.) [LP] said Park created this advertisement using his laptop computer, while in the room at the Motel 6.

After the advertisement was posted, people began calling Park’s phone which [LP] said she answered. She said one guy called who was concerned about meeting her at her hotel room so she asked Park and Herron what she should do. Park and Herron told her to just go meet the guy. She

said she ultimately met the guy behind the LA Fitness, near the motel. She described the guy's vehicle as a white pickup and indicated the guy was very "jumpy". [LP] said she wouldn't get into the guy's truck without first seeing the money and the guy wouldn't show her the money and just wanted her to get into his truck. [LP] basically refused to do anything until she had the money in her pocket. [LP] added that she was "told to do that." [LP] said the guy asked about her already having a room and she said she did, but that she needed to call and tell her friend to leave. [LP] said she called Herron and Park and asked them to leave, because she was going to bring the customer to the room. [LP] said she did get into the guy's truck who gave her a ride over to the motel, but the guy saw a police car in the area and got scared, so he left. She added that the guy had drugs on him and that he was actually trying to "recruit" her. She said she thought this because he asked her a lot of questions. [LP] said she never actually got any money from him, so she returned to the motel room. Soon after Park and Herron returned to the room at different times and when they found out she didn't get any money, they were both upset with her.

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

After this incident, [LP] Park and Herron fell asleep on the bed. [LP] said that the next thing she knew she woke up on the floor at the foot of the bed. She said that was when "she came to." Park was choking her by the throat and then put a few of his fingers down her throat and simultaneously told her that she needed to learn not to choke, even if it hurts. Also during this time, Park was performing anal sex on [LP].

She said she was lying on her left side and that Park was lying behind her during this time. [LP] said Park made intimidating comments during this time to [LP] and that he ejaculated inside of her. She said she blacked-out due to Park choking her and the next thing she knew, she was still on the floor, but almost to the bathroom. Apparently Herron slept through all of this, despite her moaning and making noises during this portion of the incident. [LP] also recalled saying, “Stop, you’re hurting me” and Park responded that saying [sic] she needed to keep going, even when it hurt.

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

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

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

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

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

Later that morning she convinced Herron and Park that she was going to meet someone at the Starbucks on Kitsap Way, so they dropped her off there. Once there, [LP] called her friend, [CH], who came and picked her up and transported her to the hospital for the SANE exam.

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

[LP] allowed me to look at her cell phone and I observed text messages between her phone and both Park and Herron's cell phone. I took digital photographs of these text messages.

On December 31st, 2012, Detective Garland and I made contact at the Dunes Motel and confirmed that Allixzander Park rented room #322 on 12-24-12 and room #113 on 12-27-12 and 12-28-12, just as victim [LP] described.

On December 31st, 2012, at approximately 1921 hours, Bremerton Police Officers located Allixzander Park, driving his blue Geo, bearing Washington license: ACK8054, in the area of Arsenal Way and Loxie Eagans Boulevard in Bremerton. Park's driver's status is suspended in the third degree. Park was arrested for DWLS 3rd degree and Sergeant Endicott contacted me by telephone. I asked Sergeant Endicott to ask Park for permission to search his

car and specifically asked him to look for any cell phones, a red backpack and laptop computers. Sergeant Endicott called me back a few minutes later and told me Park gave him permission to look in the car and when he did, he observed a cellular phone on the dashboard of the car and a red backpack in the backseat area. Sergeant Endicott looked into the backpack and observed a laptop computer and a digital camera.

App. P, at 4-13.

In *State v. Coates*, 107 Wn.2d 882, 735 P.2d 64 (1987), and *State v. Gaines*, 154 Wn.2d 711, 116 P.3d 993 (2005), the Supreme Court applied the independent source doctrine as an exception to the exclusionary rule. In *Coates*, the State obtained evidence based on a search warrant affidavit that included illegally obtained information. *Coates*, 107 Wn.2d at 886. The Court held that the search warrant could still be valid if, after excluding the illegally obtained information, the remaining information in the search warrant independently established probable cause. *Coates*, 107 Wn.2d at 888. Under this test, the Court concluded evidence obtained based on the search warrant was properly admitted. *Coates*, 107 Wn.2d at 889.

Similarly, in *Gaines*, police conducted an illegal warrantless search of the trunk of the defendant's car, during which the officers saw a weapon. *Gaines*, 154 Wn.2d at 714. Later, the police sought a search warrant for the defendant's trunk, which referenced the officer's observation of the weapon, as well as other evidence to establish probable cause. *Gaines*, 154 Wn.2d at 714-15. Relying on the decision in *Coates*, the Court held the

search warrant was valid because probable cause existed even after excluding the illegally obtained information. *Gaines*, 154 Wn.2d at 718-20.

Comparing the facts in *Gaines* to those in *Coates*, the Court noted:

In both cases, persons made allegations of criminal activity sufficient to give rise to probable cause to search an automobile. In both cases, a constitutional violation occurred that revealed that a weapon was inside an automobile. In neither case was the evidence immediately seized. Instead, in both cases, the police sought search warrants based on information independent of the violation, although each recited the earlier unlawful disclosures. In both cases, the police seized the challenged evidence during a search conducted pursuant to the warrant. Finally, in both cases, the search warrants were valid because probable cause existed to search the respective automobiles absent the impermissibly obtained information.

Gaines, 154 Wn.2d at 720.

The Court further explained that exclusion of only the illegally obtained information was sufficient to respect both the privacy interests of the individual and the State's interest in prosecuting criminal activity. *Gaines*, 154 Wn.2d at 720. This is because under the independent source doctrine, the State is in no better or worse position as a result of the illegal search. *Id.* The Supreme Court reaffirmed the validity of the doctrine in *State v. Betancourth*, ___ Wn.2d ___, 2018 WL 1415114, at *3 (Mar. 22, 2018) (“The independent source doctrine is a well-established exception to the exclusionary rule. Though initially applied under a federal Fourth Amendment analysis, we have repeatedly held that the independent source

doctrine is compatible with article I, section 7 of the Washington State Constitution.”).

Even assuming that the original search of the car was improper, the facts of the present case are comparable to those in *Coates* and *Gaines*. Here, the of the nine pages of information presented to the magistrate to establish probable cause quoted above, only the last paragraph related back to the stop of Harris.

The remaining facts detailed activities establish both rape and promoting prostitution. LP described how over the course of several days, Harris and his companions drove her around in the very car the police sought to search. Throughout most of that time period, they stayed in motels. LP also described how Harris had used his phone and laptop to conduct the pimping and that he always kept the laptop in a red backpack that he carried with him. She further indicated that she had left her own backpack with personal items in it, including dirty underwear that likely had evidence of the rape (Harris’s semen) on them in the motel when she had gotten away. The detectives determined that Harris had checked out of the motel and therefore it was likely that he had taken these items with him.

Harris argues that there was insufficient nexus between his car and the crimes alleged in the search warrant complaint. That contention is factually and legally unsupported.

“[P]robable cause requires a nexus between criminal activity and the item to be seized, and also a nexus between the item to be seized and the place to be searched.” *State v. Thein*, 138 Wn.2d 133, 140, 977 P.2d 582 (1999). Further, the existence of probable cause is decided on a case-by-case basis. *Thein*, 138 Wn.2d at 149. The Court thus observed that “[u]nder specific circumstances it may be reasonable to infer such items will likely be kept where the person lives.” *Thein*, 138 Wn.2d at 149 n.4.

In *State v. Espey*, 184 Wn. App. 360, 371, 336 P.3d 1178 (2014), the Court concluded that there was no nexus where although defendant “was driving the Cadillac when he was *arrested*, he was not driving the Cadillac when he *committed* the alleged crimes” (emphasis the Court’s). In *Espey* the Court noted the observation from LaFave in *State v. McReynolds*, 104 Wn. App. 560, 569, 17 P.3d 608 (2000), *review denied*, 144 Wn.2d 1003 (2001):

Here, the question is whether, *assuming a not too long passage of time* since the crime, it is proper to infer that the criminal would have the fruits of his crime in his residence, vehicle or place of business.

(emphasis the *Espey* Court’s) (*quoting* Wayne R. LaFave, *Search And Seizure*, § 3.7(d), at 381–84 (3d ed.1996)). Here, the warrant complaint provided a detailed description of Harris’s criminal activities, which involved the use of the car, over a period of days that concluded three days before the car was impounded. The statement further included information

that evidence relating to the crimes would be found on Harris's phone and on his computer that he carried with him in a backpack. Given that Harris had been spending a lot of time at motels within days before the seizure, it was reasonable to conclude that the phone and backpack would be in the car with him at the time it was seized. Even without Endicott's observations, the complaint provided an adequate nexus between the crimes and the car to find probable cause to search it.

Finally, it should be noted that in *State v. Terranova*, 105 Wn.2d 632, 645–46, 716 P.2d 295 (1986), the Washington Supreme Court held that if police officers have probable cause to search, they may seize a residence for the time reasonably needed to obtain a search warrant. The Court of Appeals has since extended this rule to automobiles. *State v. Campbell*, 166 Wn. App. 464, 472, 272 P.3d 859, 863 (2011), *review denied*, 174 Wn.2d 1006 (2012); *State v. Flores–Moreno*, 72 Wn. App. 733, 740, 866 P.2d 648, *review denied*, 124 Wn.2d 1009 (1994); *State v. Huff*, 64 Wn. App. 641, 650, 826 P.2d 698, *review denied*, 119 Wn.2d 1007 (1992); *State v. Lund*, 70 Wn. App. 437, 448–49, 853 P.2d 1379 (1993).

Once probable cause to search the car and its contents is established, officers acquire the authority to seize it and deny access to it for a reasonable time while they seek a search warrant. *Flores–Moreno*, 72 Wn. App. at 741. Moreover, this authority does not depend upon the lawful detention the

defendant. *Campbell*, 166 Wn. App. at 472. It therefore makes no difference whether Harris was lawfully detained at the scene or should have been allowed to leave. *Campbell*, 166 Wn. App. at 473. This interference with his possessory rights was reasonable, given that the purpose was to safeguard the defendant's privacy rights by first obtaining a search warrant. *Id.*

G. HARRIS FAILS TO MEET HIS BURDEN OF IDENTIFYING ANY FRUIT OF THE ALLEGED UNLAWFUL STOP.

Harris also claims that that the allegedly illegal search “lead [sic] to other evidence and witnesses which together lead to the defendant's convictions that would not have been found otherwise.” Petition at 39. As noted initially, a personal restraint petitioner bears the burden of presenting his claim with specificity. Harris has not identified the witnesses or exhibits he alleges were the fruit of the allegedly unlawful search.

Here, the trial lasted over a period of twelve days, featuring over 20 witnesses and over 50 exhibits. App. Q, App. R. It is Harris's obligation to identify which of these exhibits or witnesses he claims are the fruit of the allegedly unlawful search. The State does not intend to do it for him. As such this claim lacks sufficient specificity to even respond to. It should be denied.

H. HARRIS FAILS TO SHOW THAT THE CUMULATIVE ERROR DOCTRINE APPLIES TO HIS CLAIM.

Harris finally claims that he is entitled to a new trial under the doctrine of cumulative error. The cumulative error doctrine applies when several errors occurred at the trial court level, none alone warrants reversal, but the combined errors effectively denied the defendant a fair trial. *State v. Hodges*, 118 Wn. App. 668, 673-74, 77 P.3d 375 (2003), *review denied*, 151 Wn.2d 1031 (2004). The defendant bears the burden of proving an accumulation of error of sufficient magnitude that retrial is necessary. *In re Lord*, 123 Wn.2d 296, 332, 868 P.2d 835, 870 P.2d 964, *cert. denied*, 513 U.S. 849 (1994)

Here, however, Harris essentially claims only a single error: that his counsel should have pursued a CrR 3.6 motion based on the stop of his vehicle. As discussed above, this contention lacks merit. He thus fails to show any accumulation of error. This claim should be rejected.

VI. CONCLUSION

For the foregoing reasons, Harris's petition should be denied.

DATED March 23, 2018.

Respectfully submitted,
TINA R. ROBINSON
Prosecuting Attorney

A handwritten signature in black ink, appearing to be 'TR' followed by a long horizontal stroke.

RANDALL A. SUTTON
WSBA No. 27858
Deputy Prosecuting Attorney
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APPENDIX A

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AUG 11 2014
DAVID W. PETERSON
KITSAP COUNTY CLERK

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,)	
	)	No. 13-1-00087-1
Plaintiff,)	
	)	SECOND AMENDED INFORMATION
v.)	
	)	(Total Counts Filed – 9)
ALLIXZANDER DEVELL HARRIS,)	
Age: 24; DOB: 03/14/1990,)	
)	
Defendant.)	

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
Promoting Commercial Sexual Abuse of A Minor

On or about or between November 15, 2012 and December 8, 2012, in the County of Kitsap, State of Washington, the above-named Defendant (1) did knowingly advance commercial sexual abuse of a minor or profit from a minor engaged in sexual conduct; contrary to the Revised Code of Washington 9.68A.101.

(MAXIMUM PENALTY–Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9.68A.101 and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a “most serious

CHARGING DOCUMENT; Page 1 of 10



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1 offense” as defined by RCW 9.94A.030, in this state, in federal court, or elsewhere, the
 2 mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant
 to RCW 9.94A.030 and 9.94A.570).

3 JIS Code: 9.68A.101 Promoting Commercial Sexual Abuse of a Minor
 4

5
 6 Special Allegation–Aggravating Circumstance–Multiple Current Offenses; Some Unpunished

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

10
 11 Special Allegation–Aggravating Circumstance–Ongoing Pattern of Sexual Abuse

12 AND FURTHERMORE, the offense was part of an ongoing pattern of sexual abuse of the
 13 same victim under the age of eighteen years manifested by multiple incidents over a prolonged
 14 period of time, contrary to RCW 9.94A.535(3)(g).

15
 16 Special Allegation–Aggravating Circumstance–Victimization of Homeless Youth

17 AND FURTHERMORE, the Defendant knew that the victim of the current offense was a
 18 youth who was not residing with a legal custodian and the Defendant established or promoted the
 19 relationship for the primary purpose of victimization, contrary to RCW 9.94A.535(3)(j).
 20

21
 22 Special Allegation–Aggravating Circumstance–Rapid Recidivism

23 AND FURTHERMORE, the Defendant committed the current offense shortly after being
 24 released from incarceration, contrary to RCW 9.94A.535(3)(t).

25
 26 **Count II**

27 **Promoting Commercial Sexual Abuse of A Minor**

28 On or about or between November 15, 2012 and December 8, 2012, in the County of
 29 Kitsap, State of Washington, the above-named Defendant (1) did knowingly advance commercial
 30 sexual abuse of a minor or profit from a minor engaged in sexual conduct; contrary to the Revised
 31 Code of Washington 9.68A.101.

CHARGING DOCUMENT; Page 2 of 10



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 Port Orchard, WA 98366-4681
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(MAXIMUM PENALTY—Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9.68A.101 and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(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).

JIS Code: 9.68A.101 Promoting Commercial Sexual Abuse of a Minor

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

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

Special Allegation—Aggravating Circumstance—Ongoing Pattern of Sexual Abuse

AND FURTHERMORE, the offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time, contrary to RCW 9.94A.535(3)(g).

Special Allegation—Aggravating Circumstance—Victimization of Homeless Youth

AND FURTHERMORE, the Defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the Defendant established or promoted the relationship for the primary purpose of victimization, contrary to RCW 9.94A.535(3)(j).

Special Allegation—Aggravating Circumstance—Rapid Recidivism

AND FURTHERMORE, the Defendant committed the current offense shortly after being released from incarceration, contrary to RCW 9.94A.535(3)(t).

Count III

Promoting Commercial Sexual Abuse of A Minor

On or about December 9, 2012, in the County of Kitsap, State of Washington, the above-



1 named Defendant (1) did knowingly advance commercial sexual abuse of a minor or profit from a
2 minor engaged in sexual conduct; contrary to the Revised Code of Washington 9.68A.101.

3
4 (MAXIMUM PENALTY--Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9.68A.101
and RCW 9A.20.021(1)(a), plus restitution and assessments.)

5
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
mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant
to RCW 9.94A.030 and 9.94A.570).

8 JIS Code: 9.68A.101 Promoting Commercial Sexual Abuse of a Minor

9
10
11 Special Allegation--Aggravating Circumstance--Ongoing Pattern of Sexual Abuse

12 AND FURTHERMORE, the offense was part of an ongoing pattern of sexual abuse of the
13 same victim under the age of eighteen years manifested by multiple incidents over a prolonged
14 period of time, contrary to RCW 9.94A.535(3)(g).

15
16 Special Allegation--Aggravating Circumstance--Victimization of Homeless Youth

17 AND FURTHERMORE, the Defendant knew that the victim of the current offense was a
18 youth who was not residing with a legal custodian and the Defendant established or promoted the
19 relationship for the primary purpose of victimization, contrary to RCW 9.94A.535(3)(j).

20
21
22 **Count IV**
Promoting Commercial Sexual Abuse of A Minor

23 On or about or between December 9, 2012 and December 11, 2012, in the County of
24 Kitsap, State of Washington, the above-named Defendant (1) did knowingly advance commercial
25 sexual abuse of a minor or profit from a minor engaged in sexual conduct; contrary to the Revised
26 Code of Washington 9.68A.101.

27
28 (MAXIMUM PENALTY--Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9.68A.101
and RCW 9A.20.021(1)(a), plus restitution and assessments.)

29
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



1 to RCW 9.94A.030 and 9.94A.570).

2 JIS Code: 9.68A.101 Promoting Commercial Sexual Abuse of a Minor

3
4 Special Allegation–Aggravating Circumstance–Ongoing Pattern of Sexual Abuse

5 AND FURTHERMORE, the offense was part of an ongoing pattern of sexual abuse of the
6 same victim under the age of eighteen years manifested by multiple incidents over a prolonged
7 period of time, contrary to RCW 9.94A.535(3)(g).
8

9
10 Special Allegation–Aggravating Circumstance–Victimization of Homeless Youth

11 AND FURTHERMORE, the Defendant knew that the victim of the current offense was a
12 youth who was not residing with a legal custodian and the Defendant established or promoted the
13 relationship for the primary purpose of victimization, contrary to RCW 9.94A.535(3)(j).
14

15 **Count V**

16 **Promoting Commercial Sexual Abuse of A Minor**

17 On or about December 15, 2012, in the County of Kitsap, State of Washington, the
18 above-named Defendant (1) did knowingly advance commercial sexual abuse of a minor or profit
19 from a minor engaged in sexual conduct; contrary to the Revised Code of Washington 9.68A.101.

20 (MAXIMUM PENALTY–Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9.68A.101
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
25 to RCW 9.94A.030 and 9.94A.570).

26 JIS Code: 9.68A.101 Promoting Commercial Sexual Abuse of a Minor

27
28 Special Allegation–Aggravating Circumstance–Ongoing Pattern of Sexual Abuse

29 AND FURTHERMORE, the offense was part of an ongoing pattern of sexual abuse of the
30 same victim under the age of eighteen years manifested by multiple incidents over a prolonged
31 period of time, contrary to RCW 9.94A.535(3)(g).



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Special Allegation–Aggravating Circumstance–Victimization of Homeless Youth

AND FURTHERMORE, the Defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the Defendant established or promoted the relationship for the primary purpose of victimization, contrary to RCW 9.94A.535(3)(j).

Count VI
Promoting Commercial Sexual Abuse of A Minor

On or about December 15, 2012, in the County of Kitsap, State of Washington, the above-named Defendant (1) did knowingly advance commercial sexual abuse of a minor or profit from a minor engaged in sexual conduct; contrary to the Revised Code of Washington 9.68A.101.

(MAXIMUM PENALTY–Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9.68A.101 and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(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).

JIS Code: 9.68A.101 Promoting Commercial Sexual Abuse of a Minor

Special Allegation–Aggravating Circumstance–Ongoing Pattern of Sexual Abuse

AND FURTHERMORE, the offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time, contrary to RCW 9.94A.535(3)(g).

Special Allegation–Aggravating Circumstance–Victimization of Homeless Youth

AND FURTHERMORE, the Defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the Defendant established or promoted the relationship for the primary purpose of victimization, contrary to RCW 9.94A.535(3)(j).

Count VII



1 **Tampering With a Witness**

2 On or about or between January 15, 2013 and January 31, 2013, in the County of Kitsap,
3 State of Washington, the above-named Defendant did, attempt to induce a witness or person the
4 Defendant had reason to believe was about to be called as a witness in any official proceeding or
5 a person whom the Defendant had reason to believe may have information relevant to a criminal
6 investigation to testify falsely and/or to withhold any testimony without the right or privilege to
7 do so and/or absent himself or herself from such proceedings and/or withhold from a law
8 enforcement agency information which he or she has relevant to a criminal investigation; contrary
9 to the Revised Code of Washington 9A.72.120.

10 (MAXIMUM PENALTY—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW
11 9A.72.120(2) and 9A.20.021(1)(c), plus restitution and assessments.)

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

13
14 **Count VIII**

15 **Promoting Prostitution in the Second Degree**

16 On or about or between December 23, 2012 and December 26, 2012, in the County of
17 Kitsap, State of Washington, the above-named Defendant (a) did knowingly advance the
18 prostitution of L.P.; and/or (b) did knowingly profit from the prostitution of L.P.; contrary to the
19 Revised Code of Washington 9A.88.080(1).

20 (MAXIMUM PENALTY—Five (5) years imprisonment and/or \$10,000 fine, or both, pursuant to
21 RCW 9A.88.080(2) and RCW 9A.20.021(1)(c), a mandatory \$300 prostitution prevention and
22 intervention account fee under RCW 43.63A.740 pursuant to RCW 9A.88.120(1)(c), plus
23 restitution and assessments.)

24 JIS Code: 9A.88.080 Promoting Prostitution 2nd Degree

25 **Count IX**

26 **Possession of Depictions of Minor Engaged in Sexually Explicit**

27 **Conduct In The Second Degree**

28 On or about or between November 15, 2012 and December 31, 2012, in the County of
29 Kitsap, State of Washington, the above-named Defendant did knowingly possess any visual or
30 printed matter depicting a minor engaged in sexually explicit conduct involving actual or
31 simulated: Depiction of the genitals or unclothed pubic or rectal areas of any minor, or the

CHARGING DOCUMENT; Page 7 of 10



Russell D. Hauge, Prosecuting Attorney
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1 unclothed breast of a female minor, for the purpose of sexual stimulation of the viewer; or
2 Touching of a person's clothed or unclothed genitals, pubic area, buttocks, or breast area for the
3 purpose of sexual stimulation of the viewer; contrary to the Revised Code of Washington
4 9.68A.070(2) and 9.68A.011(f) and (g).

5
6 (MAXIMUM PENALTY—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW
9.68A.070 and 9A.20.021(1)(c), plus restitution and assessments.)

7 JIS Code: 9.68A.070(2) Possess Depiction of Minor Sex Cond Second Degree

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

13 DATED: August 5, 2014
14 PLACE: Port Orchard, WA

STATE OF WASHINGTON



COREEN E. SCHNEPF, WSBA NO. 37966
Deputy Prosecuting Attorney

15
16
17 All suspects associated with this incident are—

- 18 Allixzander Devell Harris
- 19 Demario Maurice Jones
- 20 Andre Pharez Williams, li
- 21 Victoria Joleen Pangelinan
- 22 Trista Dawn Chisholm
- 23 Stephen Mark Wilson
- 24 Greyson Charles Brantly



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DEFENDANT IDENTIFICATION INFORMATION

1 2 3 4 5 6 7	ALLIXZANDER DEVELL HARRIS 1106 Pleasant Avenue #3 Bremerton, Wa 98337	<u>Alias Name(s), Date(s) of Birth, and SS Number</u> Allixander Devell Park, 03/14/1990 Allixzander Devill Harris, 03/14/1990 Allixzander Nmi Park, 03/14/1990 Alexander D. Harris, 03/14/1990 Alixander Devill Harris, 03/14/1990 Allixander Devill Harris, 03/14/1990 Allixander Dion Harris, 03/14/1990
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8 [Address source—Pursuant to CrRLJ/CrR 2.2, Complainant has attempted to ascertain the Defendant's current address by searching the
9 Judicial Information System (JIS formerly called DISCIS) database, Department of Licensing abstract of driving record, Department
of Corrections Felony Offender Reporting System, Kitsap County Jail records and law enforcement report]

10 11 12 13	Race: Black D/L: HARRIAD108DM Weight: 205 DOC: Unknown	Sex: Male D/L State: Washington JUVIS: Unknown FBI: 136846CC4	DOB: 03/14/1990 SID: WA21781039 Eyes: Brown DOB: 03/14/1990	Age: 24 Height: 510 Hair: Black
----------------------	-----------------------------------------------------------------	------------------------------------------------------------------------	----------------------------------------------------------------------	---------------------------------------

LAW ENFORCEMENT INFORMATION

15 Incident Location: 22385 Sunridge Way Ne, Poulsbo, WA [Incident Address Zip]

16 Law Enforcement Report No.: 2012BP012534

17 Law Enforcement Filing Officer: Randy D. Plumb, 413

18 Law Enforcement Agency: Bremerton Police Department - WA0180100

19 Court: Kitsap County Superior Court, WA018015J

20 Motor Vehicle Involved? Yes

21 Domestic Violence Charge(s)? No

22 Law Enforcement Bail Amount? unknown

CLERK ACTION REQUIRED

24 No Action Required

25 Appearance Date If Applicable: N/A

PROSECUTOR DISTRIBUTION INFORMATION

27 Superior Court	District & Municipal Court
28 Original Charging Document— Original +2 copies to Clerk 1 copy to file 29 Amended Charging Document(s)— Original +2 copies to Clerk 30 1 copy to file 31	Original Charging Document— Electronically filed with the Clerk Original +1 copy to file Amended Charging Document(s)— Electronically filed with the Clerk Original +2 copies to file

CHARGING DOCUMENT; Page 9 of 10



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Prosecutor's File Number-13-155449-32

CHARGING DOCUMENT; Page 10 of 10



Russell D. Hauge, Prosecuting Attorney
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Port Orchard, WA 98366-4681
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APPENDIX B

Appendix F

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SEP 12 2014

DAVID W. PETERSON
KITSAP COUNTY CLERK

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IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,)	
)	No. 13-1-00087-1
Plaintiff,)	
	)	ORDER OF DISMISSAL OF COUNT IX
v.)	
)	
ALLIXZANDER DEVELL HARRIS,)	
Age: 24; DOB: 03/14/1990,)	
)	
Defendant.)	

THIS MATTER having come on regularly for hearing before the undersigned Judge of the above-entitled Court on the motion of the Prosecution for dismissal of Count IX; the parties appearing by and through their attorneys of record below-named; and the Court having considered the motion, briefing, argument of counsel and the records and files herein, and being fully advised in the premises, now, therefore, it is hereby-

ORDERED that Count IX in this cause shall be dismissed without prejudice.

DATED this 12 day of September, 2014.


JUDGE



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PRESENTED BY-

APPROVED FOR ENTRY-

STATE OF WASHINGTON





COREEN E. SCHNEPF, WSBA NO. 37966
Deputy Prosecuting Attorney

Eric S. Valley, WSBA No. 21184
Attorney for Defendant

Prosecutor's File Number-13-155449-32

ORDER OF DISMISSAL; Page 2



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APPENDIX C

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,)
)
 Plaintiff,)
)
 v.)
)
 ALLIXZANDER DEVELL HARRIS,)
)
 Defendant.)

No. 13-1-00087-1

VERDICT FORM

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 IN OPEN COURT
 AUG 28 2014
 DAVID W. PETERSON
 KITSAP COUNTY CLERK

1. We, the jury, find the defendant Allixzander Devell Harris--
- Not Guilty** of the crime of Promoting Commercial Sexual Abuse of a Minor as charged in count I.
 - Guilty** of the crime of Promoting Commercial Sexual Abuse of a Minor as charged in count I.

DATE: 8/28/14

Stu Schussman
 Presiding Juror's Signature

2. We, the jury, find the defendant Allixzander Devell Harris--
- Not Guilty** of the crime of Promoting Commercial Sexual Abuse of a Minor as charged in count II.
 - Guilty** of the crime of Promoting Commercial Sexual Abuse of a Minor as charged in count II.

DATE: 8/28/14

Stu Schussman
 Presiding Juror's Signature

3. We, the jury, find the defendant Allixzander Devell Harris--
- Not Guilty** of the crime of Promoting Commercial Sexual Abuse of a minor as charged in count III.
 - Guilty** of the crime of Promoting Commercial Sexual Abuse of a minor as charged in count III.

DATE: 8/28/14

Shui Schussman
Presiding Juror's Signature

4. We, the jury, find the defendant Allixzander Devell Harris--
- Not Guilty** of the crime of Promoting Commercial Sexual Abuse of a Minor as charged in count IV.
 - Guilty** of the crime of Promoting Commercial Sexual Abuse of a Minor as charged in count IV.

DATE: 8/28/14

Shui Schussman
Presiding Juror's Signature

5. We, the jury, find the defendant Allixzander Devell Harris--
- Not Guilty** of the crime of Promoting Commercial Sexual Abuse of a Minor as charged in count V.
 - Guilty** of the crime of Promoting Commercial Sexual Abuse of a Minor as charged in count V.

DATE: 8/28/14

Shui Schussman
Presiding Juror's Signature

6. We, the jury, find the defendant Allixzander Devell Harris—
- Not Guilty** of the crime of Promoting Commercial Sexual Abuse of a Minor as charged in count VI.
 - Guilty** of the crime of Promoting Commercial Sexual Abuse of a Minor as charged in count VI.

DATE: 8/28/14

Julie Schussman
Presiding Juror's Signature

7. We, the jury, find the defendant Allixzander Devell Harris—
- Not Guilty** of the crime of Tampering with a Witness as charged in count VII.
 - Guilty** of the crime of Tampering with a Witness as charged in count VII.

DATE: 8/28/14

Julie Schussman
Presiding Juror's Signature

8. We, the jury, find the defendant Allixzander Devell Harris—
- Not Guilty** of the crime of Promoting Prostitution in the Second Degree as charged in count VIII.
 - Guilty** of the crime of Promoting Prostitution in the Second Degree as charged in count VIII.

DATE: 8/28/14

Julie Schussman
Presiding Juror's Signature

RECEIVED AND FILED
IN OPEN COURT
AUG 28 2014
DAVID W. PETERSON
KITSAP COUNTY CLERK

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,)
	) No. 13-1-00087-1
Plaintiff,)
	) SPECIAL VERDICT FORM FOR
v.	) COUNT I—PROMOTING COMMERCIAL
	) SEXUAL ABUSE OF A MINOR
ALLIXZANDER DEVELL HARRIS,)
)
Defendant.)

This special verdict is to be answered only if the jury finds the defendant guilty of Promoting Commercial Sexual Abuse of a Minor as charged in Count I.

We, the jury, return a special verdict by answering as follows--

QUESTION 1: Did the defendant, ALLIXZANDER DEVELL HARRIS, knowingly advance the commercial sexual abuse of K.H.?

ANSWER: yes (Write "yes" or "no" or "not unanimous")

QUESTION 2: Did the defendant, ALLIXZANDER DEVELL HARRIS, knowingly profit from K.H. who was engaged in sexual conduct?

ANSWER: no (Write "yes" or "no" or "not unanimous")

DATE: 8/28/14

Julie Schussman
Presiding Juror's Signature

IN THE KITSAP COUNTY SUPERIOR COURT

RECEIVED AND FILED
IN OPEN COURT
AUG 28 2014
DAVID W. PETERSON
KITSAP COUNTY CLERK

STATE OF WASHINGTON,)
)
 Plaintiff,)
)
 v.)
)
 ALLIXZANDER DEVELL HARRIS,)
)
 Defendant.)

No. 13-1-00087-1
SPECIAL VERDICT FORM FOR
COUNT I—PROMOTING COMMERCIAL
SEXUAL ABUSE OF A MINOR

This special verdict is to be answered only if the jury finds the defendant guilty of Promoting Commercial Sexual Abuse of a Minor as charged in Count I.

We, the jury, return a special verdict by answering as follows—

QUESTION: Did the defendant, ALLIXZANDER DEVELL HARRIS, know that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization?

ANSWER: yes (Write "yes" or "no")

DATE: 8/28/14

Kevin Schussman
Presiding Juror's Signature

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OPEN COURT
AUG 28 2014
DAVID W. PETERSON
KITSAP COUNTY CLERK

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,)	
	)	No. 13-1-00087-1
Plaintiff,)	
	)	SPECIAL VERDICT FORM FOR
v.	)	COUNT II—PROMOTING COMMERCIAL
	)	SEXUAL ABUSE OF A MINOR
ALLIXZANDER DEVELL HARRIS,)	
)	
Defendant.)	

This special verdict is to be answered only if the jury finds the defendant guilty of Promoting Commercial Sexual Abuse of a Minor as charged in Count II.

We, the jury, return a special verdict by answering as follows—

QUESTION: Did the defendant, ALLIXZANDER DEVELL HARRIS, know that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization?

ANSWER: yes (Write "yes" or "no")

DATE: 8/28/14

Luigi Schussman
Presiding Juror's Signature

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IN OPEN COURT
AUG 28 2014
DAVID W. PETERSON
KITSAP COUNTY CLERK

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,)	
	)	No. 13-1-00087-1
Plaintiff,)	
	)	SPECIAL VERDICT FORM FOR
v.	)	COUNT III--PROMOTING COMMERCIAL
	)	SEXUAL ABUSE OF A MINOR
ALLIXZANDER DEVELL HARRIS,)	
)	
Defendant.)	

This special verdict is to be answered only if the jury finds the defendant guilty of Promoting Commercial Sexual Abuse of a Minor as charged in Count III.

We, the jury, return a special verdict by answering as follows--

QUESTION 1: Did the defendant, ALLIXZANDER DEVELL HARRIS, knowingly advance the commercial sexual abuse of S.D.?

ANSWER: yes (Write "yes" or "no" or "not unanimous")

QUESTION 2: Did the defendant, ALLIXZANDER DEVELL HARRIS, knowingly profit from S.D. who was engaged in sexual conduct?

ANSWER: not unanimous (Write "yes" or "no" or "not unanimous")

DATE: 8/28/14

Juni Schussman
Presiding Juror's Signature

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IN OPEN COURT

AUG 28 2014

DAVID W. PETERSON
KITSAP COUNTY CLERK

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,)	
	)	No. 13-1-00087-1
Plaintiff,)	
	)	SPECIAL VERDICT FORM FOR
v.	)	COUNT III—PROMOTING COMMERCIAL
	)	SEXUAL ABUSE OF A MINOR
ALLIXZANDER DEVELL HARRIS,)	
)	
Defendant.)	

This special verdict is to be answered only if the jury finds the defendant guilty of Promoting Commercial Sexual Abuse of a Minor as charged in Count III.

We, the jury, return a special verdict by answering as follows—

QUESTION: Did the defendant, ALLIXZANDER DEVELL HARRIS, know that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization?

ANSWER: yes (Write "yes" or "no")

DATE: 8/28/14

Quinn Schussman
Presiding Juror's Signature

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IN OPEN COURT

AUG 28 2014

DAVID W. PETERSON
KITSAP COUNTY CLERK

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,)	
	)	No. 13-1-00087-1
Plaintiff,)	
	)	SPECIAL VERDICT FORM FOR
v.	)	COUNT IV—PROMOTING COMMERCIAL
	)	SEXUAL ABUSE OF A MINOR
ALLIXZANDER DEVELL HARRIS,)	
)	
Defendant.)	

This special verdict is to be answered only if the jury finds the defendant guilty of Promoting Commercial Sexual Abuse of a Minor as charged in Count IV.

We, the jury, return a special verdict by answering as follows—

QUESTION: Did the defendant, ALLIXZANDER DEVELL HARRIS, know that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization?

ANSWER: yes (Write "yes" or "no")

DATE: 8/28/14

Shirley Schussman
Presiding Juror's Signature

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AUG 28 2014
DAVID W. PETERSON
KITSAP COUNTY CLERK

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,)
	) No. 13-1-00087-1
Plaintiff,)
	) SPECIAL VERDICT FORM FOR
v.	) COUNT IV—PROMOTING COMMERCIAL
	) SEXUAL ABUSE OF A MINOR
ALLIXZANDER DEVELL HARRIS,)
)
Defendant.)

This special verdict is to be answered only if the jury finds the defendant guilty of Promoting Commercial Sexual Abuse of a Minor as charged in Count IV.

We, the jury, return a special verdict by answering as follows—

QUESTION 1: Did the defendant, ALLIXZANDER DEVELL HARRIS, knowingly advance the commercial sexual abuse of S.D.?

ANSWER: yes (Write "yes" or "no" or "not unanimous")

QUESTION 2: Did the defendant, ALLIXZANDER DEVELL HARRIS, knowingly profit from S.D. who was engaged in sexual conduct?

ANSWER: not unanimous (Write "yes" or "no" or "not unanimous")

DATE: 8/28/14

Olivia Schussman
Presiding Juror's Signature

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IN OPEN COURT
AUG 28 2014
DAVID W. PETERSON
KITSAP COUNTY CLERK

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,)	
	)	No. 13-1-00087-1
Plaintiff,)	
	)	SPECIAL VERDICT FORM FOR
v.	)	COUNT V—PROMOTING COMMERCIAL
	)	SEXUAL ABUSE OF A MINOR
ALLIXZANDER DEVELL HARRIS,)	
)	
Defendant.)	

This special verdict is to be answered only if the jury finds the defendant guilty of Promoting Commercial Sexual Abuse of a Minor as charged in Count V.

We, the jury, return a special verdict by answering as follows—

QUESTION 1: Did the defendant, ALLIXZANDER DEVELL HARRIS, knowingly advance the commercial sexual abuse of K.H.?

ANSWER: yes (Write "yes" or "no" or "not unanimous")

QUESTION 2: Did the defendant, ALLIXZANDER DEVELL HARRIS, knowingly profit from K.H. who was engaged in sexual conduct?

ANSWER: yes (Write "yes" or "no" or "not unanimous")

DATE: 8/28/14

Chui Schussman
Presiding Juror's Signature

AUG 28 2014

DAVID W. PETERSON
KITSAP COUNTY CLERK

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,)	
	)	No. 13-1-00087-1
Plaintiff,)	
	)	SPECIAL VERDICT FORM FOR
v.	)	COUNT V—PROMOTING COMMERCIAL
	)	SEXUAL ABUSE OF A MINOR
ALLIXZANDER DEVELL HARRIS,)	
)	
Defendant.)	

This special verdict is to be answered only if the jury finds the defendant guilty of Promoting Commercial Sexual Abuse of a Minor as charged in Count V.

We, the jury, return a special verdict by answering as follows—

QUESTION: Did the defendant, ALLIXZANDER DEVELL HARRIS, know that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization?

ANSWER: yes (Write "yes" or "no")

DATE: 8/28/14

Muir Schussman
Presiding Juror's Signature

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AUG 28 2014
DAVID W. PETERSON
KITSAP COUNTY CLERK

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,	)	No. 13-1-00087-1
)	
Plaintiff,	)	SPECIAL VERDICT FORM FOR
	)	COUNT VI-PROMOTING COMMERCIAL
v.	)	SEXUAL ABUSE OF A MINOR
)	
ALLIXZANDER DEVELL HARRIS,)	
)	
Defendant.)	

This special verdict is to be answered only if the jury finds the defendant guilty of Promoting Commercial Sexual Abuse of a Minor as charged in Count VI.

We, the jury, return a special verdict by answering as follows--

QUESTION 1: Did the defendant, ALLIXZANDER DEVELL HARRIS, knowingly advance the commercial sexual abuse of K.H.?

ANSWER: yes (Write "yes" or "no" or "not unanimous")

QUESTION 2: Did the defendant, ALLIXZANDER DEVELL HARRIS, knowingly profit from K.H. who was engaged in sexual conduct?

ANSWER: not unanimous (Write "yes" or "no" or "not unanimous")

DATE: 8/28/14

Shirley Schussman
Presiding Juror's Signature

AUG 28 2014

DAVID W. PETERSON
KITSAP COUNTY CLERK

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,)	
	)	No. 13-1-00087-1
Plaintiff,)	
	)	SPECIAL VERDICT FORM FOR
v.	)	COUNT VI—PROMOTING COMMERCIAL
	)	SEXUAL ABUSE OF A MINOR
ALLIXZANDER DEVELL HARRIS,)	
)	
Defendant.)	

This special verdict is to be answered only if the jury finds the defendant guilty of Promoting Commercial Sexual Abuse of a Minor as charged in Count VI.

We, the jury, return a special verdict by answering as follows—

QUESTION: Did the defendant, ALLIXZANDER DEVELL HARRIS, know that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization?

ANSWER: yes (Write "yes" or "no")

DATE: 8/28/14

Quinn Schussman
Presiding Juror's Signature

RECEIVED AND FILED
IN OPEN COURT
AUG 29 2014

DAVID W. PETERSON
KITSAP COUNTY CLERK

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,)	
	)	No. 13-1-00087-1
Plaintiff,)	
	)	SPECIAL VERDICT FORM FOR
v.	)	COUNT I--PROMOTING COMMERCIAL
	)	SEXUAL ABUSE OF A MINOR
ALLIXZANDER DEVELL HARRIS,)	
)	
Defendant.)	

We, the jury, having previously found the defendant guilty of Promoting Commercial Sexual Abuse of a Minor in Count I, return a special verdict by answering as follows—

QUESTION: Did the defendant, ALLIXZANDER DEVELL HARRIS, commit the crime shortly after being released from incarceration?

ANSWER: yes (Write "yes" or "no")

DATE: 8/29/14

Julie Schussman
Presiding Juror's Signature

RECEIVED AND FILED
IN OPEN COURT
AUG 29 2014
DAVID W. PETERSON
KITSAP COUNTY CLERK

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,)	
	)	No. 13-1-00087-1
Plaintiff,)	
	)	SPECIAL VERDICT FORM FOR
v.	)	COUNT II--PROMOTING COMMERCIAL
	)	SEXUAL ABUSE OF A MINOR
ALLIXZANDER DEVELL HARRIS,)	
)	
Defendant.)	

We, the jury, having previously found the defendant guilty of Promoting Commercial Sexual Abuse of a Minor in Count II, return a special verdict by answering as follows--

QUESTION: Did the defendant, ALLIXZANDER DEVELL HARRIS, commit the crime shortly after being released from incarceration?

ANSWER: yes (Write "yes" or "no")

DATE: 8/29/14

Kevin Schuseman
Presiding Juror's Signature

APPENDIX D

Appendix F

Doc
Doc
3/26/14

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14-9-01269-7

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SEP 26 2014

DAVID W. PETERSON
KITSAP COUNTY CLERK

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,

Plaintiff,

v.

ALLIXZANDER DEVELL HARRIS,
Age: 24; DOB: 03/14/1990,

Defendant.

No. 13-1-00087-1

JUDGMENT AND SENTENCE

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.525).</i>		RCW	Date(s) of Crime from to		The Special Allegations* listed below were pled and proved
I	Sex-Promoting Commercial Sexual Abuse of a Minor	9.68A.101	11/15/2012	12/08/2012	
I	Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			
I	Special Allegation-Aggravating Circumstance-Victimization of Homeless Youth	9.94A.535.3J			x
I	Special Allegation-Aggravating Circumstance-Rapid Recidivism	9.94A.535.3T			x
II	Sex-Promoting Commercial Sexual Abuse of a Minor	9.68A.101	11/15/2012	12/08/2012	

JUDGMENT AND SENTENCE; Page 1

[Form revised January 29, 2010]



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1	II	Special Allegation-Aggravating Circumstance-Multiple Current Offenses; Some Unpunished	9.94A.535.2C			
2	II	Special Allegation-Aggravating Circumstance-Victimization of Homeless Youth	9.94A.535.3J			x
3	II	Special Allegation-Aggravating Circumstance-Rapid Recidivism	9.94A.535.3T			x
4	III	Sex-Promoting Commercial Sexual Abuse of a Minor	9.68A.101	12/09/2012	12/09/2012	
5	III	Special Allegation-Aggravating Circumstance-Victimization of Homeless Youth	9.94A.535.3J			x
6	IV	Sex-Promoting Commercial Sexual Abuse of a Minor	9.68A.101	12/09/2012	12/11/2012	
7	IV	Special Allegation-Aggravating Circumstance-Victimization of Homeless Youth	9.94A.535.3J			x
8	V	Sex-Promoting Commercial Sexual Abuse of a Minor	9.68A.101	12/15/2012	12/15/2012	
9	V	Special Allegation-Aggravating Circumstance-Victimization of Homeless Youth	9.94A.535.3J			x
10	VI	Sex-Promoting Commercial Sexual Abuse of a Minor	9.68A.101	12/15/2012	12/15/2012	
11	VI	Special Allegation-Aggravating Circumstance-Victimization of Homeless Youth	9.94A.535.3J			x
12	VII	Tampering With a Witness	9A.72.120	01/15/2013	01/31/2013	
13	VII	Promoting Prostitution in the Second Degree	9A.88.080	12/23/2012	12/26/2012	
14	I					

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)
VNCO	12/14/11	3/8/12	Kitsap County	
VUCSA	5/28/09	4/14/11	Kitsap County	
Escape 2	2/5/08	10/17/08	Kitsap County	
Assault 3	9/15/07	10/17/08	Kitsap County	

JUDGMENT AND SENTENCE; Page 2

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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)
Taking motor vehicle w/ out permission	3/18/06	3/20/06	Kitsap County	X
Threats to Bomb	10/19/04	12/13/14	Kitsap County	X

2.3 SENTENCING DATA									
Count	Offender Score	Seriousness Level	Standard Range	Days (x)	Mo. (x)	Special Allegations Type*	Mo.	Total Standard Range (Mo.)	Maximum Term
I.	22	XII	240-318	-	X				Life
II.	22	XII	240-318	-	X				Life
III.	22	XII	240-318	-	X				Life
IV.	22	XII	240-318	-	X				Life
V.	22	XII	240-318	-	X				Life
VI.	22	XII	240-318	-	X				Life
VII.	12	III	51-60	-	X				5 years
VIII.	12	III	51-60	-	X				5 years

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), DW=Deadly Weapon (9.94A.602,533); DV=Domestic Violence (10.99.020); SZ=School Zone (69.50.435,533); SM=Sexual Motivation (9.94A.835 and/or 9.94A.533); VH=Vehicular Homicide Prior DUI (46.61.520,5055); CF=drug crime at Corrections Facility (9.94A.533); JP=Juvenile Present at manufacture (9.94A.533,605); P=Predatory (9.94A.836); <15=Victim Under 15 (9.94A.837); DD=Victim is developmentally disabled, mentally disordered, or a frail elder or vulnerable adult (9.94A.838, 9A.44.010); CSG=Criminal Street Gang Involving a Minor (9.94A.833); AE=Endangerment While Attempting to Elude (9.94A.834).

CONFINEMENT/STATUS

- 4.5-SSOSA-SPECIAL SEXUAL OFFENDER SENTENCING ALTERNATIVE. RCW 9.94A.670. The Defendant is a sex offender and is sentenced under SSOSA. The execution of the sentence of confinement is suspended and the Defendant is placed on community custody.
- CHEMICAL DEPENDENCY-The Court finds the Defendant has a chemical dependency that contributed to the offense(s).
- 2.4-EXCEPTIONAL SENTENCE-Substantial and compelling reasons exist justifying a sentence above below the standard range, within the standard range for Count ___ but served consecutively to Count(s) ___, or warranting exceptional conditions of supervision for Count(s) _____.
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.
- 4.5-PERSISTENT OFFENDER-The Defendant is a Persistent Offender and is sentenced to life without the possibility of early release. RCW 9.94A.570.

COURT'S SENTENCE:			
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.	
COUNT I 486 <input type="checkbox"/> Days <input checked="" type="checkbox"/> Mo.	COUNT II 486 <input type="checkbox"/> Days <input checked="" type="checkbox"/> Mo.	COUNT III 486 <input type="checkbox"/> Days <input checked="" type="checkbox"/> Mo.	
COUNT IV 486 <input type="checkbox"/> Days <input checked="" type="checkbox"/> Mo.	COUNT V 486 <input type="checkbox"/> Days <input checked="" type="checkbox"/> Mo.	COUNT VI 486 <input type="checkbox"/> Days <input checked="" type="checkbox"/> Mo.	

JUDGMENT AND SENTENCE; Page 3
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Community Custody Is Ordered for the Following Term(s) or Ranges (non-RCW 9.94A.507):

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) _____ 18 months for Violent Offense
- COUNT(S) _____ 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)

For offenders sentenced to a term of one year or less :

- COUNT(S) _____ 12 months for: Violent Offenses; Crimes Against Persons; felony offenses under chapter 69.50 or 69.52 RCW; Sex Offenses; felony Failure to Register as a Sex Offender (regardless of the number of prior felony failure to register convictions).

- 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 Is Ordered for Counts Sentenced under RCW 9.94A.507, from time of release from total confinement until the expiration of the maximum sentence:

- COUNT(S) _____ 10 years from today's date for the remainder of the Defendant's life
- COUNT(S) _____ 10 years from today's date for the remainder of the Defendant's life

- For sentences imposed under RCW 9.94A.507, other conditions, including electronic home detention, may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency, by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days.
- For sex offenses, defendant shall submit to electronic home detention if imposed by DOC.

Supervised Probation is Ordered for Gross Misdemeanor and Misdemeanor convictions in this Judgment and Sentence, to be administered by the DOC, for:

- COUNT(S) _____ 12 months 24 months _____ months

4.5-SSOSA-COMMUNITY CUSTODY. RCW 9.94A.670. The execution of this sentence is suspended and Defendant is placed on community custody under the charge of DOC for the length of the suspended sentence, the length of the maximum term imposed pursuant to RCW 9.94A.507, or three years, whichever is greater. 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. If the Defendant violates the conditions of the suspended sentence or the court finds that the Defendant is not making satisfactory progress in treatment, the court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence, and shall impose conditions of community placement pursuant to RCW 9.94A.120. A **Treatment Termination Hearing** (RCW 9.94A.120) is scheduled three months prior to the anticipated date for completion of treatment-_____.

EVALUATOR APPROVED TO PROVIDE TREATMENT-The Court expressly finds that the Defendant's sex offender treatment provider may be the same person who examined the Defendant in this action for amenability to treatment and risk to the community, based on the best interests of the victim and



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impracticability of using a different treatment provider. Chap. 176, Laws of 2004, § 4(11).

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.



SUPERVISION SCHEDULE: The Defendant Shall-

STANDARD

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

SERIOUS VIOLENT / VIOLENT OFFENSE, SEX OFFENSE, AND/OR CRIME AGAINST A PERSON

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

SEX-CRIME RELATED

- Commit no sexual offenses and commit no offenses involving a minor.
- Have no direct or indirect contact with victim(s) or his or her family, including by telephone, computer, letter, in person, or via third party.
- Possess/access no sexually exploitive materials (as defined by Defendant's treating therapist or CCO).
- Frequent no adult book stores, arcades, or places providing sexual entertainment.
- Possess/access no sexually explicit materials, and/or information pertaining to minors via computer (i.e. internet)
- For sex offenses, defendant shall submit to electronic home detention if imposed by DOC or the Indeterminate Sentence Review Board.
- Contact no "900" telephone numbers that offer sexually explicit material. Provide copies of phone records to CCO.
- Have no contact with any children under the age of 18 without the presence of an adult who is knowledgeable of this conviction and who has been approved by Defendant's CCO.
- Do not loiter or frequent places where children congregate including, but not limited to, shopping malls, schools, playgrounds, and video arcades.
- Abide by curfew set by CCO.
- Do not hitchhike or pick up hitchhikers.
- Submit to periodic polygraph and plethysomograph exams at own expense at request of CCO or any treatment provider.

Complete a psychosexual evaluation and follow through with all treatment recommended by CCO and/or treatment provider.

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, unless otherwise noted: _____

SSOSA

- Devote time to specific employment or occupation.
- Successfully complete approved outpatient and/or Inpatient sex offender treatment program with treatment provider noted below for a period of 36 months. Defendant shall not change sex offender treatment providers or treatment without first notifying the Prosecutor, CCO, and the Court, and shall not change providers without Court approval after a hearing if the Prosecutor or CCO object to the change.
- Treatment Provider-_____

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

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.

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.

HAVE NO CONTACT WITH: VICTORIA PANGELINAN, DEMARIO JONES, SD, KH, LORELEI PHILLIPS, ANDRE WILLIAMS, TRISTA CHISHOLM,

OTHER:

The defendant may have contact with his children and may have contact with Victoria Pangelinan for the purpose of

JUDGMENT AND SENTENCE; Page 7

[Form revised January 29, 2010]



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arranging visitation.

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	\$100 Domestic Violence Assessment, RCW 10.99.080 <input type="checkbox"/> Kitsap Co. YWCA <input type="checkbox"/> Kitsap Sexual Assault Ctr.
	<input type="checkbox"/> \$1,000 <input type="checkbox"/> \$2,000 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
	\$_____ Psychosexual Evaluation Costs.	X \$5000.00 mandatory fine for offenses under RCW 9.68A.101 pursuant to RCW 9.68A.105.
	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.
- 5 **EXONERATION**—The Court hereby exonerates any bail, bond, and/or personal recognizance conditions.

NOTICES AND SIGNATURES

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

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

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

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

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

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

Cross off if not applicable—

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

1. General Applicability and Requirements:

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

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



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.
29 The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business
30 hours. You must keep an accurate accounting of where you stay during the week and provide it to the county sheriff
31 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.

7. Application for a Name Change:

If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of
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).

5.8-PERSISTENT OFFENDER-

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

25 **"Two Strike" Warning-**In addition, if this offense is (1) rape in the first degree, rape of a child in the first degree,
26 rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child
27 molestation in the first degree; or (2) any of the following offenses with a finding of sexual motivation: murder in the
28 first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second
degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in
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).

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

31 **5.8-DEPARTMENT OF LICENSING NOTICE-**The court finds that Count _____ is a felony in the



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commission of which a motor vehicle was used. **Clerk's Action**—The clerk shall forward an Abstract of Court Record (ACR) to the DOL, which must revoke the Defendant's driver's license. RCW 46.20.285. **Findings for DUI, Physical Control, Felony DUI or Physical Control, Vehicular Assault, or Vehicular Homicide (ACR information):**

- BAC The defendant had an alcohol concentration of breath or blood within two hours after driving or being in physical control of ____ ;
- No BAC test.
- BAC Refused. The defendant refused to take a test offered pursuant to RCW 46.20.308.
- Drug Related. The defendant was under the influence of or affected by any drug.
- THC.
- Mental Health.
- Passenger under age 16. The defendant committed the offense while a passenger under the age of sixteen was in the vehicle.

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

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

Voting Rights Statement:

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

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

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

Defendant's Signature: refused to sign

SO ORDERED IN OPEN COURT.

DATED— 9/26/14

Sally F. Olsen
JUDGE

SALLY F. OLSEN

S. H. Neff
Deputy Prosecuting Attorney, WSBA No. 37966

E. V. Alley
Attorney for Defendant, WSBA No. 21184

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

(initials) SAH

refused to sign
ALLIXZANDER DEVELL HARRIS
Defendant

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

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

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: 03/14/1990 Age: 24
10 D/L: HARRIAD108DM D/L State: Washington SID: WA21781039 Height: 510
11 Weight: 205 JUVIS: Unknown Eyes: Brown Hair: Black
12 DOC: Unknown SSN: 532-19-1385 FBI: 136846CC4

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- J Vincourt (refusals noted) 9/26/14, Deputy Clerk. Dated- 9/26/14

16 **DEFENDANT'S SIGNATURE**- (X) refused to sign

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

21 Refused to be
22 fingerprinted

23 Prosecutor's File Number-13-155449-32

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

25 JUDGMENT AND SENTENCE; Page 12
26 [Form revised January 29, 2010]



27 **Russell D. Hauge, Prosecuting Attorney**
28 Adult Criminal and Administrative Divisions
29 614 Division Street, MS-35
30 Port Orchard, WA 98366-4681
31 (360) 337-7174; Fax (360) 337-4949

JCC
JUL
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IN OPEN COURT

SEP 26 2014

DAVID W. PETERSON
KITSAP COUNTY CLERK

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

STATE OF WASHINGTON	)	Cause No.: 13 1 00087 1
)	
)	
Plaintiff	)	JUDGEMENT AND SENTENCE (FELONY)
v.	)	APPENDIX F
Allixzander Develle Harris	)	ADDITIONAL CONDITIONS OF SENTENCE
Defendant)	
)	
DOC No. 324111)	

CRIME RELATED PROHIBITIONS:

1. Report to and be available for contact with the assigned Community Corrections Officer as directed.
2. Work at Department of Corrections-approved education, employment and/or community service.
3. Do not consume controlled substances without a lawfully prescribed prescription.
4. Do not possess controlled substances while in community custody.
5. Pay community placement fees as determined by the Department of Corrections.
6. Have residence location and living arrangements approved by Department of Corrections.
7. Do not own, use or possess firearms or ammunition.
8. Commit no sexual offenses of any nature involving a minor.
9. Have no direct or indirect contact with the victim or the family of the victim unless approved by the supervising Community Corrections Officer and treating therapist.
10. Do not possess or access any sexually explicit material or frequent adult bookstores, arcades or places where sexual entertainment is provided, or access pornography, sexually explicit materials or any information pertaining to minors via the computer (i.e. Internet, Darknet, multiplayer online gaming, social media, telephone or other data or communications resources).
11. Have no contact with any minors without the presence of an adult who is knowledgeable of this conviction and who has been approved by the defendant's Community Corrections Officer.
12. Enter into no romantic relationships without approval of Community Corrections Officer.

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Page 1 of 2

- 13. Enter into no relationships or involvement with members of households with children without approval of Community Corrections Officer.
- 14. Do not loiter or frequent places where children congregate, including but not limited to shopping malls, schools, playground or video arcades.
- 15. Abide by curfew as set by the Community Corrections Officer.
- 16. Submit to periodic polygraph examinations at your own expense at the request of the Community Corrections Officer or treatment provider.
- 17. Obey all laws.
- 18. Hold no position of authority or trust involving minor children.
- 19. Successfully complete crime-related treatment, counselling or interventions as directed by the Community Corrections Officer, including directions or referrals to Sex Offender Treatment, Substance Abuse Treatment and Mental Health Treatment during Community Custody.
- 20. Do not possess or consume marijuana, alcohol or the drug termed "spice".
- 21. Do not own, possess or use a personal telecommunications device (cellular telephone, smartphone, internet capable computer or tablet, multiplayer online gaming device, other wifi or networked device, etc.) except as authorized by the Community Corrections Officer, and make the device, connection history and data/content sent and received available for inspection by the Community Corrections Officer.

22. May contact his children and contact Victoria Pangelinan for purpose of arranging visit

DATE 9/26/14

Sally Olsen
 JUDGE, SALLY OLSEN, COUNTY SUPERIOR COURT

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 09/17/2014
 Page 2 of 2

APPENDIX E

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SEP 26 2014

DAVID W. PETERSON
KITSAP COUNTY CLERK

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IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,)	
)	No. 13-1-00087-1
Plaintiff,)	
	)	FINDINGS OF FACT AND CONCLUSIONS
v.	)	OF LAW FOR EXCEPTIONAL SENTENCE
)	
ALLIXANDER DEVELL HARRIS,)	
Age: 24; DOB: 03/14/1990,)	
)	
Defendant.)	

THIS MATTER having come on regularly for hearing before the undersigned Judge of the above-entitled Court pursuant to a hearing on sentencing; the parties appearing by and through their attorneys of record below-named; and the Court having considered the motion, briefing, testimony of witnesses, if any, argument of counsel and the records and files herein, and being fully advised in the premises, now, therefore, makes the following-

FINDINGS OF FACT

I.

That the Defendant has been convicted of 6 Counts of Promoting Commercial Sexual Abuse of a Minor (Counts I through VI), one count of Tampering With a Witness, and one Count of Promoting Prostitution in the Second Degree. The Defendant's standard range is 240-318 months. The statutory maximum is life incarceration.

II.

That the Jury was asked to return a special verdict to determine if the defendant

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FOR EXCEPTIONAL SENTENCE; Page 1 of 3



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1 committed this offense shortly after being released from incarceration for Count I and II. The
2 Jury determined that this aggravating factor was present.

3 **III.**

4 That the Jury was asked to return a special verdict to determine if the defendant knew that
5 the victim of the current offense was a youth who was not residing with a legal custodian and the
6 defendant established or promoted the relationship for the primary purpose of victimization. The
7 Jury determined that this aggravating factor was present.

8 **IV.**

9 That the defendant has six prior felonies. Four of the prior felonies are adult felonies and
10 2 are juvenile felonies. In this case, the defendant has been convicted of eight felonies. His
11 offender score is 22 on Counts I through VI and a 12 on Counts VII and VIII. Because the
12 defendant's offender score exceeds a nine, further increases in the offender score do not increase
13 the standard range; thus, some offenses go unpunished by operation of the defendant's high
14 offender score and the multiple felony convictions. In particular, for Counts I through VI, 5 of the
15 charged counts do not work to increase the defendant's sentencing range and for Counts VII and
16 VIII, three of the charged counts do not work to increase the defendant's sentencing range, and
17 thus, no punishment is received by way of confinement for at least 3 of the charges.

18 **CONCLUSIONS OF LAW**

19 **I.**

20 That the above-entitled Court has jurisdiction over the parties and the subject matter of
21 this action.

22 **II.**

23 That there are substantial and compelling reasons to impose an exceptional sentence of
24 486 on Counts I through VI and ~~to impose a consecutive sentence on Count~~
25 _____

26 **IV.**

27 That the exceptional sentence is justified by the following aggravating circumstances—

- 28 (a) Under RCW 9.94A.535(2)(t), the defendant committed this offense shortly after his
- 29 release from incarceration.
- 30 (b) Under RCW 9.94A.535(2)(J), the defendant knew that the victim of the current offense
- 31 _____



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was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

(c) Under RCW 9.94A.535(2)(c), "the defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished

V.

That the grounds listed in the preceding paragraph, taken together or considered individually, constitute sufficient cause to impose the exceptional sentence. This Court would impose the exact same sentence even if only one of the grounds listed in the preceding paragraph is valid.

DONE IN OPEN COURT this 26 day of September, 2014.

[Signature]
JUDGE

As to Form [Signature]
APPROVED FOR ENTRY
[Signature]

PRESENTED BY—
[Signature]
COREEN E. SCHNEPF, WSBA NO. 37966
Deputy Prosecuting Attorney

[Signature], WSBA NO. 2184
Attorney for Defendant
Prosecutor's File Number—13-155449-32

Prosecutor Distribution—Original (Court Clerk); 1 copy (Prosecutor), 1 copy (DOC), 1 copy (Defense Atty)

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FOR EXCEPTIONAL SENTENCE; Page 3 of 3



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APPENDIX F

June 1, 2016

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

ALLIXZANDER DEVELL HARRIS,

Appellant.

No. 46758-5-II

UNPUBLISHED OPINION

MELNICK, J. — Allixzander Devell Harris appeals his sentence and convictions for six counts of promoting commercial sexual abuse of a minor with multiple aggravating factors on those counts, one count of tampering with a witness, and one count of promoting prostitution in the second degree. He makes numerous arguments that his exceptional sentence should be reversed because it was based on the rapid recidivism aggravating factor. Because the jury found other aggravating factors existed and the trial court said it would have imposed the same exceptional sentence based on the presence of only one, we do not consider his sentencing arguments. In addition, we reject Harris’s argument that the trial court violated his right to present and his right to self-representation. Harris also challenges the imposition of his legal financial obligations (LFOs). In a statement of additional grounds (SAG), Harris asserts that he received ineffective assistance of counsel. We affirm, but remand the case to the trial court to conduct an individualized inquiry on Harris’s ability to pay discretionary LFOs.

FACTS

In late 2012, S.D. and K.H., both minors, became homeless. They asked Harris about becoming prostitutes because they needed money for a place to stay. He took S.D. and K.H. to meet a woman, Trista, who taught them about prostitution. Trista helped them find their first client. S.D. and K.H. were instructed to go into a nearby room where they performed oral intercourse on the client. K.H. also had penile-vaginal intercourse with the client. As payment, they received money, marijuana, and a marijuana pipe from the client. K.H. was arrested shortly thereafter, but after her release, she continued prostituting.

Harris took pictures of S.D. and created Backpage.com¹ advertisements for K.H. and S.D. He received phone calls from the advertisements on his cell phone. Harris, S.D., and K.H. responded to inquiries by text message. Harris made the arrangements for S.D. and K.H. to meet clients. Harris drove S.D. and K.H. to different locations to meet new clients. He took all of the money S.D. and K.H. made.

The State charged Harris with six counts of promoting commercial sexual abuse of a minor with aggravating factors (counts I through VI), one count of tampering with a witness (count VII), one count of promoting prostitution in the second degree (count VIII), and possession of depictions of a minor engaged in sexually explicit conduct in the second degree (count IX).² Counts I through VI included the aggravating factors of ongoing pattern of sexual abuse³ and victimization of

¹ Backpage.com is a classified advertising website where escorts advertise their services. Advertisers include phone numbers in their advertisements that interested clients can call or text message.

² RCW 9.68A.101; RCW 9A.72.120; RCW 9A.88.080; RCW 9.68A.070(2); and RCW 9.68A.011(4)(f), (g).

³ RCW 9.94A.535(3)(g).

homeless youth.⁴ Counts I and II also included aggravating factors of multiple unpunished current offenses⁵ and rapid recidivism.⁶ The trial court dismissed count IX, possession of depictions of minors engaged in sexually explicit conduct, during trial. Harris plead not guilty to all charges.

I. PROCEDURAL HISTORY

On April 17, 2013, Harris filed a motion for his appointed lawyer to withdraw because he would not file motions as Harris instructed.⁷ The trial court denied the motion. On May 15, Harris again moved for his lawyer's withdrawal, telling the court that his lawyer was harassing him and threatening him. The trial court again denied the motion. On May 23, Harris's lawyer told the trial court that Harris filed a bar complaint against him and that Harris refused to talk to him. The trial court again refused to appoint new counsel. On June 6, the trial court granted the lawyer's motion to withdraw based on a breakdown of communication with Harris.

The trial court appointed a new lawyer and granted a continuance to allow him to prepare for trial. Harris objected to the continuance "to preserve any speedy trial issues." Report of Proceedings RP (June 21, 2013) at 8. On August 1, the trial court granted the second lawyer's motion to withdraw because of a conflict with Harris. The trial court appointed Harris a third lawyer.

⁴ RCW 9.94A.535(3)(j). This statute has been amended, however, the amendments do not affect the provisions we utilize for our analysis.

⁵ RCW 9.94A.535(2)(c).

⁶ RCW 9.94A.535(3)(t).

⁷ Harris said, "My motion is to withdraw defense counsel." Report of Proceedings (RP) (Apr. 17, 2013) at 7. For consistency, we refer to this motion and other similar motions as motions to withdraw.

On October 4, Harris indicated to the trial court that he wanted to file a motion to withdraw counsel and he was not speaking to his lawyer. The trial court explained to Harris that he must bring motions through his lawyer. Harris told the trial court that the third lawyer was not his lawyer. Harris continued to interrupt the trial court at the hearing:

THE COURT: No. No. Sir, one more word and you are coming out of this jail [sic] right now. Look at me. He is your attorney until he has been withdrawn. I haven't done that yet, and I am not entertaining a motion to his withdrawal. That is not what we are here for.

[HARRIS]: I am here against the law.

THE COURT: One more word and you are out of here. We are here for omnibus only. If you have a separate motion to make, you note it up through your attorney. You have been here long enough you know how.

[HARRIS]: I am—

THE COURT: Not another word.

....

[HARRIS]: You can take me back, but I am—

THE COURT: Take him back now. Take him out.

[HARRIS]: Take me back, but I never signed that order, and you cannot proceed with that because I never gave him prior consent, so all that should be on record.

RP (Oct. 4, 2013) at 5. After Harris was removed from the courtroom, the lawyer explained this exchange was the first he heard of Harris's displeasure, and that Harris consistently contacted his office several times a day. The trial court continued to conduct the hearing and signed a stipulation and protection order based on an agreement between the State and Harris's lawyer. The order related to "the use and distribution of image and audio evidence from the DVD recording . . . provided to the defense in the course of discovery." Clerk's Papers (CP) at 462. It pertained to interviews with children and "suspected child pornography." CP at 462.

On November 4, Harris's lawyer moved to continue the trial date because he had health issues. The trial court granted the continuance. Eight days later, Harris personally filed a handwritten objection to the continuance.

On January 14, 2014, Harris's lawyer again moved to continue the trial date. When Harris complained, the trial court explained to Harris:

your choices are today is if you want to go to trial today this afternoon, then you will have to do it by yourself without [your lawyer] if you wish to proceed and represent yourself because it's—as long as he remains your attorney, he has cited some compelling reasons why the matter should be continued.

RP (Jan. 14, 2014) at 19-20. Harris responded: "I don't need to discuss it. No disrespect. It's I don't need to discuss it because I am not stupid. I am not going to go pro se. I am not going to do that, so I am going to have to do this with him." RP (Jan. 14, 2014) at 20-21. The trial court warned Harris that "it's unlikely that if you make another motion that you are unhappy with him and you want the Court to relieve him, assuming I grant it, I can assure you that I am not going to appoint a fourth public defender for you." RP (Jan. 14, 2014) at 22.

On March 24, Harris's third lawyer filed a motion to withdraw. He explained that Harris had "orally fired [him] on the record several times "declaring that [he is] not his attorney and that he will not work with [him]." CP at 42. He also represented that Harris filed bar complaints against him and continued to appeal the dismissal of those complaints. He pointed to a breakdown in communication with Harris, and added that his health issues precluded him from taking the case to trial in the foreseeable future. On March 28, the trial court granted the motion.

The trial court appointed a fourth lawyer. Harris tried to make a record about one of the trial court's orders. The trial court told Harris that he needed to speak to his new lawyer and make motions through him. Harris responded that "when I asked [my lawyer] to do these things for me that you're telling me to do properly, he didn't do it. So what am I supposed to do if these attorneys aren't going to do it for me? I'm not going to go pro se." RP (Mar. 28, 2014) at 19.

On April 7, the trial court held a status conference hearing. There was discussion about when time for trial would expire based on the appointment of new counsel. The trial court had a colloquy with Harris:

[DEFENSE ATTORNEY]: Do you think that the 60 days period started over again when I got appointed?

[HARRIS]: Yes.

THE COURT: All right. That means your speedy trial expires in May, end of May. Do you agree with that sir, Mr. Harris?

[DEFENSE ATTORNEY]: Whatever 60 days—

[HARRIS]: I agree, man. So basically what I am saying is I believe that my expiration date—if I am saying it right—would actually be the 30th, but—man, I don't know how to explain it. I believe that my expiration date is the 30th. . . .

[DEFENSE ATTORNEY]: And I am your new lawyer starting March 28th.

[HARRIS]: Right. So 60 days from—okay, yes. I understand what you are saying.

THE COURT: So why don't we count up 60 days; March 28th. So the next order is going to reflect when the new speedy trial expiration date is.

....

[THE COURT:] May 27th is the new speedy trial expiration date.

RP (Apr. 7, 2014) at 8-10.

The next week, the trial court held another status conference. Harris claimed a violation of his time for trial right because his third lawyer was not actually disqualified, and instead moved for leave to withdraw because of health issues. Harris acknowledged that he waived his time for trial right at the previous hearing, but claimed he was “either tricked or confused.” RP (Apr. 14, 2014) at 7. Harris's current lawyer cited to *State v. Campbell*, 103 Wn.2d 1, 14-15, 691 P.2d 929 (1984), which permitted “counsel [to ask] for a continuance even over the client's objections on effective assistance grounds” because he “couldn't be ready in time.” RP (Apr. 14, 2014) at 8. The trial court said that Harris's third lawyer was replaced for reasons other than just his health, and Harris's current lawyer agreed. Harris told the trial court that “I'm ready myself today, but I

know that my attorney is definitely not, and that's who is representing me because I'm not going pro se." RP (Apr. 14, 2014) at 14.

On May 5, the trial court held another status conference. Harris's lawyer was still not ready to go to trial, stating "I'm asking for as much of a continuance—and I think, under *State v. Campbell*, and I could be wrong, . . . I think that enables me to ask for only 30 days, but I could be wrong." RP (May 5, 2014) at 23. He also told the trial court that Harris wanted him to object on his behalf because Harris felt his time for trial right was violated. When Harris again complained to the trial court about the continuances, the trial court advised Harris that he had,

two choices. Your attorney has good cause to ask for a continuance. If you wish the trial to go forward on May 14—

[HARRIS]: I will not go pro se.

THE COURT: . . . Your choices are, we have this matter continued to sufficient time for your attorney to be ready, or to go by yourself.

RP (May 5, 2014) at 26.

On July 25, Harris filed another motion to withdraw his counsel. Harris explained to the trial court that there had been a breakdown in communication with his fourth lawyer. He claimed that he did not "feel safe going to trial with [his lawyer]" because he was not allowed to see some evidence. RP (July 25, 2014) at 12. Harris's lawyer denied this. Harris's lawyer explained to the trial court that he "anticipate[s] that [Harris] will file a bar complaint against me and file an appeal for ineffective assistance of counsel." RP (July 25, 2014) at 16. Harris later told the trial court that he already wrote a bar complaint against his lawyer because of their disagreement. The trial court responded:

Mr. Harris, I have several concerns. I told you last time that if you want to represent yourself you may do that. I am not going to keep continuing to appoint public defender after public defender for you. You have made similar complaints about each and every attorney I have appointed for you. I am quite concerned it wouldn't matter how many attorneys I gave you. You will have the same problems with them. None of the attorneys that I appoint for you would be good enough, that would do what you want them to do. I am not going down that road.

What I am hearing from this counsel is that he is working hard. Maybe you disagree with him in strategies. . . . He has not told me that he can't work with you. I am concerned about your ability to work with any attorney.

RP (July 25, 2014) at 22-23. When Harris protested, the trial court again explained that Harris would not receive another public defender:

I am just saying the time for you to speak every time you are in court is now over. I have been very, very patient with you and very accommodating.

I am denying your request for new counsel. You need to work with your current counsel. Your only other alternative is to go by yourself or hire private, and obviously you can't do that. So you have two choices. You can represent yourself, you stay with counsel—or actually there is a third choice—you hire private counsel.

You can't do that the day before trial either because that would require a whole new continuance. I am just kind of warning you: Do not come in here the day of trial before and try to say, "Now I have money. I am going to hire a private lawyer." That won't fly.

[HARRIS]: If I chose to represent myself, would counsel be able to like still be there for me to refer to?

THE COURT: No.

....

[THE COURT:] Standby counsel, they end up, you know, being your attorney. So just have him represent you. I am stopping the conversation.

RP (July 25, 2014) at 30-31.

II. TRIAL

On the third day of trial, during voir dire, Harris continued to object to the decisions his lawyer made regarding jury selection. The State expressed concern about Harris's conduct. The following exchange occurred.

[THE STATE]: Your Honor, if this is going to be persistent—I mean, the defendant, once again, which we’ve been over, he has two decisions, whether to plead or to testify. If he wants to make legal arguments, then he can go pro se. I mean, this continued behavior normally isn’t allowed for any defendant and it’s just—I think it’s going to interrupt the proceedings.

THE COURT: I will admonish him again. Mr. Harris, you need to speak through your attorney. Thank you.

[DEFENSE ATTORNEY]: May it please the court—

[HARRIS]: How you just—

THE COURT: Mr. Harris, you are speaking out of turn over and over again. Look at me, I’m warning you again. If you don’t stop talking outside your attorney, I’m going to have you removed from the courtroom.

[HARRIS]: He doesn’t do it.

THE COURT: You speak through your attorney. You have choices of going pro se or letting your attorney do your job. I will not allow this to continue. [The State] is correct, it’s gone on too long. If you have motions, you make your attorney—

[HARRIS]: He won’t do it.

THE COURT: He exercises his judgment as to what motions need to be made, period. . . .

[HARRIS]: I want to go pro se.

THE COURT: I believe I—wait a minute. Mr. Harris, you are interrupting the proceedings. I’m trying to talk to counsel about another juror questionnaire.

3 RP at 344-45. The trial court did not verbally answer Harris’s request to go pro se and trial continued.

The jury found Harris guilty on all counts. The jury also found Harris guilty of the following aggravating factors: knowingly advancing the commercial sexual abuse of a minor and victimization of homeless youth on counts I through VI. The jury also found the aggravating factor that Harris knowingly profited from K.H.’s sexual conduct on count V.

After the jury announced its verdict, the trial court informed the jury that it would hear testimony and arguments on the recent recidivism aggravating factor as part of a bifurcated trial. The jury heard testimony. After closing arguments, Harris moved for the aggravating factor to be

dismissed because it was unconstitutionally vague. The trial court denied the motion. By special verdict, the jury found Harris guilty of the aggravating factor on counts I and II.

III. SENTENCING

On September 26, the trial court entered judgment and sentence. The trial court sentenced Harris to 486 months of confinement on each of the first six counts, and 60 months on counts VII and VIII. The trial court ran all of the confinement concurrently for a total of 486 months. The trial court noted that “an exceptional [sentence] is extremely warranted given all the aggravating circumstances.” RP (Sept. 26, 2014) at 19. The trial court entered findings of fact and conclusions of law for the exceptional sentence. In its findings, the trial court found:

I.

That the Defendant has been convicted of 6 Counts of Promoting Commercial Sexual Abuse of a Minor (Counts I through VI), one count of Tampering With a Witness, and one Count of Promoting Prostitution in the Second Degree. The Defendant’s standard range is 240-318 months. The statutory maximum is life incarceration.

II.

That the Jury was asked to return a special verdict to determine if the defendant committed this offense shortly after being released from incarceration for Count I and II. The Jury determined that this aggravating factor was present.

III.

That the Jury was asked to return a special verdict to determine if the defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization. The Jury determined that this aggravating factor was present.

CP at 435-36. In its conclusions, the trial court determined:

II.

That there are substantial and compelling reasons to impose an exceptional sentence of 486 [months] on Counts I through VI.

.....

IV.

That the exceptional sentence is justified by the following aggravating circumstances—

a) . . . the defendant committed this offense shortly after his release from incarceration.

b) . . . the defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

c) . . . the defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished[.]

V.

That the grounds listed in the preceding paragraph, taken together or considered individually, constitute sufficient cause to impose the exceptional sentence. This Court would impose the exact same sentence even if only one of the grounds listed in the preceding paragraph is valid.

CP at 436-37

The trial court imposed the mandatory and discretionary LFOs the State requested. The trial court did not conduct an individualized inquiry into Harris's ability to pay the discretionary LFOs. Harris appeals.

ANALYSIS

I. EXCEPTIONAL SENTENCE

Harris argues that his exceptional sentence should be reversed because the recent recidivism aggravator is unconstitutionally vague, insufficient evidence supported the aggravating factor, and, in the alternative, his attorney rendered constitutionally deficient assistance because he failed to object to inadmissible hearsay testimony at the hearing on the aggravating factor. But the trial court found three aggravating factors and concluded that any one aggravating factor would have been sufficient grounds to impose the exceptional sentence. Because of the trial court's ruling

and because Harris does not challenge any other aggravating factor, we affirm Harris's exceptional sentence without reaching his other arguments on the aggravated factor of rapid recidivism.⁸

In *State v. Jackson*, 150 Wn.2d 251, 276, 76 P.3d 217 (2003), our Supreme Court stated, "Where the reviewing court overturns one or more aggravating factors but is satisfied that the trial court would have imposed the same sentence based upon a factor or factors that are upheld, it may uphold the exceptional sentence rather than remanding for resentencing."

In *State v. Trebilcock*, 184 Wn. App. 619, 634, 341 P.3d 1004 (2014), *review denied*, 183 Wn.2d 1001 (2015), we upheld the trial court's exceptional sentence. The defendant challenged one of the two aggravating factors. *Trebilcock*, 184 Wn. App. at 634-36. Because the trial court concluded that either aggravating factor alone would have been sufficient grounds to impose the sentence, we did not review the challenged aggravating factor. *Trebilcock*, 184 Wn. App. at 635-36. The same situation exists in Harris's case. Because the trial court would have sentenced Harris to 486 months based on only one aggravating factor, we need not decide his issues.⁹

II. RIGHT TO BE PRESENT

Harris argues that the trial court violated his federal and state constitutional right to be present after he was removed from the October 4, 2013 hearing. We disagree.

A. Standard of Review

A criminal defendant has a fundamental right to be present at all critical stages of a trial. *State v. Irby*, 170 Wn.2d 874, 880, 246 P.3d 796 (2011). The Washington Constitution provides

⁸ We avoid ruling on constitutional issues when we can resolve the case on other grounds. See *State v. Haney*, 125 Wn. App. 118, 125-26, 104 P.3d 36 (2005).

⁹ We do not address Harris's ineffective assistance of counsel argument regarding the aggravating factor because there is no prejudice. The trial court would have imposed the same sentence regardless of the number of aggravating factors.

in relevant part: “In criminal prosecutions the accused shall have the right to appear and defend in person, or by counsel.” WASH. CONST. art. 1, § 22. The right to be present is supported by the confrontation clause of the Sixth Amendment to the United States Constitution. *Irby*, 170 Wn.2d at 880. The United States Supreme Court has “recognized that this right is also ‘protected by the Due Process Clause in some situations where the defendant is not actually confronting witnesses or evidence against him.’” *Irby*, 170 Wn.2d at 880-81 (quoting *United States v. Gagnon*, 470 U.S. 522, 526, 105 S. Ct. 1482, 84 L. Ed. 2d 486 (1985)). Whether a defendant’s constitutional right to be present has been violated is a question of law we review de novo. *Irby*, 170 Wn.2d at 880.

B. Right to be Present Not Violated

“[A] defendant has a right to be present at a proceeding ‘whenever his presence has a relation, reasonably substantial, to the fullness of his opportunity to defend against the charge.’” *Irby*, 170 Wn.2d at 881 (quoting *Snyder v. Massachusetts*, 291 U.S. 97, 105-06, 54 S. Ct. 330, 78 L. Ed. 674 (1934), *overruled in part on other grounds sub nom. Malloy v. Hogan*, 378 U.S. 1, 84 S. Ct. 1489, 12 L. Ed. 2d 653 (1964)). But that right is not absolute. *Irby*, 170 Wn.2d at 881. “[T]he presence of a defendant is a condition of due process to the extent that a fair and just hearing would be thwarted by his absence.” *Irby*, 170 Wn.2d at 881 (quoting *Snyder*, 291 U.S. at 106-07. A defendant does not have a right to be present when his “presence would be useless, or the benefit but a shadow.” *Irby*, 170 Wn.2d at 881 (quoting *Snyder*, 291 U.S. at 106-07). It follows then that a “defendant does not have a right to be present during in-chambers or bench conferences between the court and counsel on legal matters, at least when those matters do not require the resolution of disputed facts.” *State v. Bremer*, 98 Wn. App. 832, 835, 991 P.2d 118 (2000).

A defendant does not generally have a right to be present where purely legal matters are at issue in a proceeding. *State v. Wilson*, 141 Wn. App. 597, 604, 171 P.3d 501 (2007); *see In re Pers. Restraint of Lord*, 123 Wn.2d 296, 306, 868 P.2d 835 (1994) (holding defendant had no right to be present during various sidebar conferences and in-chambers hearings on “matters of law,” where no prejudice was shown). For example, the absence of a defendant during a jury instruction hearing was not a violation of his constitutional rights. *Bremer*, 98 Wn. App. at 835.

Harris argues he had a right to be present when the trial court entered a stipulation and protection order and scheduled a status conference. He had been removed earlier after the trial court determined he was disruptive. The order related to “the use and distribution of image and audio evidence from the DVD recording . . . provided to the defense in the course of discovery.” Clerk’s Papers (CP) at 462. It pertained to interviews with children and “suspected child pornography.” CP at 462. Harris’s lawyer remained in court. Nothing occurred that required the resolution of disputed facts. Only legal matters and scheduling issues took place. For these reasons, the trial court did not violate Harris’s right to be present.¹⁰

III. RIGHT TO SELF-REPRESENTATION

Harris argues that his conviction should be reversed because the trial court violated his right to represent himself at trial when he requested to go pro se and the court did not respond to his request. We disagree.

A. Standard of Review

We review decisions on the right to self-representation for an abuse of discretion. *In re Pers. Restraint of Rhome*, 172 Wn.2d 654, 667, 260 P.3d 874 (2011); *State v. Madsen*, 168 Wn.2d

¹⁰ Harris also argues that the trial court violated his right to be present because it should not have removed him. Because no violation of his right to be present occurred, we need not address this argument.

496, 504, 229 P.3d 714 (2010). The “ad hoc,” fact-specific analysis of waiver of counsel questions is best assigned to the trial court’s discretion. *State v. Hahn*, 106 Wn.2d 885, 900, 726 P.2d 25 (1986). A trial court abuses its discretion if its “decision is manifestly unreasonable or ‘rests on facts unsupported in the record or was reached by applying the wrong legal standard.’” *Madsen*, 168 Wn.2d at 504 (quoting *State v. Rohrich*, 149 Wn.2d 647, 654, 71 P.3d 638 (2003)).

B. The Trial Court Did Not Abuse Its Discretion

“Article 1, section 22 of the Washington Constitution explicitly guarantees criminal defendants the right to self-representation. The Sixth Amendment to the United States Constitution implicitly guarantees this right.” *State v. Englund*, 186 Wn. App. 444, 455, 345 P.3d 859 (internal citations omitted) (footnote omitted), *review denied*, 183 Wn.2d 1011 (2015). Courts regard this right as “so fundamental that it is afforded despite its potentially detrimental impact on both the defendant and the administration of justice.” *Madsen*, 168 Wn.2d at 503. Improper denial of the right to represent one’s self requires reversal regardless of whether prejudice results. *Madsen*, 168 Wn.2d at 503.

There is no automatic right to represent one’s self, and “courts are required to indulge in ‘every reasonable presumption against a defendant’s waiver of his or her right to counsel.’” *State v. Coley*, 180 Wn.2d 543, 560, 326 P.3d 702 (2014) (quoting *Madsen*, 168 Wn.2d at 504), *cert. denied*, 135 S. Ct. 1444 (2015). “The grounds that allow a court to deny a defendant the right to self-representation are limited to a finding that the defendant’s request is equivocal, untimely, involuntary, or made without a general understanding of the consequences.” *Englund*, 186 Wn. App. at 456 (quoting *Madsen*, 168 Wn.2d at 504-05). “Such a finding must be based on an ‘identifiable fact.’” *Englund*, 186 Wn. App. at 456-57 (quoting *Madsen*, 168 Wn.2d at 505). If the defendant’s request is not unequivocal or timely, the motion will not be considered. *Madsen*,

168 Wn.2d at 504. A defendant's request to proceed pro se must be unequivocal to protect "defendants from making capricious waivers of counsel and to protect trial courts from manipulative vacillations by defendants regarding representation." *State v. Stenson*, 132 Wn.2d 668, 740, 940 P.2d 1239 (1997). The request to be pro se must be unequivocal in the context of the record as a whole. *State v. Luvene*, 127 Wn.2d 690, 699, 903 P.2d 960 (1995).

Timeliness of a request for self-representation is determined on a continuum:

If the demand for self-representation is made (1) well before the trial or hearing and unaccompanied by a motion for a continuance, the right of self representation exists as a matter of law; (2) as the trial or hearing is about to commence, or shortly before, the existence of the right depends on the facts of the particular case with a measure of discretion reposing in the trial court in the matter; and (3) during the trial or hearing, the right to proceed pro se rests largely in the informed discretion of the trial court.

State v. Barker, 75 Wn. App. 236, 241, 881 P.2d 1051 (1994).

In reviewing the record as a whole, there are numerous colloquies between the trial court and Harris focused on his requests for new lawyers. He continually and repeatedly told the trial court he did not want to represent himself because he was not stupid." Additionally, we note that Harris's trial had been pending for over a year and a half. Many of the delays resulted from Harris's requests for new lawyers. The trial court appointed four different lawyers to represent Harris. Harris finally mentioned going pro se during voir dire, on the third day of trial. He did so only after the trial court again admonished him to talk through his lawyer. In the context of the whole record, Harris's statement that he wanted to represent himself was equivocal.

Under the totality of the circumstances, the trial court did not abuse its discretion by considering Harris's statement that he wanted to go pro se as equivocal.¹¹ Harris's comment is more reasonably construed to be a continuation of his disruptive behavior.

IV. LFOs

Harris contends that the trial court erred by not conducting a particularized inquiry before imposing discretionary LFOs. At oral argument, the State conceded that the trial court failed to make an individualized inquiry into Harris's ability to pay discretionary LFOs. The record reflects that the State's concession is correct. We exercise our discretion and remand the case to the trial court to make an individual inquiry on Harris's ability to pay discretionary LFOs. *State v. Blazina*, 182 Wn.2d 827, 830, 344 P.3d 680 (2015).

V. STATEMENT OF ADDITIONAL GROUNDS

A. Ineffective Assistance of Counsel

Harris asserts that he received ineffective assistance of counsel because his lawyer improperly stipulated to a waiver of speedy trial on April 7, 2014. He asserts that this stipulation blocked any motion for dismissal that "would have been granted" on a violation of his right to a speedy trial.¹² He further claims that his attorney's failure to move for dismissal on this ground also constitutes ineffective assistance. We disagree.

1. Standards of Review

We review claims of ineffective assistance of counsel de novo. *State v. Sutherby*, 165 Wn.2d 870, 883, 204 P.3d 916 (2009). To prevail on a claim of ineffective assistance of counsel,

¹¹ Although we conclude Harris's request to go pro se was equivocal, we also note that the request was not timely. It occurred on the third day of trial.

¹² Although Harris uses the term "speedy trial" he only asserts a violation of the "time for trial" court rule. CrR 3.3.

the defendant must show both that (1) defense counsel's representation was deficient, and (2) the deficient representation prejudiced the defendant. *State v. Grier*, 171 Wn.2d 17, 32-33, 246 P.3d 1260 (2011). If either prong is not satisfied, Harris's claim must fail. *In re Pers. Restraint of Yates*, 177 Wn.2d 1, 35, 296 P.3d 872 (2013). Representation is deficient if after considering all the circumstances, the performance falls "below an objective standard of reasonableness." *Grier*, 171 Wn.2d at 33 (quoting *Strickland v. Washington*, 466 U.S. 668, 688, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984)). Prejudice exists if there is a reasonable probability that except for counsel's errors, the result of the proceeding would have differed. *Grier*, 171 Wn.2d at 34. An appellant faces a strong presumption that counsel's representation was effective. *Grier*, 171 Wn.2d at 33.

"We interpret a court rule as though it were enacted by the legislature, giving effect to its plain meaning as an expression of legislative intent." *State v. Miller*, 188 Wn. App. 103, 106, 352 P.3d 236 (2015) (quoting *State v. Chhom*, 162 Wn.2d 451, 458, 173 P.3d 234 (2007)). "Plain meaning is discerned from reading the rule as a whole, harmonizing its provisions, and using related rules to help identify the legislative intent embodied in the rule." *Miller*, 188 Wn. App. at 106 (quoting *Chhom*, 162 Wn.2d at 458).

Under CrR 3.3(b)(1)(i), a defendant held in custody pending trial must be tried within 60 days of arraignment. The trial court may grant an extension of time for trial when unavoidable or unforeseen circumstances exist. CrR 3.3(e)(8). The trial court may also grant a continuance on the written agreement of the parties, or on the motion of the court or a party when required in the administration of justice and where the defendant will not be substantially prejudiced in the presentation of the defense. CrR 3.3(f)(1), (2). The trial court must "state on the record or in writing the reasons for the continuance." CrR 3.3(f)(2). Violation of the time for trial rule results in dismissal with prejudice. CrR 3.3(h). Under CrR 3.3(c)(2)(vii), "[o]n occurrence of one of the

following events, a new commencement date shall be established, and the elapsed time shall be reset to zero: . . . The disqualification of the defense attorney or prosecuting attorney. The new commencement date shall be the date of the disqualification.”

2. Stipulation of Time for Trial and Continuance

Harris challenges the “stipulation” on April 7, 2014, that resulted in a new time for trial expiration date and a continuance. SAG at 3. However, Harris’s analysis relies on factual inaccuracies. At the April 7, hearing, there was some confusion as to when time for trial would expire. The trial court made it clear that the new commencement date occurred when the trial court appointed a new lawyer on March 28. The trial court made sure that Harris agreed to its calculations. The parties did not enter into a stipulation, and the trial court did not grant a continuance. The trial court made a determination, and Harris agreed with it. Because Harris’s argument is based on erroneous facts, his claim fails.

3. Failure to Move for Dismissal on Time for Trial Violation

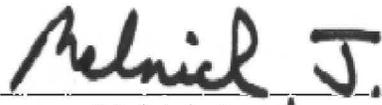
Harris asserts that he received ineffective assistance of counsel when his lawyer failed to move for dismissal of the case because of a time for trial violation. He asserts that the motion to dismiss would have likely been granted because his third lawyer withdrew solely because of health issues, and the trial court improperly considered this action to be a conflict under CrR 3.3. We disagree.

A new commencement date is established when a defense attorney is disqualified. CrR 3.3(c)(2)(vii). Here, the trial court stated that it disqualified Harris’s third lawyer not only because of health issues, but because Harris filed bar complaints against the lawyer and there was a breakdown in communication. The record supports the trial court’s finding. Therefore, the trial

court properly computed the time for trial and an objection would not have been sustained. Harris cannot show prejudice. His claim fails.

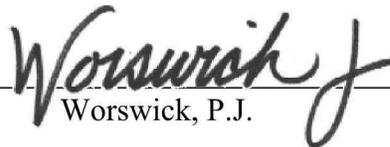
We affirm but remand the case to the trial court to conduct an individualized inquiry on Harris's ability to pay discretionary LFOs.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.

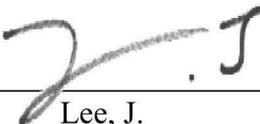


Melnick, J.

We concur:



Worswick, P.J.



Lee, J.

APPENDIX G

THE SUPREME COURT OF WASHINGTON

STATE OF WASHINGTON,	)	No. 93347-2
)	
Respondent,	)	ORDER
)	
v.	)	Court of Appeals
	)	No. 46758-5-II
ALLIXZANDER HARRIS,)	
)	
Petitioner.)	
_____)	

Department I of the Court, composed of Chief Justice Madsen and Justices Johnson, Fairhurst, Wiggins, and Gordon McCloud, considered at its November 1, 2016, Motion Calendar whether review should be granted pursuant to RAP 13.4(b) and unanimously agreed that the following order be entered.

IT IS ORDERED:

That the Petition for Review is denied.

DATED at Olympia, Washington, this 2nd day of November, 2016.

For the Court



CHIEF JUSTICE

APPENDIX H

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

ALLIXZANDER HARRIS,

Appellant.

No. 46758-5-II

MANDATE

Kitsap County Cause No.
13-1-00087-1

Court Action Required

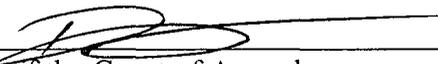
The State of Washington to: The Superior Court of the State of Washington
in and for Kitsap County

This is to certify that the opinion of the Court of Appeals of the State of Washington, Division II, filed on June 1, 2016 became the decision terminating review of this court of the above entitled case on November 2, 2016. Accordingly, this cause is mandated to the Superior Court from which the appeal was taken for further proceedings in accordance with the attached true copy of the opinion.

Court Action Required: The sentencing court or criminal presiding judge is to place this matter on the next available motion calendar for action consistent with the opinion.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Tacoma, this 8th day of November, 2016.


Clerk of the Court of Appeals,
State of Washington, Div. II

CASE #: 46758-5-II

State of Washington, Respondent v. Allixzander Harris, Appellant
Mandate – Page 2

Hon. Sally Olsen
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APPENDIX I

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IN OPEN COURT

JUN 09 2017

DAVID W. PETERSON
KITSAP COUNTY CLERK

14-9-01869-7

IN THE SUPERIOR COURT OF WASHINGTON
KITSAP COUNTY

THE STATE OF WASHINGTON,)	
	)	No. 13-1-00087-1
Plaintiff,)	
	)	ORDER AMENDING JUDGMENT AND
v.	)	SENTENCE
)	
ALLIXZANDER DEVELL HARRIS,	)	CLERK'S ACTION REQUIRED:
	)	COPY TO DEPT. OF CORRECTIONS
Defendant.)	

THIS MATTER having come on pursuant to the mandate and opinion issued by the Court of Appeals, Division II, in *State v. Allixzander Devell Harris*, No. 46758-5-II, copies of which are attached hereto, the parties appearing through the undersigned attorneys, and the Court having reviewed the records and files herein and being fully advised in the premises, it is

ORDERED that the fines previously imposed by this Court pursuant to the Judgment and sentence shall be changed to the following

ORDER AMENDING JUDGMENT
AND SENTENCE;
Page 1 of 3



Tina R. Robinson, Prosecuting Attorney
Appeals Unit
614 Division Street, MS-35
Port Orchard, WA 98366-4681
(360) 337-7211; Fax (360) 337-4949
www.kitsapgov.com/pros

Appendix I

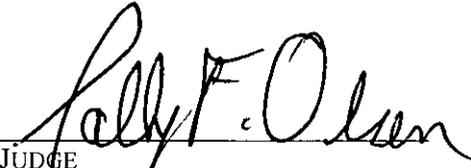
237

1	X	\$500 Victim Assessment, RCW 7.68.035 [PCV]	\$ _____ Sheriff service/sub. fees [SFR/SFS/SFW/SRF]
2		\$1135 Court-appointed attorney fees [PUB]	\$ _____ Witness Costs [WFR]
3	X	\$200 Filing Fee; \$110 if filed before 7/24/2005 [FRC]	\$ _____ Jury Demand fee [JFR]
4	X	\$100 DNA / Biological Sample Fee, RCW 43.43.7541	\$ _____ Court-appointed defense fees/other costs
5		<input type="checkbox"/> \$1,000 <input type="checkbox"/> \$2,000 Mandatory fine for drug crimes, RCW 69.50.430	\$100 Domestic Violence Assessment, RCW 10.99.080 <input type="checkbox"/> Kitsap Co. YWCA <input type="checkbox"/> Kitsap Sexual Assault Ctr.
6		\$ _____ Contribution to SIU-Kitsap County Sheriff's Office, RCW 9.94A.030, 9.94A.760.	\$100 Contribution-Kitsap County Expert Witness Fund [Kitsap County Ordinance 139.1991]
7		\$100 Crime Lab fee, RCW 43.43.690(1)	\$500 Contribution-Kitsap Co. Special Assault Unit
8		\$3,000 Methamphetamine / amphetamine Cleanup Fine, RCW 69.50.440 or 69.50.401(2)(b)	X \$1666.67 mandatory fine for offenses under RCW 9.68A.101 pursuant to RCW 9.68A.105 [\$5,000 mandatory fine minus up to 2/3 reduction authorized by RCW 9.68A.105(1)(b)]
9			
10		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.
11			

12 and it is further

13
14 **ORDERED** that all other provisions of the judgment and sentence shall remain in
15 full force and effect.

16
17
18 DATED this 6th day of February, 2017.

19
20 
21 JUDGE

22 Presented by:

23
24 
25 COREEN E. SCHNEPF,
26 WSBA No. 37966
27 Deputy Prosecuting Attorney

28 Office ID #91103
29 kcpa@co.kitsap.wa.us

ORDER AMENDING JUDGMENT
AND SENTENCE;
Page 2 of 3



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Approved for entry:

S.M.L. # 35496

ERIC VALLEY, Steven M. Lewis

WSBA No. 35496

Attorney for Appellant

ORDER AMENDING JUDGMENT
AND SENTENCE;
Page 3 of 3



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APPENDIX J

INCIDENT DATA

Agency Name Bremerton Police Dept		INCIDENT / INVESTIGATION REPORT		OCA: B13-000024	
ORI WA0180100		** Contains Restricted Names **		Date / Time Reported FR Dec 28, 2012 17:26	
#1	Crime Incident RAPE 2	CJIA: 00734	Local Statute: 9A.44.050	<input type="checkbox"/> Att <input checked="" type="checkbox"/> Com	Occ From 12/23/2012 ; Occ To 12/28/2012 17:26
#2	Crime Incident	UCR:	Local Statute:	<input type="checkbox"/> Att <input type="checkbox"/> Com	Dispatched 01/01/2013 13:07
#3	Crime Incident	UCR:	Local Statute:	<input type="checkbox"/> Att <input type="checkbox"/> Com	Arrived 13:07 Cleared 13:08
Location of Incident 3400 11th St, Bremerton, WA			Premise Type Hotel/Motel/Etc.	Offense Tract	

MO

How Attacked or Committed		Weapon / Tools Hands, Fist, Feet, Etc		Forcible Entry <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
---------------------------	--	----------------------------------------------	--	-----------------------------------------------------------------------------------------------------------------	--

VICTIM

# Victims 1	Type Individual	Injury None	Residency Status		
Victim/Business Name (Last, First, Middle) VII P [REDACTED], L [REDACTED] SEXUAL ASSAULT VICTIM			Victim of Crime # 1	Age / DOB 27	Race Sex A F
Home Address [REDACTED]			Home Phone [REDACTED]	Cell Phone	
Employer Name/Address			Business Phone		
VYR	Make	Model	Style	Color	Lic/Lis
VIN					

OFFENDER

Offender(s) Suspected of Using <input type="checkbox"/> Drugs <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Alcohol <input type="checkbox"/> Computer	Offender 1 OF1 Age: 22 Race: B Sex: M	Offender 2 OF2 Age: 25 Race: B Sex: M	Offender 3 OF3 Age: 23 Race: B Sex: M	Primary Offender Resident Status <input checked="" type="checkbox"/> Resident <input type="checkbox"/> Non-Resident <input type="checkbox"/> Unknown
	Offender 4 Age: Race: Sex:	Offender 5 Age: Race: Sex:	Offender 6 Age: Race: Sex:	

SUSPECT

Name (Last, First, Middle) Park, Allixzander Devell		Home Address 1106 Pleasant Ave Apt. 3, Bremerton, WA	
OF Also Known As Alexander D Harris, Allixzander Devill...		Home Phone Cell Phone (360) 649-1818	
Occupation Never Had A Job		Business Address Ue	
Business Phone			
DOB / Age 3/14/1990 / 22	Race Sex B M	Hgt Wgt 5'09 210	Build Hair Style
Hair Color Black		Eye Color Brown	
Hair Length		Glasses	
Scars, Marks, Tatoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics) ; Scars/Right Shoulder-; Tattoo/Right Calf-; Scars/Left Fore Arm-; Tattoo/Left Left-"kashlon Devell Pungelinan Harris"; Tattoo/Right Arm-"kallahnie"; Tattoo/Right Fore Back-"harris"; Tattoo/Right Calf-"brown Pride"; Tattoo/Right Fore Chest-3 Hearts			
Hat	Shirt/Blouse	Coat/Suit	Socks
Jacket	Tie/Scarf	Pants/Dress/Skirt	Shoes
Was Suspect Armed?	Type of Weapon	Direction of Travel	Mode of Travel
VYR	Make	Model	Style/Doors
Color	Lic/Lis	VIN	
Suspect Hate / Bias Motivated: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Type:	

WITNESS

Name (Last, First, Middle)	D.O.B.	Age	Race	Sex
Home Address	Home Phone		Cell Phone	
Employer	Business Phone			

Officer: (413) PLUMB, RANDY	SUPERVISOR [Signature] # 413	INFO. ONLY:	F/UP: DET.	F/UP: LINE	PROSECUTOR: 1		
---------------------------------------	----------------------------------------	-------------	------------	------------	-------------------------	--	--

Incident / Investigation Report

Bremerton Police Dept

OCA: B13-000024

O T H E R S	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			
I N V O L V E D	Code	Name (Last, First, Middle)	Victim of Crime #	Age / DOB	Race	Sex
	Home Address		Home Phone	Cell Phone		
	Employer Name/Address		Business Phone			

N
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E

On December 28th, 2012, at approximately 1743 hours, Bremerton Police Officer Garrity (#445) was dispatched to a sexual assault that had occurred over the previous few days. Officer Garrity responded to the Harrison Hospital (Silverdale, WA.) to meet with the victim. Upon Officer Garrity's arrival, he contacted the victim, identified as L [REDACTED] F [REDACTED], in the emergency room.

F [REDACTED] told Officer Garrity that she met up with her boyfriend, Andre Herron (AKA: Williams) on Sunday, December 23rd, 2012, who gave her a ride to Allixzander Park's house, located in Bremerton, Washington. Once there, P [REDACTED] stated she had consensual sexual intercourse, in the car, with Andre Herron.

On Wednesday, December 26th, 2012, P [REDACTED] said she went to Tacoma, Washington with Herron. She told Officer Garrity that they took the ferry that leaves about 1400 hours to Seattle, and then took a bus to Tacoma. Once there, they met with Allixzander Park at the Tacoma Mall. Park was there with a friend who was unknown to P [REDACTED]. They left the Tacoma Mall and went to a Motel 6 located at 1811 S. 74th Street, Tacoma, WA., and that they stayed in room 110.

That evening at the Motel 6, at approximately 2100-2200 hours, Herron, Park, and the unknown friend, were all smoking what Phillips thought was marijuana. She said she had a couple of puffs and started to "feel funny" and added that she thought she became "high". When Phillips asked them if it was regular marijuana, they told her "my bad" and told her at that time the substance was "Spice". P [REDACTED] told Officer Garrity that she was very disoriented and dizzy after smoking the substance.

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

On Thursday, December 27th, 2012, she returned to Bremerton with Herron and Park. Apparently during this time, Park and Herron were making drug deliveries, selling marijuana. P [REDACTED] told Officer Garrity that when she tried to talk to them, Park yelled at her asking her why she was talking.

Bremerton Police Dept

Narrative (Continued)

OCA: B13-000024

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

P [REDACTED] said she took another shower and when she went to sleep it was around 0200 hours. P [REDACTED] said they kept trying to take her phone from her, so she couldn't call anyone. She said she woke up around 0900 hours on December 28th, 2012 and went to the bathroom with Herron. While in the bathroom with Herron, Jones entered the bathroom and forced her to have sex with him.

At approximately 1200 hours, P [REDACTED] was able convince Park and Herron that she needed to meet someone at the Starbucks on Kitsap Way in Bremerton. Park and Herron transported P [REDACTED] to the Starbucks and dropped her off. Once there, P [REDACTED] was able to contact a female friend who came and picked her up.

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

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

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

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

She explained that she originally met Andre Herron approximately a week-and-a-half to two-weeks ago on a website called "Tagged" (A website designed for people to meet knew friends). P [REDACTED] went on to explain the consensual sexual intercourse in the car with Herron actually occurred in the early morning hours of December 24th, 2012. Later in the morning they drove around and spent time in the car and ultimately ended up (at approximately 1100 hours) at the Dunes Motel in Bremerton on December 24th, 2012, specifically room #322. Park rented this room. Staying at the room on this night was P [REDACTED], Park, Herron and the unknown friend. The following day, P [REDACTED] was dropped off at a friend's house in east Bremerton and then spent that night at her parent's house.

Bremerton Police Dept

Narrative (Continued)

OCA: B13-000024

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

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

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

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

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

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

Bremerton Police Dept

Narrative (Continued)

OCA: B13-000024

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

Later that morning she convinced Herron and Park that she was going to meet someone at the Starbucks on Kitsap Way, so they dropped her off there. Once there, P [REDACTED] called her friend, C [REDACTED] H [REDACTED], who came and picked her up and transported her to the hospital for the SANE exam.

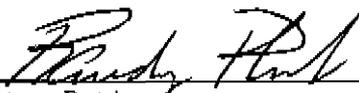
On December 31st, 2012, Detective Garland and I made contact at the Dunes Motel and confirmed that Allixzander Park rented room #322 on 12-24-12 and room #113 on 12-27-12 and 12-28-12, just as victim P [REDACTED] described.

On December 31st, 2012, at approximately 1921 hours, Bremerton Police Officers located Allixzander Park, driving his blue Geo in the area of Arsenal Way and Loxie Eagans Boulevard in Bremerton. Park's driver's status is suspended in the third degree. Park was arrested for DWLS 3rd degree and Sergeant Endicott contacted me by telephone. I requested they book Park into the Kitsap County Jail for Second Degree Rape and set his bail at \$100,000.

* NOTE: All follow-up, evidence and additional reports will be submitted under related BPD case number: B12-012534.

Please forward a copy of this report to the Kitsap County Prosecutor's Office, Attention: DPA Coreen Schnepf.

I CERTIFY OR DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

 # 413 1/07/13
 (Signature, Date)
 (413) PLUMB, RANDY
 KITSAP COUNTY, WA

Incident / Investigation Report

Bremerton Police Dept

OCA: **B13-000024**

Additional Suspect List

Name (Last, First, Middle) **Herron, Andre Pharez II**
OF2 Also Known As **Andre F Williams, Andre Pharez Williams,**

Home Address **22385 Sunridge Way Ne, Poulsbo, WA 98370**

Occupation **Cook** Business Address **U/E**

Home Phone **(360) 930-0197** Cell Phone Work Phone

DOB. / Age	Race	Sex	Hgt	Wgt	Build	Hair Color Black	Eye Color Brown
11/23/1987 | 25	B	M	5'08	220			
					Hair Style	Hair Length	Glasses

Scars, Marks, Tattoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)
 ; **Scars/Left Arm-Stab Wound; Tattoo/Left Arm-Cross**

Hat	Shirt/Blouse	Coat/Suit	Socks
Jacket	Tie/Scarf	Pants/Dress/Skirt	Shoes

Was Suspect Armed?	Type of Weapon	Direction of Travel	Mode of Travel
--------------------	----------------	---------------------	----------------

VYR	Make	Model	Style	Color	Lic/Lis	Vin
-----	------	-------	-------	-------	---------	-----

Name (Last, First, Middle) **Jones, Demario Maurice**
OF3 Also Known As **Demoe Streetname**

Home Address **15415 35th Ave Apt. J-101, Lynnwood, WA 98087**

Occupation **Laborer** Business Address **Unemployed**

Home Phone **(360) 377-6278** Cell Phone **(206) 504-9153** Work Phone

DOB. / Age	Race	Sex	Hgt	Wgt	Build	Hair Color Black	Eye Color Brown
4/6/1989 | 23	B	M	6'02	250			
					Hair Style	Hair Length	Glasses

Scars, Marks, Tattoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)
 ; **Tattoo/Left Arm-M A D; Tattoo/Right Arm-Cross Au**

Hat	Shirt/Blouse	Coat/Suit	Socks
Jacket	Tie/Scarf	Pants/Dress/Skirt	Shoes

Was Suspect Armed?	Type of Weapon	Direction of Travel	Mode of Travel
--------------------	----------------	---------------------	----------------

VYR	Make	Model	Style	Color	Lic/Lis	Vin
-----	------	-------	-------	-------	---------	-----

APPENDIX K

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON.

2 IN AND FOR THE COUNTY OF KITSAP

3 _____)
 4 STATE OF WASHINGTON,)
 5 Plaintiff,) Coa No. 46758-5-II
 6 vs.) No. 13-1-00087-1
 7 ALLIXZANDER HARRIS,)
 8 Defendant.)

9 _____
 10 VERBATIM REPORT OF PROCEEDINGS
 11 Testimony
 12 Volume IX

**EXCERPT -
 WILLIAM ENDICOTT**

13 August 25, 2014
 14 Honorable Sally Olsen
 15 Department No. 8
 16 Kitsap County Superior Court

17 APPEARANCES

18 For the State: Coreen Schnepf
Deputy Prosecuting Attorney

19 Farshad Talebi
Deputy Prosecuting Attorney

20 For the Defendant: Eric Valley
Attorney at Law

21 The Defendant: Allixzander Harris

22
 23 Carisa Grossman, CCR, RPR
 24 License No. 2018
 25 Kitsap County Superior Court
 614 Division Street, MS 24
 Port Orchard, WA 98366
 (360) 337-7140

1 week of testimony. But unlike the last week, if the
2 trial is ending on Wednesday or Thursday, you will
3 need to be here Thursday afternoon and potentially
4 Friday for your deliberations.

5 So unlike -- I just want to make clear that you
6 all are going to be here all week, okay, Monday
7 through Friday; either listening to testimony or
8 deliberating. Thank you.

9 I think we're ready to resume with the state's
10 next witness.

11 MS. SCHNEPF: The state calls Sergeant
12 William Endicott.

13 THE COURT: Please raise your right hand.

14 * * * * *

15 SERGEANT ENDICOTT, having been first duly sworn,
16 was examined and testified as
follows:

17
18 THE WITNESS: I do.

19 THE COURT: Thank you. Please be seated.

20 State your full name and spell your last name.

21 THE WITNESS: William Endicott,

22 E-N-D-I-C-O-T-T.

23 THE COURT: Thank you. You may proceed.

24 ///

25 ///

1 MS. SCHNEPF: Thank you, Your Honor.

2 DIRECT EXAMINATION

3 BY MS. SCHNEPF:

4 Q. Sergeant Endicott, where do you currently work?

5 A. City of Bremerton Police Department.

6 Q. What do you do for the City of Bremerton?

7 A. I'm a shift supervisor, a patrol sergeant. I monitor
8 the activities of the shift at my assigned times.

9 Q. How long have you worked in law enforcement?

10 A. Twenty-two years. Six years at Mason County;
11 16 years at Bremerton.

12 Q. How long have you been a sergeant?

13 A. Eight years.

14 Q. Can you tell me what kind of training and experience
15 you had to become an officer?

16 A. I started with the police academy, Washington State
17 Criminal Justice Training Commission. I completed
18 that. I retired from the Navy and then went right to
19 that.

20 And then I went to a Field Training Officer
21 Program at Mason County; one month each with three
22 different experienced deputies where they took the
23 tools we were taught at the academy and showed us how
24 to use it in everyday life out there.

25 When I transferred to Bremerton, I went through a

1 Field Training Officer Program at Bremerton. And
2 then through the years, I've collected a couple
3 thousand hours in training.

4 I was a K9 officer, I was a narcotics detective,
5 patrol sergeant; and I took training in each of those
6 aspects.

7 Q. And tell me about your job duties as a sergeant,
8 patrol sergeant.

9 A. Shift supervisor, I'm normally at work an hour before
10 the shift starts. We have a lineup meeting to start
11 the shift, and I prepare for that. I go over current
12 reports that came in from the shift previous to us.

13 I contact the supervisors of the general
14 investigations division, frequently the Special Ops
15 Group.

16 We share information; things they may want to
17 delve from us or information they provide to me. We
18 assist each other like that. I check for wanted
19 persons, active arrest warrants, trouble houses,
20 citizen complaints.

21 And then when I go into the lineup meeting, I
22 assign officers geographic patrol areas and maybe
23 specific tasks that they need to do during the course
24 of their shift. I get out to as many of their events
25 as I can. And then I review their written work

1 product at the end of the day.

2 Q. Back in December 2012, did you work with Sergeant
3 Plumb on occasion?

4 A. Yes.

5 Q. On December 31, 2012, without going into detail, did
6 you have a conversation with Sergeant Plumb?

7 A. I did.

8 Q. And as a result of that conversation, were you
9 looking for a particular person on the shift?

10 A. I was aware of the ongoing investigation that he was
11 involved with, and I would be familiar to -- I was
12 going to contact him if we had contact with that
13 person, yes.

14 Q. Who was that person?

15 A. The defendant.

16 Q. And are you referring to Allixzander Harris?

17 A. I am.

18 Q. Can you identify him by an article of clothing?

19 A. The gray shirt next to the defense counsel.

20 MS. SCHNEPF: Let the record reflect the
21 witness has identified the defendant.

22 THE COURT: The record will reflect.

23 BY MS. SCHNEPF:

24 Q. At some point on the evening of December 31, 2012,
25 did you come into contact with the defendant?

1 A. I did.

2 Q. Can you tell me how that came about?

3 A. I was aware that Officer Meador, one of my officers
4 had conducted a traffic stop. The defendant was the
5 driver. His driver's license was suspended and he
6 made the arrest on it. I heard that on the radio and
7 my car computer and I responded to the scene.

8 Q. Is that typical as a supervisor you would respond to
9 assist your officers?

10 A. Frequently. I get to as many a night as I can get
11 to.

12 Q. And when you arrived at the scene, what did you do,
13 what was your role?

14 A. Initially I just stay back -- and Officer Meador is a
15 veteran officer, and he had some of the other
16 officers with him. I let them do what they're doing.
17 I stand back and watch.

18 However, I made phone contact with Sergeant Plumb
19 immediately when I got there, once I learned who the
20 driver was that they had in custody.

21 Q. And as a result of your conversation with Sergeant
22 Plumb, did you then have contact with the defendant?

23 A. I did.

24 Q. And what was the purpose of that contact?

25 A. Sergeant Plumb had inquired if he was in possession

1 of some items for his investigation that would be
2 evidentiary, specifically a cell phone and a laptop
3 computer. And there was none on his person. So I
4 inquired if I could take a look through the inside of
5 his car. He assured me there was nothing illegal in
6 there and that I could look.

7 Q. And did you look inside the car?

8 A. I did.

9 Q. Tell me about that.

10 A. There was -- Sergeant Plumb, again, had asked to know
11 if there was a cell phone or laptop in there. I saw
12 the cell phone, a cell phone up on the front driver's
13 seat area -- on the dash, I believe. And in a
14 backpack I determined there was a laptop computer in
15 it and I stopped immediately and called Sergeant
16 Plumb back.

17 Q. And what did you do with the vehicle after that?

18 A. Sergeant Plumb requested that it be impounded to our
19 evidence garage. I tasked Officer Meador with that.
20 We have a protocol we go through with that. He
21 summonsed a tow truck. He followed the tow truck
22 back to Bremerton PD. I preceded them. It takes a
23 sergeant's access card to get into the evidence
24 garage. So by the time they got there, I had the
25 garage open where they could back the vehicle in. I

1 directed Officer Meador to secure it, per our
2 protocols where we seal the car and then we secured
3 the garage.

4 Q. Tell me about this garage at Bremerton.

5 A. To get into our lot, you need a special gate opener.
6 And then the evidence garage is part of our evidence
7 security building. It requires special access to
8 just get the garage door to open. It's computer
9 monitored. They know who opened the door and what
10 times and dates.

11 Q. Why is that important?

12 A. Chain of evidence to secure to make sure that nothing
13 is disturbed before they execute a search warrant.

14 MS. SCHNEPF: Thank you. No further
15 questions.

16 THE COURT: Thank you. Cross-exam?

17 MR. VALLEY: Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. VALLEY:

20 Q. You spoke of an ongoing investigation. By that you
21 meant the investigation that Detective Sergeant Plumb
22 was involved in involving Lorelei Phillips, correct?

23 A. I don't recall the name of the female in the
24 investigation. It was -- one of my officers had
25 taken a report earlier.

1 Q. Okay. So an ongoing investigation means been going
2 on since December 28th, not for months and years,
3 et cetera, correct?

4 A. Correct. The only one that I was aware of was the
5 one that was a few days old.

6 Q. Even then, you're not implying or certainly not
7 saying there was another one.

8 A. No, sir.

9 Q. My question is: By "ongoing investigation," you
10 meant a couple days ever since...

11 A. Yes, sir.

12 Q. Okay. Thank you.

13 Were there not, in fact, two backpacks in the
14 back of that Chevy -- that Geo Metro?

15 A. It's 20 months ago, counselor, I'm sorry. I recall
16 the one with the laptop. That's the one -- there
17 could have been more. There were a lot of items in
18 that car. There could have been another backpack in
19 there as well.

20 Q. Thank you very much.

21 MR. VALLEY: Your Honor, if I can re-open my
22 cross, briefly? Seeing that counsel hasn't begun a
23 redirect, if there will be one.

24 MS. SCHNEPF: That's fine, Your Honor.

25 THE COURT: Go ahead.

1 MR. VALLEY: Thank you, Counsel. Thank you,
2 Your Honor.

3 THE COURT: Go ahead.

4 BY MR. VALLEY:

5 Q. Sergeant Endicott, are you aware whether or not there
6 was a second person in the car that day?

7 A. There was a female in the car, that I'm aware of.

8 Q. Okay. How would you describe that female? Or can
9 you recall?

10 A. I don't recall. I believe it was a young black
11 female, teenager, maybe.

12 Q. Okay. Teenager, could be a -- you're not -- teenager
13 be 18, 19, could have been early 20s, you just don't
14 know.

15 A. I don't recall, sir.

16 Q. You don't recall her name?

17 A. No, sir.

18 Q. Do you recall whether or not there was an ongoing
19 investigation involving that young woman?

20 A. Not that I was privy to. I don't recall.

21 MR. VALLEY: Okay. Thank you. Thank you,
22 Counsel. Thank you, Your Honor.

23 THE COURT: Thank you. Redirect?

24 MS. SCHNEPF: Nothing further, Your Honor.

25 THE COURT: Thank you very much, Sergeant

APPENDIX L

7

I N C I D E N T D A T A	Agency Name Bremerton Police Dept	INCIDENT / INVESTIGATION REPORT ARREST / CITATION MADE	OCA: B12-012602	
	ORI WA0180100		Date / Time Reported MO Dec 31, 2012 19:04	
	#1	Crime Incident DWLS/R 3	CJA: 07633 Local Statute: 46.20.342.C	<input type="checkbox"/> Att <input checked="" type="checkbox"/> Com	Occ From 12/31/2012 19:04 Occ To 12/31/2012 19:04
#2	Crime Incident FAIL TO TRANSFER TITLE W/IN 15 DAYS	UCR: Local Statute: 46.12.101.6	<input type="checkbox"/> Att <input checked="" type="checkbox"/> Com	Dispatched
#3	Crime Incident	UCR: Local Statute:	<input type="checkbox"/> Att <input type="checkbox"/> Com	Arrived Cleared
Location of Incident Abalone St / S Oyster Bay Ave, Bremerton, WA		Premise Type Highway/Road/Alley	Offense Tract	

MO	How Attacked or Committed
	Weapon / Tools Forcible Entry <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

V I C T I M	# Victims 0 Type Injury Residency Status 					
	Victim/Business Name (Last, First, Middle) VI					
	Victim of Crime # Age / DOB Race Sex 					
	Relationship to Offenders 					
	Home Address Home Phone Cell Phone 					
Employer Name/Address Business Phone 						
VYR	Make	Model	Style	Color	Lic/Lis	VIN

O F F E N D E R	Offender(s) Suspected of Using <input type="checkbox"/> Drugs <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Alcohol <input type="checkbox"/> Computer	Offender 1 ARI Age: 22 Race: B Sex: M	Offender 2 Age: Race: Sex:	Offender 3 Age: Race: Sex:	Primary Offender Resident Status <input checked="" type="checkbox"/> Resident <input type="checkbox"/> Non-Resident <input type="checkbox"/> Unknown
	Offender 4 Age: Race: Sex:	Offender 5 Age: Race: Sex:	Offender 6 Age: Race: Sex:		

S U S P E C T	Name (Last, First, Middle) Harris, Alexander D AR Also Known As Real Name: Park, Allixzander Devell -...	Home Address 1106 Pleasant Ave Apt. 3, Bremerton, WA Home Phone (360) 377-2012 Cell Phone 				
	Occupation Business Address U/E Business Phone 					
	DOB. / Age 3/14/1990 / 22 Race B Sex M Hgt 5'10 Wgt 198	Build Hair Color Black Eye Color Brown				
	Scars, Marks, Tatoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)					
	Hat Shirt/Blouse Coat/Suit Socks 					
	Jacket Tie/Scarf Pants/Dress/Skirt Shoes 					
	Was Suspect Armed? Type of Weapon Direction of Travel Mode of Travel 					
VYR	Make	Model	Style/Doors	Color	Lic/Lis	VIN
Suspect Hate / Bias Motivated: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					Type: 	

W I T N E S S	Name (Last, First, Middle) D.O.B. Age Race Sex
	Home Address Home Phone Cell Phone
	Employer Business Phone

Officer: (446) MEADOR,...	SUPERVISOR: WPE	INFO. ONLY: 1	F/UP: DET. INFO	F/UP: LINE	PROSECUTOR: FMC		
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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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E

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.

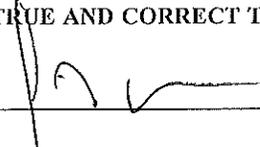
I had the driver exit the vehicle where he was detained. The driver identified himself as Allixzander Harris. The driver was run via Cencom, he came back DWLS 3rd degree for unpaid tickets.

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.

I CERTIFY OR DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

 446 12/31/12

(Signature, Date)
(446) MEADOR, JONATHAN A
KITSAP COUNTY, WA

APPENDIX M

SUPPLEMENTAL REPORT

Bremerton Police Dept

OCA B12012534

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Investigator: (446) MEADOR, JONATHAN A

Date / Time: 12/31/2012 20:37

Monday

Supplement Type: SUPPLEMENTAL REPORT

Race: Sex: DOB: Age: Employer:

Home Phone:

On 12/31/12 at approx. 1921hrs, I executed a traffic stop on Wa# ACK8054 at Arsenal Way and Loxie Eagan's. During this stop the driver, Allixzander Park (Harris) was taken into custody for driving while license suspended 3rd degree. Harris was turned over to Officer Inklebarger for booking. Reference case # B12-012602.

I was instructed to impound the vehicle for a search warrant in reference to this case, B12-012534. I stood by till Bremerton Tow arrived. Upon arrival I followed the tow back to the Bremerton Police Department where I secured it into evidence.

Note: Looking from the outside of the vehicle I observed a red backpack in the back of the vehicle, a cell phone on the dash board and two knives on the right rear passenger side.

Disposition: Attach to main report.

I CERTIFY OR DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

(Signature, Date)

(446) MEADOR, JONATHAN A
KITSAP COUNTY, WA

[Handwritten signature] 446 12/31/12



Bremerton Police Department
PROPERTY SHEET



Case Number: **12-012534**

 2007051598		<u>Item#</u> 1	<u>Item Type</u> Vehicle	<u>Description</u> VEHICLE	
<u>Collected on</u> 12/31/2012	<u>Collected by</u> MEADOR, JONATHAN		<u>Collected at</u> - Loxie and Arsenal Way		
<u>Owner</u> Harris, Allixzander			<u>Owner's address</u> ,		<u>Owner DOB</u> 03/14/1990
<u>Make and model</u> Chev - GEO		<u>Color</u> BLUE/BLACK	<u>Serial #</u> 2C1MS2467R67 20371	<u>Caliber</u>	<u>Drug Type:</u> <u>Weight:</u>



373-5091

**Administrative Office
130 Tweed Ln., Suite 4
Bremerton, WA 98312
Serving Kitsap County**

BILL TO: BPD		INVOICE: No. 62660	
ADDRESS:		DATE: 12-31-12	
CITY/STATE/ZIP:		DISPATCHER: 345530	
HOME PHONE:	WORK/CELL:	P.O. #	
OWNER:		REPAIR ORDER #	
ADDRESS:		KEYS: yes	
CITY/STATE/ZIP:		YEAR: 84 MAKE: Chrysler MODEL: Creo STYLE: Met LICENSE: ACK8054 WA LIC. ST: WA TABS EXP.:	
VIN: 2C1MS2L6R6720371		COLOR: BLACK	
FRONT WHEEL DRIVE: <input checked="" type="checkbox"/>	REAR WHEEL DRIVE: <input type="checkbox"/>	FOUR WHEEL DRIVE: <input type="checkbox"/>	REQUESTING AGENCY: BPD
ODOMETER:	DRIVER: 12	TRUCK: 55	CLASS: A
PRIVATE: <input type="checkbox"/>	ACCIDENT: <input type="checkbox"/>	IMPOUND: <input checked="" type="checkbox"/>	
TOW FROM: ARSENAL WAY		TOW TO: Central BPD	
TOW FRONT: <input checked="" type="checkbox"/>	TOW LIGHTS: <input checked="" type="checkbox"/>	TIRE CHANGE: <input type="checkbox"/>	BASE RATE: 150.00
TOW REAR: <input type="checkbox"/>	SAFETY CHAINS: <input type="checkbox"/>	JUMP START: <input type="checkbox"/>	OTHER (SPECIFY)
TOW SLING: <input type="checkbox"/>	AXLE PULL: <input type="checkbox"/>	SWEEP ROAD: <input type="checkbox"/>	OTHER (SPECIFY)
WHEEL-LIFT: <input checked="" type="checkbox"/>	DROP DRIVE/UNE: <input type="checkbox"/>	ROLL-OVER: <input type="checkbox"/>	
UNDERLIFT: <input type="checkbox"/>	DOLLIES: <input type="checkbox"/>	WINCHING: <input type="checkbox"/>	
FLAT BED: <input type="checkbox"/>	UNLOCK: <input type="checkbox"/>	SNATCH BLOCKS: <input type="checkbox"/>	
TRIP MILES START:	MILES AT SCENE:	MILES AT FINISH:	MILES CHARGED: <input type="checkbox"/> PER MILE
			MILEAGE CHARGE:
TRIP TIME START: 1946	TIME AT SCENE: 1950	TIME IN TOW: 2008	TIME AT DESTINATION: 2011
TIME COMPLETE: 1225	TIME CHARGED: HOURS: 1hr	PER HOUR: 186.00	
STORAGE DAYS:	INSIDE, OUTSIDE:	PER DAY: 186.00	
STORAGE:		SUBLET:	
COMMENTS:		ADVANCE CHARGES:	
		SUBTOTAL	
		SALES TAX:	
DATE RELEASED:		TOTAL DUE:	
TIME RELEASED:	CHECK NO:	BANK CARD:	CASH
RELEASED BY:		CHARGE	
AUTHORIZED TO TOW OR VEHICLE RECEIVED BY: <i>[Signature]</i>			

APPENDIX N

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON.

2 IN AND FOR THE COUNTY OF KITSAP

3 _____)
 4 STATE OF WASHINGTON,)
 5 Plaintiff,) Coa No. 46758-5-II
 6 vs.) No. 13-1-00087-1
 7 ALLIXZANDER HARRIS,)
 8 Defendant.)

9 _____
 10 VERBATIM REPORT OF PROCEEDINGS
 11 Testimony
 12 Volume VIII

**EXCERPT -
 JONATHAN MEADOR**

13 August 21, 2014
 14 Honorable Sally Olsen
 15 Department No. 8
 16 Kitsap County Superior Court

17 APPEARANCES

18 For the State: Coreen Schnepf
Deputy Prosecuting Attorney

19 Farshad Talebi
Deputy Prosecuting Attorney

20 For the Defendant: Eric Valley
Attorney at Law

21 The Defendant: Allixzander Harris

22
 23 Carisa Grossman, CCR, RPR
 24 License No. 2018
 25 Kitsap County Superior Court
 614 Division Street, MS 24
 Port Orchard, WA 98366
 (360) 337-7140

1 A. No.

2 Q. Okay.

3 MR. VALLEY: Thank you, Your Honor.

4 Thank you, sir.

5 THE COURT: Redirect?

6 MS. SCHNEPF: No, Your Honor. Thank you.

7 THE COURT: Thank you very much, Detective.

8 You're excused.

9 THE WITNESS: Okay.

10 THE COURT: Next witness, please.

11 MS. SCHNEPF: The State calls Officer

12 Meador.

13 * * * * *

14 OFFICER MEADOR, having been first duly sworn, was
15 examined and testified as
16 follows:

17 THE WITNESS: I do.

18 THE COURT: Please be seated. State your
19 full name and spell your last name.

20 THE WITNESS: My name is Jonathan Adam
21 Meador. Last is spelled M-E-A-D-O-R.

22 THE COURT: Thank you.

23 You may proceed.

24 ///

25 ///

1 MS. SCHNEPF: Thank you, Your Honor.

2 DIRECT EXAMINATION

3 BY MS. SCHNEPF:

4 Q. Officer Meador, where do you currently work?

5 A. The Bremerton Police Department.

6 Q. What do you do for the police department?

7 A. I work patrol.

8 Q. How long have you been involved in law enforcement?

9 A. 14 years.

10 Q. Have you spent that entire time with Bremerton?

11 A. No.

12 Q. Where else have you worked?

13 A. I started at the Lower Elwha Tribal Police Department
14 in Port Angeles and then went to Port Orchard. And
15 then I went to Auburn, to Port Orchard, to Bremerton.

16 Q. And how long have you been with Bremerton?

17 A. Ten years.

18 Q. Tell me about your training and experience.

19 A. Well, I attended the basic law enforcement criminal
20 academy in Burien, 720 hours, approximately six
21 months.

22 I'm a master instructor in defensive tactics. I
23 teach force tactics for Bremerton Police Department.

24 I served as a detective on the special operations
25 group for a short period. I attended the DEA school

1 for that, various search warrant schools during that
2 time, traffic investigator, FTO, field training
3 officer, and current SWAT member.

4 Q. And can you tell me when you're acting as a patrol
5 officer what your general job duties are.

6 A. We're assigned an area, and that area I take 9-1-1
7 calls, emergency calls, enforce traffic, things to
8 that effect.

9 Q. On December 31st, 2012, were you working on that day?

10 A. Yes, I was.

11 Q. What was your job assignment on that day?

12 A. Patrolman.

13 Q. And what shift were you working?

14 A. I believe it was swing shift, 2:00 to 10:00.

15 Q. During that evening did you have occasion to come
16 into contact with the defendant, Allixzander Harris?

17 A. I did.

18 Q. And do you recognize him in court today?

19 A. I do.

20 Q. Can you identify him by an article of clothing?

21 A. The gentleman in the purple tie.

22 MS. SCHNEPF: Let the record reflect the
23 witness has identified the defendant.

24 THE COURT: It will reflect.

25 BY MS. SCHNEPF:

1 Q. Tell me how that contact came about.

2 A. Traffic stop.

3 Q. And tell me how that happened.

4 A. Officer Inklebarger, who also works -- worked the
5 same shift at the time, called me to the area for a
6 subject that may or may not have been suspended, but
7 had expired tabs on the vehicle.

8 Q. And tell me when you first saw the vehicle where the
9 vehicle was going.

10 A. When I first saw the vehicle -- if I can refer to my
11 report --

12 Q. If that will help refresh your memory.

13 A. It will.

14 It was in the area of Arsenal Way and Oyster Bay.

15 Q. And tell me where the defendant's vehicle was going.

16 A. On Arsenal Way, I believe eastbound, towards
17 National, and then further on towards Loxie Eagan and
18 Arsenal.

19 Q. What kind of vehicle was it?

20 A. Dark-colored Geo Metro.

21 Q. Tell me what happened after you saw the vehicle pass
22 by.

23 A. Well, I pulled in behind the vehicle. The vehicle
24 did have expired tabs. The windows were extremely
25 tinted, so I couldn't tell who the driver actually

1 was.

2 I activated my emergency lights, and I waited for
3 a safe place to stop the vehicle, stopped it
4 approximately in the area of Loxie Eagan and Arsenal.

5 Q. What happened when you stopped the vehicle?

6 A. I made contact with the driver.

7 Q. And what happened as a result of your contact with
8 the driver?

9 A. During my contact with the driver and without
10 prompting, he told me he was suspended.

11 Q. We're not going to go into the defendant's
12 statements.

13 Tell me what you did.

14 A. I detained him based off the fact he was suspended.

15 Q. And at that point after the defendant was detained,
16 what happened next?

17 A. I turned help over to Officer Inklebarger, who took
18 custody at the time, and then I was directed by
19 Sergeant Endicott, my supervisor at the time, to
20 impound the vehicle.

21 Q. Tell me about the process of impounding.

22 A. A form is filled out, all the information about the
23 vehicle. And then -- actually, I don't recall if a
24 form was filled out that day, truthfully, because I
25 know it was impounded and then taken to the central

1 office, I believe.

2 Q. Tell me about the process generally -- tell me what
3 happens when a vehicle is impounded and where it
4 goes.

5 A. It can go one of two places. It can go to our
6 office, or it could go to an impound lot somewhere
7 located in Bremerton.

8 Q. What happens -- why would it go to your office?

9 A. Pending search warrant.

10 Q. And tell me about the facility at your office and the
11 security measures at your office.

12 A. Well, I truly don't recall if it went directly to my
13 office or to another secured location somewhere in
14 Bremerton.

15 If it had gone to my office, it would have been
16 secured in the evidence garage, where it would have
17 been sealed up and locked.

18 Q. And can you tell me again what vehicle this was?

19 A. It was a Geo Metro. I have the plate listed on here.

20 Q. Okay. What was the plate of the vehicle?

21 A. I have A, as in Adam, C, as in Charles, K, as in
22 king, 8054.

23 Q. And what position in the vehicle was the defendant
24 in?

25 A. The driver's seat.

1 Q. Was there anybody else in the vehicle?

2 A. There was. But I don't recall specifically who that
3 was.

4 Q. Were you the one that was responsible for contacting
5 the other person in the vehicle?

6 A. Not that I can recall.

7 MS. SCHNEPF: Thank you.

8 No further questions.

9 THE COURT: Thank you.

10 Cross exam?

11 CROSS-EXAMINATION

12 BY MR. VALLEY:

13 Q. Did anybody conduct a search of the car before it was
14 impounded?

15 A. That, I don't know.

16 Q. Who else was there at the time of the traffic stop --
17 including up until the time the car was towed away?

18 A. I recall Officer Inklebarger, and I know my
19 supervisor, Sergeant Endicott, arrived on scene. I
20 can't recall anybody else arriving on the scene.

21 Q. And you wrote a report, correct?

22 A. I did.

23 Q. In your report you wrote that you did stay with the
24 car until it was towed away, correct?

25 A. If I said that. I need to refer to my notes.

1 Q. If you don't mind, please.

2 A. Please?

3 Q. Look at your notes to refresh your memory whether you
4 stayed with it until it was towed away pursuant to
5 the impound.

6 MR. VALLEY: Actually, there's a
7 supplemental report -- I'd like to approach the
8 witness, Your Honor.

9 THE COURT: You may.

10 MR. VALLEY: Ask him if I can refresh his
11 memory.

12 BY MR. VALLEY:

13 Q. Do you recognize this document as a supplemental
14 report you prepared?

15 A. Yes, sir.

16 Q. I draw your attention and ask you to read just
17 silently -- I think it's that middle paragraph, but
18 the issue is, do you remember -- did you stay with
19 the car until it was towed away. And then just let
20 me know if you've finished reading, and then I'll ask
21 you.

22 A. Yes.

23 Q. Okay. So has this refreshed your memory on that
24 question?

25 A. Yes, it has.

1 Q. Okay. You stayed with the vehicle until it was towed
2 away?

3 A. I did.

4 Q. You also wrote that you looked -- you could see from
5 the outside of the car that there was a backpack in
6 the car, correct?

7 A. Yes, I did.

8 Q. You've also said the windows were darkly tinted
9 enough that you couldn't see through, correct?

10 A. Yes.

11 Q. The obvious implication is -- and I'm going to ask
12 whether you remember -- did you make that observation
13 through open doors or otherwise?

14 A. I can't recall.

15 Q. Okay. When you submit reports, it's standard
16 practice to sign and date them before submitting
17 them, correct?

18 A. Sign them.

19 Q. Just sign, not date?

20 A. It's already dated at the top usually in the
21 narrative.

22 Q. Okay. Thank you.

23 A. You're welcome.

24 THE COURT: Redirect?

25 MS. SCHNEPF: Nothing further, Your Honor.

APPENDIX O

SUPPLEMENTAL REPORT

Bremerton Police Dept

OCA B12012534

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Investigator: (413) PLUMB, RANDY

Date / Time: 1/7/2013 10:13

Monday

Supplement Type: SUPPLEMENTAL REPORT

Race: Sex: DOB: Age: Employer:

Home Phone:

On December 28th, 2012, at approximately 1743 hours, Bremerton Police Officer Garrity (#445) was dispatched to a sexual assault that had occurred over the previous few days. Officer Garrity responded to the Harrison Hospital (Silverdale, WA.) to meet with the victim. Upon Officer Garrity's arrival, he contacted the victim, identified as L [REDACTED] P [REDACTED] in the emergency room.

P [REDACTED] told Officer Garrity that she met up with her boyfriend, Andre Herron (AKA: Williams) on Sunday, December 23rd, 2012, who gave her a ride to Allixzander Park's house, located in Bremerton, Washington. Once there, P [REDACTED] stated she had consensual sexual intercourse, in the car, with Andre Herron.

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

After creating the posts, P [REDACTED] said she met with two customers; one in Port Townsend, Washington and the other in Port Orchard, Washington. P [REDACTED] told Andre Herron and Allixzander Park that she wanted to go home for Christmas.

On Wednesday, December 26th, 2012, P [REDACTED] said she went to Tacoma, Washington with Herron. She told Officer Garrity that they took the ferry that leaves about 1400 hours to Seattle, and then took a bus to Tacoma. Once there, they met with Allixzander Park at the Tacoma Mall. Park was there with a friend who was unknown to P [REDACTED]. They left the Tacoma Mall and went to a Motel 6 located at 1811 S. 74th Street, Tacoma, WA., and that they stayed in room 110.

That evening at the Motel 6, at approximately 2100-2200 hours, Herron, Park, and the unknown friend, were all smoking what P [REDACTED] thought was marijuana. She said she had a couple of puffs and started to "feel funny" and added that she thought she became "high". When P [REDACTED] asked them if it was regular marijuana, they told her "my bad" and told her at that time the substance was "Spice". P [REDACTED] told Officer Garrity that she was very disoriented and dizzy after smoking the substance.

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

SUPPLEMENTAL REPORT

Bremerton Police Dept

OCA B12012534

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On Thursday, December 27th, 2012, she returned to Bremerton with Herron and Park. Apparently during this time, Park and Herron were making drug deliveries, selling marijuana. P [REDACTED] told Officer Garrity that when she tried to talk to them, Park yelled at her asking her why she was talking.

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

P [REDACTED] said she took another shower and when she went to sleep it was around 0200 hours. P [REDACTED] said they kept trying to take her phone from her, so she couldn't call anyone. She said she woke up around 0900 hours on December 28th, 2012 and went to the bathroom with Herron. While in the bathroom with Herron, Jones entered the bathroom and forced her to have sex with him.

At approximately 1200 hours, P [REDACTED] was able convince Park and Herron that she needed to meet someone at the Starbucks on Kitsap Way in Bremerton. Park and Herron transported P [REDACTED] to the Starbucks and dropped her off. Once there, P [REDACTED] was able to contact a female friend who came and picked her up.

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

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

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

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

She explained that she originally met Andre Herron approximately a week-and-a-half to two-weeks ago on a website called "Tagged" (A website designed for people to meet new friends). Phillips told us that prior to meeting Andre Herron, she had been in Seattle, Washington working prostitution activities for a guy she met that said she could make a lot of money doing that. P [REDACTED] told us she later told Andre Herron about her past prostitution related activities. P [REDACTED] described first meeting with Herron and indicated she had sex with him in a car. P [REDACTED] went on to explain the consensual sexual intercourse in the car with Herron actually

SUPPLEMENTAL REPORT

Bremerton Police Dept

OCA B12012534

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occurred in the early morning hours of December 24th, 2012.

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

P [REDACTED] said Park initially used Andre Herron's cell phone number on the backpage advertisement. P [REDACTED] said one of the pictures of her showed her wrapped up only in a towel. P [REDACTED] provided the phone number of 551-5350 and indicated that belonged to Andre Herron. (I checked www.backpage.com for this phone number and found an advertisement on December 24th, 2012, that contains two photographs of what appears to be P [REDACTED]; one of which shows her wearing only a white towel. This advertisement listed the contact phone number of (360) 551-5350, which is clearly Andre Herron's phone number. The post ID number for this advertisement is: 11408192. This post was for the Seattle / Bremerton area.) Phillips said she never saw what the final advertisement looked like and added that they wouldn't let her see it. Detective Garland asked P [REDACTED] if she knew what the pricing was on the advertisements and she stated, "\$300 for an hour and then \$150 for a half hour." P [REDACTED] indicated Herron and Park came up with that pricing and never asked her input on that.

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

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

On the way back to Bremerton they received a call from a person (A "John") in Port Orchard who didn't feel comfortable coming to their motel room at the Dunes, so they went to his house in Port Orchard. The subject told her he only had \$80 and some marijuana, so P [REDACTED] said Herron told her that this subject "could have twenty minutes."

P [REDACTED] met with this subject in his front yard because his family was inside the house. P [REDACTED] said she performed oral sex on this subject for \$80 and about an eighth of an ounce of marijuana. She indicated the marijuana was given to her in a pill bottle. P [REDACTED] said she gave the \$80 and the marijuana to Herron.

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

SUPPLEMENTAL REPORT

Bremerton Police Dept

OCA B12012534

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

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

After the advertisement was posted, people began calling Park's phone which P [REDACTED] said she answered. She said one guy called who was concerned about meeting her at her hotel room so she asked Park and Herron what she should do. Park and Herron told her to just go meet the guy. She said she ultimately met the guy behind the LA Fitness, near the motel. She described the guy's vehicle as a white pickup and indicated the guy was very "jumpy". P [REDACTED] said she wouldn't get into the guy's truck without first seeing the money and the guy wouldn't show her the money and just wanted her to get into his truck. P [REDACTED] basically refused to do anything until she had the money in her pocket. P [REDACTED] added that she was "told to do that." P [REDACTED] said the guy asked about her already having a room and she said she did, but that she needed to call and tell her friend to leave. P [REDACTED] said she called Herron and Park and asked them to leave, because she was going to bring the customer to the room. P [REDACTED] said she did get into the guy's truck who gave her a ride over to the motel, but the guy saw a police car in the area and got scared, so he left. She added that the guy had drugs on him and that he was actually trying to "recruit" her. She said she thought this because he asked her a lot of questions. P [REDACTED] said she never actually got any money from him, so she returned to the motel room. Soon after Park and Herron returned to the room at different times and when they found out she didn't get any money, they were both upset with her.

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

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

SUPPLEMENTAL REPORT

Bremerton Police Dept

OCA B12012534

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

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

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

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

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

Later that morning she convinced Herron and Park that she was going to meet someone at the Starbucks on Kitsap Way, so they dropped her off there. Once there, P█████ called her friend, C█████ H█████, who came and picked her up and transported her to the hospital for the SANE exam.

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

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

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

On December 31st, 2012, at approximately 1921 hours, Bremerton Police Officers located Allixzander Park, driving his blue Geo, bearing Washington license: ACK8054, in the area of Arsenal Way and Loxie Eagans Boulevard in Bremerton. Park's driver's status is suspended in the third degree. Park was arrested for DWLS 3rd degree and Sergeant Endicott contacted me by telephone. I asked Sergeant Endicott to ask Park for permission to search his car and specifically asked him to look for any cell phones, a red backpack and laptop computers. Sergeant Endicott called me back a few minutes later and told me Park gave him permission to

SUPPLEMENTAL REPORT

Bremerton Police Dept

OCA B12012534

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look in the car and when he did, he observed a cellular phone on the dashboard of the car and a red backpack in the backseat area. Sergeant Endicott looked into the backpack and observed a laptop computer and a digital camera.

I requested they book Park into the Kitsap County Jail for Second Degree Rape and set his bail at \$100,000. I also asked Sergeant Endicott to impound Park's Geo car to the Bremerton Police Department's evidence storage garage, pending the application of a search warrant. Officer Meador took care of impounding the car to the police department's evidence storage garage.

Investigation continuing.

I CERTIFY OR DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Randy Plumb # 413

(Signature, Date)
(413) PLUMB, RANDY
KITSAP COUNTY, WA

APPENDIX P

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IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,

Plaintiff,

v.

A primer black and blue, 1994, Geo Metro,
bearing Washington license: ACK8054, VIN:
2C1MS2467R6720371, registered to J [REDACTED]
B [REDACTED] Port Orchard,
Washington. This vehicle is currently being
stored in a secure Bremerton Police Department
Facility, as item #1, under Bremerton PD case
#B12-012534

Defendant.

)
) No. 20130091
)
) COMPLAINT FOR SEARCH
) WARRANT FOR FRUITS /
) INSTRUMENTALITIES AND / OR
) EVIDENCE OF THE CRIME OF
) R.C.W. 9A.88.080 Promoting
) Prostitution in the Second Degree and
) R.C.W. 9A.88.030 Prostitution

RECEIVED AND FILED

JAN - 2 2013
DAVID W. PETERSON
KITSAP COUNTY CLERK

I, DETECTIVE SERGEANT RANDY D. PLUMB, being first duly sworn upon oath,
depose and say-

I am a duly appointed, qualified, and acting Detective Sergeant for the Bremerton
Police Department, and am charged with responsibility for the investigation of criminal
activity occurring within the City of Bremerton and the County of Kitsap. I have
probable cause to believe, and do, in fact, believe, that in violation of the laws of the
State of Washington with respect to R.C.W. 9A.88.080 Promoting Prostitution in the Second
Degree, evidence and/or fruits and/or instrumentalities of said offense(s) are presently
being kept, stored, or possessed, and can be located and seized, in the above-described
vehicle. My belief being based upon information acquired through personal interviews
with witnesses and other law enforcement officers, review of reports and personal
observations, said information being as further described herein-

Detective Sergeant Randy D. Plumb, being first duly sworn on oath, deposes and
says: That I am a commissioned police officer with the City of Bremerton Police



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 4th, 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



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

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

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

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

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

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

28 During my tenure as a narcotics detective with both WestNET and SOG, I
29
30
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 J [REDACTED] B [REDACTED], [REDACTED] 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 28th, 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 L [REDACTED]
27 P [REDACTED], in the emergency room.

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



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

2 On Monday, December 24th, 2012, P [REDACTED] agreed to advertise for prostitution
3 related activities on a website called "Backpage" (located at www.backpage.com,
4 specifically in the "escort" section). This website (backpage.com), and others such as
5 www.TNABoard.com, www.MadamFox.com and 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 P [REDACTED] 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 L [REDACTED] P [REDACTED].

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

17 On Wednesday, December 26th, 2012, P [REDACTED] 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 P [REDACTED]. They left the Tacoma Mall and went to a Motel 6 located at 1811 S. 74th Street,
22 Tacoma, WA., and that they stayed in room 110.

24 That evening at the Motel 6, at approximately 2100-2200 hours, Herron, Park, and
25 the unknown friend, were all smoking what P [REDACTED] 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 P [REDACTED] asked them if it was regular marijuana, they told her "my bad" and
28 told her at that time the substance was "Spice". P [REDACTED] told Officer Garrity that she was
29 very disoriented and dizzy after smoking the substance.



1 P [REDACTED] 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 P [REDACTED]. Park told P [REDACTED] that she, "better get used to it", and then forced
4 her to have sex. Officer Garrity asked P [REDACTED] if she had sex with both Park and Herron
5 and she indicated she did. P [REDACTED] 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 P [REDACTED] told Park to stop and that it was hurting her. After that, P [REDACTED] said she "blacked
9 out".
10

11 On Thursday, December 27th, 2012, she returned to Bremerton with Herron and
12 Park. Apparently during this time, Park and Herron were making drug deliveries, selling
13 marijuana. P [REDACTED] 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 27th, 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 P [REDACTED] Allixzander Park, Andre Herron, a subject identified as Demario
18 Jones and an unknown male were also in the room. Sometime during that night, P [REDACTED]
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. P [REDACTED] said Herron left the
21 room, leaving Park and Jones in the bathroom with her. The lights were turned off and
22 Park told P [REDACTED] 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 P [REDACTED] said she took another shower and when she went to sleep it was around
25 0200 hours. P [REDACTED] 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 28th, 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, P [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 P [REDACTED] to the Starbucks and dropped her off. Once there, P [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. P [REDACTED] also
8 confirmed that the fourth, unidentified individual never had sexual contact with her.

9 P [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 P [REDACTED] and her friend,
12 C [REDACTED] H [REDACTED] at Harrison Hospital. Detective Garland and I walked with P [REDACTED] and
13 the SANE nurse from the exam room to a waiting room on the other end of the hospital.
14 As P [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 P [REDACTED]
16 and H [REDACTED] to the Bremerton Police Department for a more thorough and detailed interview.

17 At approximately 2355 hours, on December 28th, 2012, Detective Garland and I
18 began a video and audiotaped interview of victim L [REDACTED] P [REDACTED]. Detective Garland
19 asked P [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 P [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). P [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. P [REDACTED] told us she later told Andre Herron about her
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1 past prostitution related activities. P [REDACTED] described first meeting with Herron and
2 indicated she had sex with him in a car. P [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 24th, 2012.

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

19
20
21 P [REDACTED] said Park initially used Andre Herron's cell phone number on the
22 backpage ad. P [REDACTED] said one of the pictures of her showed her wrapped up only in a
23 towel. P [REDACTED] provided the phone number of 551-5350 and indicated that belonged to
24 Andre Herron. (I checked www.backpage.com for this phone number and found an
25 advertisement on December 24th, 2012, that contains two photographs of what appears to
26 be P [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.) P [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 P [REDACTED]
31



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." P [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, P [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. P [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. P [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 P [REDACTED] said Herron told her that this subject "could have twenty minutes."
18 P [REDACTED] met with this subject in his front yard because his family was inside the house.
19 P [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 P [REDACTED] said she gave the \$80 and the marijuana to Herron.

22 P [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, P [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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1 On Wednesday, December 26th, 2012, P [REDACTED] 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 P [REDACTED] 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 26th, 2012, and found an
13 advertisement for P [REDACTED] 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.) P [REDACTED] 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 P [REDACTED] 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". P [REDACTED] 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. P [REDACTED] basically refused to do anything until she had the money
26 in her pocket. P [REDACTED] added that she was "told to do that." P [REDACTED] 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. P [REDACTED] said she called Herron and Park and asked them to leave,
29 because she was going to bring the customer to the room. P [REDACTED] 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
31



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

17 After this incident, P [REDACTED], Park and Herron fell asleep on the bed. P [REDACTED] said
18 that the next thing she knew she woke up on the floor at the foot of the bed. She said that
19 was when "she came to." Park was choking her by the throat and then put a few of his
20 fingers down her throat and simultaneously told her that she needed to learn not to choke,
21 even if it hurts. Also during this time, Park was performing anal sex on P [REDACTED]. She
22 said she was lying on her left side and that Park was lying behind her during this time.
23 P [REDACTED] said Park made intimidating comments during this time to P [REDACTED] and that he
24 ejaculated inside of her. She said she blacked-out due to Park choking her and the next
25 thing she knew, she was still on the floor, but almost to the bathroom. Apparently Herron
26 slept through all of this, despite her moaning and making noises during this portion of the
27 incident. P [REDACTED] also recalled saying, "Stop, you're hurting me" and Park responded that
28 saying she needed to keep going, even when it hurt.
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1 P [REDACTED] 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 P [REDACTED] said she went to the bathroom and closed the door and when she came
4 out, Park was asleep. P [REDACTED] said she curled up into a ball and went to sleep. The
5 following morning (December 27th, 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 P [REDACTED] 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
12 P [REDACTED] said she went into the shower and Herron came in and started "making
13 out" with her, which ultimately led to consensual sexual intercourse. A short time later,
14 Demario Jones came into the hotel room and then Jones and Park came into the bathroom
15 with P [REDACTED] and Herron. At that point, P [REDACTED] was giving oral sex to Herron, while one
16 of the other two were "behind" her. Since the lights were off, she didn't know which one
17 (Park or Jones) was behind her performing anal sex on her.

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

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

30
31 Later that morning she convinced Herron and Park that she was going to meet



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

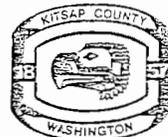
4 We asked P [REDACTED] if she left behind any belongings in the Dunes Motel room and
5 she indicated she left her blue, Bass, backpack containing some of her personal
6 belongings. Included in these personal items should have been a pair of her underwear.
7 P [REDACTED] described the underwear as being 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 P [REDACTED] 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 31st, 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 P [REDACTED] described.

17 On December 31st, 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 3rd 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



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

RECEIVING OF COMPLAINT AND ISSUANCE
OF SEARCH WARRANT APPROVED-



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IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,

Plaintiff,

v.

A primer black and blue, 1994, Geo Metro,
bearing Washington license: ACK8054, VIN:
2C1MS2467R6720371, registered to J [REDACTED]
B [REDACTED] Port Orchard,
Washington. This vehicle is currently being
stored in a secure Bremerton Police Department
Facility, as item #1, under Bremerton PD case
#B12-012534

Defendant.

)
) No. 20130001
)
) SEARCH WARRANT FOR FRUITS,
) INSTRUMENTALITIES AND/OR EVIDENCE
) OF A CRIME, TO WIT- R.C.W. 9A.88.080
) Promoting Prostitution in the Second
) Degree and R.C.W. 9A.88.030
) Prostitution

RECEIVED AND FILED

JAN - 2 2013

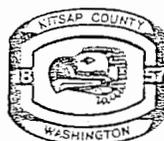
DAVID W. PETERSON
KITSAP COUNTY CLERK

STATE OF WASHINGTON TO- Any Peace Officer in said County

WHEREAS, upon the sworn complaint heretofore made and filed and/or the
testimonial evidence given in the above-entitled Court and incorporated herein by this
reference, it appears to the undersigned Judge of the above-entitled Court that there is
probable cause to believe that, in violation of the laws of the State of Washington, fruits,
instrumentalities and/or evidence of a crime as defined by law is being possessed, or kept,
in violation of the provisions of the laws of the State of Washington, in, about and upon a
certain vehicle within the County of Kitsap, State of Washington, hereinafter designated
and described;

A primer black and blue, 1994, Geo Metro, bearing Washington license:
ACK8054, VIN: 2C1MS2467R6720371, registered to J [REDACTED] Baker, [REDACTED]
[REDACTED] Port Orchard, Washington. This vehicle is currently being stored in a secure
Bremerton Police Department Facility, as item #1, under Bremerton PD case #B12-
012534

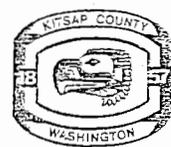
NOW, THEREFORE, in the name of the State of Washington, you are hereby
commanded, with the necessary and proper assistance, to enter and search said place and



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to seize any fruits, instrumentalities and/or evidence of the crime(s) of R.C.W. 9A.88.080 Promoting Prostitution in the Second Degree and R.C.W. 9A.88.030 Prostitution, to wit-

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



1 and to safely keep the same and to make a return of said warrant within ten (10) days;
2 with a particular statement of all the articles seized and the name of the person or persons
3 in whose possession the same were found, if any; and if no person be found in possession
4 of said articles, the return shall so state. A copy of said warrant shall be served upon the
5 person or persons found in possession thereof; if no such persons are found, a copy of
6 said warrant shall be posted upon or provided to said place where the same are found,
7 then in any conspicuous place upon the place, together with a receipt for all the articles
8 seized.
9

10 The said place above-referenced to, located in the County of Kitsap, State of
11 Washington, is designated and described as follows—

12 A primer black and blue, 1994, Geo Metro, bearing Washington license:
13 ACK8054, VIN: 2C1MS2467R6720371, registered to J [REDACTED] B [REDACTED]
14 [REDACTED] Port Orchard, Washington. This vehicle is currently being stored in a secure
15 Bremerton Police Department Facility, as item #1, under Bremerton PD case #B12-
16 012534
17
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19

20
21 GIVEN UNDER MY HAND this 2 day of January, 2013

22
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24 
25 JUDGE

LEILA MILLS



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IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,

Plaintiff,

v.

Defendant.

No. 20130001

RECEIPT FOR PROPERTY TAKEN

A primer black and blue, 1994, Geo Metro,
bearing Washington license: ACK8054, VIN:
2C1MS2467R6720371, registered to J [REDACTED]
B [REDACTED] Port Orchard,
Washington. This vehicle is currently being
stored in a secure Bremerton Police Department
Facility, as item #1, under Bremerton PD case
#B12-012534

The following property was taken from the above-described person/place/vehicle(s) pursuant to a
Search Warrant having the same cause number-

1. See BPD property reports item # SW1 through item # SW13.
2. _____

The following property was taken from an occupant of the above-searched premises or its
curtilage-

1. _____
2. _____

Acknowledged by Occupant- _____ Date- _____ Time- _____

Witnessed By- R. P. #413 (If occupant not present at time)

Date- 01/03/13 Time- 1140 HOURS

Witness- [Signature] Date- 01/03/13 Time- 1140 HOURS

Instructions on Use-Have occupant and one witness sign or if occupant not available have two witnesses
sign the Receipt. Have the same witnesses sign the Inventory. Original Receipt to be served upon occupant
or posted, together with a certified copy of the Search Warrant. A duplicate or copy to be retained by
serving officer and returned to Prosecuting Attorney's Office.



1 IN THE KITSAP COUNTY SUPERIOR COURT

2 STATE OF WASHINGTON,)

3) Plaintiff,)

4 v.)

No. 20130001

) INVENTORY AND RETURN OF PROPERTY
) TAKEN UNDER SEARCH WARRANT

6 A primer black and blue, 1994, Geo Metro,
7 bearing Washington license: ACK8054. VIN:
8 2C1MS2467R6720371, registered to J [REDACTED]
9 B [REDACTED] Port Orchard,
10 Washington. This vehicle is currently being
11 stored in a secure Bremerton Police Department
12 Facility, as item #1, under Bremerton PD case
#B12-012534

12 Defendant.)

13 The following property was taken from the above-described person/place/vehicle(s) pursuant to a
14 Search Warrant having the same cause number--

- 15 1. See BPD property reports item # SW1 through item # SW13
16 2. _____

17 None of the above property was found in the physical possession of any person.

18 The following property was taken from _____, a person located at
19 said place/vehicle(s) or its curtilage--

- 20 1. _____
21 2. _____

21 Acknowledged by Occupant- _____ Date- _____ Time- _____

22 Witnessed By- RPA = 413 (If occupant not present at time)

23 Date- 01/03/13 Time- 1140 Hours

24 Witness- D. [Signature] Date- 01/03/13 Time- 1140 Hours

25 Instructions on Use--Have occupant and one witness sign or if occupant not available have two witnesses
26 sign the Inventory. Have the same witnesses sign the Receipt for Property Taken. Original Inventory to be
27 completed promptly after service of search warrant and returned to Prosecuting Attorney's Office.





Bremerton Police Department
PROPERTY SHEET



Case Number: 12-012534

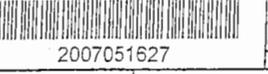
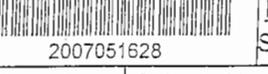
 2007051617		Item# SW2	Item Type Paper Documents	Description D and C paperwork for park from backpack	
Collected on 01/03/2013	Collected by PLUMB, RANDY - 413		Collected at 1025 Burwell St -		
Owner Park, Allix			Owner's address		Owner DOB
Make and model -		Color	Serial #	Caliber	Drug Type: Weight:
 2007051618		Item# SW3	Item Type Paper Documents	Description "TNA" note from SW1	
Collected on 01/03/2013	Collected by PLUMB, RANDY - 413		Collected at 1025 Burwell St -		
Owner Park, Allix			Owner's address		Owner DOB
Make and model -		Color	Serial #	Caliber	Drug Type: Weight:
 2007051619		Item# SW4	Item Type Electronics	Description Sony 4 GB Thumb Drive from SW1	
Collected on 01/03/2013	Collected by PLUMB, RANDY - 413		Collected at 1025 Burwell St -		
Owner Park, Allix			Owner's address		Owner DOB
Make and model sony -		Color	Serial #	Caliber	Drug Type: Weight:
 2007051620		Item# SW5	Item Type Electronics	Description Black jump cord from phone to USB	
Collected on 01/03/2013	Collected by PLUMB, RANDY - 413		Collected at 1025 Burwell St -		
Owner Park, Allix			Owner's address		Owner DOB
Make and model -		Color	Serial #	Caliber	Drug Type: Weight:
 2007051621		Item# SW6	Item Type Computer equipment	Description Toshiba laptop and power cord from SW1	
Collected on 01/03/2013	Collected by PLUMB, RANDY - 413		Collected at 1025 Burwell St -		
Owner Park, Allix			Owner's address		Owner DOB
Make and model Toshiba -		Color	Serial # 4A155439W	Caliber	Drug Type: Weight:



Bremerton Police Department
PROPERTY SHEET



Case Number: 12-012534

 2007051616		Item# SW1	Item Type Backpack/Duffel/Suit case	Description Red nylon backpack with black airjordan		
Collected on 01/03/2013	Collected by PLUMB, RANDY - 413		Collected at 1025 Burwell St - From vehicle ack8054			
Owner Park, Allix			Owner's address			Owner DOB
Make and model Air Jordan -		Color Red	Serial #	Caliber	Drug Type: Weight:	
 2007051625		Item# SW10	Item Type Drugs	Description RX bottle of Trazodone, Patricia Vigil		
Collected on 01/03/2013	Collected by PLUMB, RANDY - 413		Collected at 1025 Burwell St -			
Owner Park, Allix			Owner's address			Owner DOB
Make and model -		Color	Serial #	Caliber	Drug Type: Rx Pills Weight: 56 Unit	
 2007051626		Item# SW11	Item Type Money	Description suspected counterfeit \$100 bill HH73516716A		
Collected on 01/03/2013	Collected by PLUMB, RANDY - 413		Collected at 1025 Burwell St -			
Owner Park, Allix			Owner's address			Owner DOB
Make and model -		Color	Serial #	Caliber	Drug Type: Weight:	
 2007051627		Item# SW12	Item Type Paper Documents	Description Notebook and homework in the name of Kiana Harris.		
Collected on 01/03/2013	Collected by PLUMB, RANDY - 413		Collected at 1025 Burwell St -			
Owner Park, Allix			Owner's address			Owner DOB
Make and model -		Color	Serial #	Caliber	Drug Type: Weight:	
 2007051628		Item# SW13	Item Type Paper Documents	Description D and C for Allix Park from back of car.		
Collected on 01/03/2013	Collected by PLUMB, RANDY - 413		Collected at 1025 Burwell St -			
Owner Park, Allix			Owner's address			Owner DOB
Make and model -		Color	Serial #	Caliber	Drug Type: Weight:	



Bremerton Police Department
PROPERTY SHEET



Case Number: 12-012534

 2007051622		<u>Item#</u> SW7	<u>Item Type</u> Camera	<u>Description</u> Fuji Finepix Digital camera with no card		
<u>Collected on</u> 01/03/2013	<u>Collected by</u> PLUMB, RANDY - 413		<u>Collected at</u> 1025 Burwell St -			
<u>Owner</u> Park, Allix			<u>Owner's address</u> 			<u>Owner DOB</u>
<u>Make and model</u> Fuji - S7000		<u>Color</u> 	<u>Serial #</u> 	<u>Caliber</u> 	<u>Drug Type:</u> Weight:	
 2007051623		<u>Item#</u> SW8	<u>Item Type</u> Cellular Phones	<u>Description</u> LG phone from dash board of vehicle.		
<u>Collected on</u> 01/03/2013	<u>Collected by</u> PLUMB, RANDY - 413		<u>Collected at</u> 1025 Burwell St -			
<u>Owner</u> Park, Allix			<u>Owner's address</u> 			<u>Owner DOB</u>
<u>Make and model</u> LG -		<u>Color</u> 	<u>Serial #</u> 20BCYRN13046 2	<u>Caliber</u> 	<u>Drug Type:</u> Weight:	
 2007051624		<u>Item#</u> SW9	<u>Item Type</u> Electronics	<u>Description</u> GPS from dash with power cord		
<u>Collected on</u> 01/03/2013	<u>Collected by</u> PLUMB, RANDY - 413		<u>Collected at</u> 1025 Burwell St -			
<u>Owner</u> Park, Allix			<u>Owner's address</u> 			<u>Owner DOB</u>
<u>Make and model</u> Garmin - Nuvi		<u>Color</u> 	<u>Serial #</u> 	<u>Caliber</u> 	<u>Drug Type:</u> Weight:	

APPENDIX Q

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

STATE OF WASHINGTON

vs

ALLIXZANDER HARRIS aka PARK

Hon. **SALLY F. OLSEN**

Court Reporter: **CARISA GROSSMAN**

Clerk: **GWEN WARREN**

Bailiff: **M. KINCL**

Cause No. **13-1-00087-1**

Date: **August 12, 2014 – August 29, 2014**

Day 1 of 12

Page 1 of 56

**STATE APPEARED THROUGH COUNSEL F. TALEBI/C. SCHNEPF
DEFENDANT APPEARED WITH COUNSEL ERIC VALLEY**

**THE FOLLOWING JURORS WERE DULY SWORN AND IMPANELLED TO TRY THIS
CASE:**

- | | |
|---------------------------------|-------------------------------------|
| 1) MARK THOMAN | 8) RUSSELL WEST |
| 2) JULIE SCHUSSMAN | 9) JULIE ANEY |
| 3) O HARRIS (alt #3) | 10) LUELLA AYHAN |
| 4) VIVIEN JORDAN | 11) JESSICA SUMSKY |
| 5) MICHAEL BLOOM | 12) VIRGINIA MARTIN (alt #2) |
| 6) SHORLYN CORDINER | 13) KAREN MEYERS |
| 7) HEATHER ROSS (alt #1) | 14) MARGARET COMPEGGIE |
| | 15) ILENE BOTHWELL |

9:35 Court is in session.
Case called.

Court – Asks for any preliminary matters.

Ms. Schnepf – Advises Ms. Harris was picked up last night and was assigned an attorney Mike Ryan and she will be ready at 1:30 regarding the warrant.

Court – Inquires as to length of trial.

Ms. Schnepf – Advises her best guess is the trial should be done before Labor Day.

9:51 Prospective jurors in the courtroom.

9:51 **Court** – Introduces Court Staff, Counsel, Defendant and case and gives preliminary instructions.

10:03 **Court** – Administers qualifying oath.

10:03 **Court** – Conducts general voir dire.

Ms. Schnepf – Advises both parties agree to excusing juror #5.

Court – Excuses juror #5 and seats juror #16.

10:23 Prospective jurors out of the courtroom.

Court and Counsel address hardships and excuse jurors # 11, 17, 23, 37, 33, 32, 30, 29, 40, 43, 9, 45, 49, 58 and 59.

10:42 Juror #43 questioned individually by Court and Defense Counsel.

10:48 Juror #43 excused.

Court – Excuses juror #7.

10:54 Court is at recess.

11:15 Court is again in session.

The following jurors questioned individually 14, 53, 56 and 27 for hardship.

Court – Excuses jurors #14, 53, 56 and 27.

Mr. Valley – Moves for a mis-trial due to the racial composition of the jury panel as juror #14 appeared to be the only African American juror.

Court – Motion denied.

Mr. Harris – Makes a statement to the court.

Court – Advises Mr. Harris to address his comments to his Attorney.

11:33 Prospective jurors in the courtroom.

11:38 The following jurors questioned individually, 46, 39, 19, 18 and 15.

Juror #46 excused, 39 excused, 18 excused.

11:53 Court is at recess.

1:39 Court is again in session.

Mr. Ryan – Argues for the release of Ms. Harris, he has not seen an affidavit for the issuance of a warrant and does not believe the requirements of 4.10 have been met and she should be released immediately.

Ms. Schnepf – Argues bail is appropriate.

Court – Directs Counsel to inquire of his client as to the address Ms. Harris will be staying and give it to Ms. Mays outside the presence of the Defendant.

Mr. Ryan – Suggests a Uniformed Officer drop Ms. Harris at the address she will be staying and secure a phone number for her.

Ms. Schnepf – Is still concerned Ms. Harris may not appear if released.

Court – Request confirmation Ms. Harris will be allowed to stay at the address provided and will readdress her release at 3:30.

1:56 Second group of prospective jurors in the courtroom 61- 83.

Court – Introduces the Court Staff, Counsel, Defendant and case and gives preliminary instructions.

2:07 **Court** – Administers qualifying oath.

2:08 **Court** – Conducts general voir dire.

2:19 **Court** – Request a brief sidebar with Counsel.

2:23 Prospective jurors out of the courtroom.

The following jurors excused for hardship #61, 73, 74, and 83.

Mr. Talebi – Updates the Court regarding Ms. Harris and securing an address. That information probably won't be available until 4:00.

2:38 Prospective jurors in the courtroom.

2:42 Mr. Talebi – Conducts general voir dire.

3:10 Prospective jurors out of the courtroom.

3:12 Court is at recess.

3:31 Court is again in session.

Mr. Talebi – Updates the Court regarding an address for the material witness, Ms. Harris.

Court – The matter will be heard at 9:00 tomorrow morning.

3:40 Prospective jurors in the courtroom.

3:42 Mr. Valley – Conducts general voir dire.

4:14 **Court** – Gives parting ammunition to the prospective not to speak about their jury duty, not to research the case in any way.

4:16 Prospective jurors out of the courtroom.

Mr. Valley – Moves to excuse juror #8, 50, 67 and 81.

Ms. Schnepf – No objection to excuse #8.

Court – Excuses juror #8.

Mr. Valley – Argues to excuse #50.

Ms. Schnepf – Request to question #50 further.

Trial continued
State vs. Harris aka Park

Date: August 12, 2014
13-1-00087-1

Day 1 of 12
Page 5 of 56

Court – Juror #50 will remain.

Mr. Valley – Argues to excuse #67.

Ms. Schnepf – Argues

Court – Denies motion to excuse for cause.

Mr. Valley – Argues to excuse #81.

Ms. Schnepf – No objection.

Court – Excuses juror #81.

4:24 Court is adjourned.

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

STATE OF WASHINGTON

vs.

ALLIXZANDER HARRIS aka PARK

Hon. **SALLY F. OLSEN**

Court Reporter: **CARISA GROSSMAN**

Clerk: **GWEN WARREN**

Cause No. **13-1-00087-1**

Date: August 13, 2014

Day 2 of 12

Page 6 of 56

State appearing through counsel F. TALEBI/C. SCHNEPF
Defendant appearing with counsel ERIC VALLEY

Pursuant to a continuation from the 12TH day of August 2014 this cause comes on regularly this day for further Jury Trial. All interested parties to this action and their respective counsel are present in Court.

9:22 Court is in session.

Court – Addresses a note from juror #20 with Counsel.

Counsel agrees to excusing juror #20.

Court – Excuses juror #20.

Bailiff Ms. Kincl advises juror #13 is not here as she has sick children and daycare won't take them.

Court – Excuses juror #13.

Court – Inquires as to the status of Ms. Harris.

Mr. Ryan – Advises the address Ms. Harris was hoping to reside is not available. The request is to have Ms. Harris testify first and then be released immediately.

Mr. Talebi – Advises for her testimony to make sense the State needs to have their expert testify first.

Court – Orders Ms. Harris to testify after the expert and then she will be released immediately upon completion of her testimony.

Mr. Valley – Advises he needs to interview Ms. Harris prior to her testifying and he wants to make sure she is willing to talk to him.

Court – Advises Mr. Valley will be allowed to ask follow up questions and will not re-interview her and suggests to Ms. Harris she cooperate with defense counsel to expedite her testimony and release from custody.

9:38 Prospective jurors in the courtroom.

9:40 Ms. Schnepf – Conducts general voir dire.

10:08 Mr. Valley – Objects
Court – Calls for a sidebar.

Jurors indicate they can hear the sidebar due to Ms. Schnepf's mic.

10:09 Ms. Schnepf – Continues with general voir dire.

10:13 Mr. Valley – Conducts general voir dire.

Mr. Valley – Moves to excuse juror #50 for cause.
Ms. Schnepf – No objection.
Court – Excuses juror #50.

Mr. Valley – Moves to excuse juror #67.
Court – Inquires further of juror #67 – Excused for cause.

10:25 Prospective jurors out of the courtroom.

10:26 **Court** – Places sidebar on the record.

Court – Asks for assistance in placing yesterday's sidebar on the record.
Ms. Schnepf – Places the sidebar on the record.

Ms. Schnepf – Moves to excuse juror #28 or question him individually.
Mr. Valley – Objects to excusing juror #28 and would like to question him individually.

10:28 Court is at recess.

10:50 Court is again in session.

Mr. Talebi – Advises Juror #82 was given a tour of the jail this morning.
Mr. Valley – Adds to the record.
Corrections Officer – Addresses the Court and advises he met juror #82 in the hall in the jail this morning.

Court – Asks Mr. Valley about his concern yesterday that a potential juror may have been in court on prior hearings.

Mr. Valley – Advises #4 is the juror in question and he asked him in voir dire if he had ever heard of this case and he is satisfied that he doesn't know about the case, but his client doesn't agree.

10:55 Juror #28 questioned individually by the Court and Counsel.

Ms. Schnepf – Moves to excuse juror #28.

Court – Excuses juror #28.

11:00 Juror #82 questioned individually by the Court and Counsel.

Mr. Valley – Advises he will not be asking the juror #82 to be excused, he does not see any prejudice to his client.

11:04 Juror #4 questioned individually by the Court and Counsel.

Mr. Valley – Moves to excuse juror #82.

Ms. Schnepf – No objection.

Court – Excuses juror #82.

11:17 Juror #65 questioned individually by Court and Counsel.

11:24 Prospective jurors in the courtroom.

11:27 Mr. Valley – Continues with general voir dire.

11:40 Ms. Schnepf – Request to be heard outside the presence of the jury.

11:40 Prospective jurors out of the courtroom.

11:42 Ms. Schnepf – Troubled with the line of questioning that the Defense wants the jury to disbelieve the witnesses until the State proves they are telling the truth.

11:43 Mr. Valley – Responds

Court – Directs Mr. Valley to stop his line of questioning.

11:47 Court is at recess.

1:40 Court is again in session.

Court – Addresses a note from juror #35.

Counsels agree at this time no action needs to be taken.

1:46 Prospective jurors in the courtroom.

1:48 Mr. Talebi – Conducts general voir dire.

2:03 Mr. Valley – Conducts general voir dire.

Mr. Valley – Moves to excuse juror #35 for cause.

Ms. Schnepf – No objection.

Court – Excuses juror #35.

Mr. Valley – Moves to excuse juror #60.

Mr. Talebi – No objection.

Court – Excuses juror #60.

2:22 Peremptory Challenges begin.

<u>State</u>	<u>Defense</u>
Excuses #3 - Seats #31	Excuses #4 - Seats #34
Excuses #26 – Seats #36	Excuses #21 – Seats #38
Accepts	Excuses #19 – Seats #41
Accepts	Excuses #31 – Seats #42
Accepts	Excuses #42 – Seats #44
Accepts	Excuses #22 – Seats #47
Accepts	Accepts

2:29 Court – Excuses remaining jurors.

2:30 Court – Swears in jurors and gives preliminary instructions.

2:39 Impaneled jurors out of the courtroom.

2:40 Mr. Ryan – Addresses the Court regarding Ms. Harris and his proposed order regarding her release upon completion of her testimony.

Ms. Schnepf – Believes they will complete Mr. Taylor’s testimony today, but won’t complete Ms. Harris’ testimony today.

Court – Ms. Harris will have to remain custody for another night and informs Mr. Ryan the parties agree to the proposed order and it will be signed and filed after Ms. Harris’ testimony is completed.

2:41 Court is at recess.

2:57 Court is again in session.

Mr. Valley – Makes a motion to reconsider State's motion in limine #7. He should be allowed to inquire about drug/alcohol use of Summer Decteau and Kiana Harris.

Ms. Schnepf – Argues
Mr. Valley – Responds

Court – Motion denied.

Mr. Valley – Makes a motion to reconsider State's motion in limine #5. He should be allowed to inquire in to Lorelei Phillips' prior sexual history.

Ms. Schnepf – Argues
Mr. Valley – Responds

Court – Motion denied.

Mr. Valley – Argues to limit the State from characterizing the witnesses as victims.
Mr. Tabeli – Argues

Court – Cautions the State not to over use the term victim.

Mr. Valley – Argues the use of transcripts of jail phone calls.
Mr. Tabeli - Argues
Mr. Valley – Responds

Court – Orders Counsel to show to the State case law to support his argument.

3:16 Court is at recess.

3:31 Court is again in session.

Mr. Valley – Argues his motion.
Ms. Schnepf – Argues
Court – Denies the motion.

Mr. Valley – Argues his clients Facebook page is not admissible and the State has not properly authenticated the document.
Ms. Schnepf - Argues

Mr. Valley – Argues

Court – Informs Mr. Valley the Court is not able to rule on his motion without a written motion citing case law.

Mr. Talebi – Advises Mr. Taylor is unavailable now until Monday and suggests setting over opening statements until tomorrow morning to allow Mr. Valley to prepare his brief on his oral motions.

3:46 Court – Adjourns until tomorrow morning at 9:00.

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

STATE OF WASHINGTON

vs.

ALLIXZANDER HARRIS aka PARK

Hon. **SALLY F. OLSEN**

Court Reporter: **CARISA GROSSMAN**

Clerk: **GWEN WARREN**

Cause No. **13-1-00087-1**

Date: August 14, 2014

Day 3 of 12

Page 12 of 56

State appearing through counsel F. TALEBI/C. SCHNEPF
Defendant appearing with counsel ERIC VALLEY

Pursuant to a continuation from the 13TH day of August 2014 this cause comes on regularly this day for further Jury Trial. All interested parties to this action and their respective counsel are present in Court.

9:11 Court is in session.

Ms. Schnepf – Address safety concerns regarding the defendant in the courtroom and he not be allowed to sit in a light weight chair and request Correction Staff remain closer to the defendant.

Mr. Valley – Responds and opposes.

Court – Directs the defendant to remain in the chair he is in at this time and the Correction Officer will be allowed to be close enough to intervene if necessary.

Mr. Valley – Argues the Court's ruling the Court Reporter not take down what his client says.

Court – Grants the motion and assures Counsel the Court Reporter did take down everything the defendant said yesterday.

Mr. Valley – Argues his motion regarding authenticity of Facebook records.

Ms. Schnepf – Argues and indicates the particular document was not bated stamped, but believes it was provided.

Mr. Valley – Argues

Ms. Schnepf – Argues the document qualifies as an oath and believes the State has met the requirements of 9a.72.085 and the documents are not hearsay.

Court – Asks that Detective Plumb be sworn in to tie in the documents with State vs. Harris.

9:35 Detective Randy D. Plumb – Sworn in under oath.

Ms. Schnepf – Conducts direct examination.

9:49 Mr. Valley – Conducts cross-examination.

Witness steps down.

Mr. Valley – Offers rebuttal and argues the declaration wasn't given to the Defense until yesterday.

Court – Finds under 10.96.030 sub 3 defense has not received notice in a timely manner and Facebook exhibits are not admissible but the State can introduce them on an individual basis under ER 901 b10. Court directs Mr. Valley to prepare and order regarding the Court's ruling.

10:03 Jurors in the courtroom.

10:04 Mr. Talebi – Conducts opening statements.

10:13 Mr. Valley – Conducts opening statements.

10:16 **Court** – Gives instructions to the jury regarding note taking.

10:18 Court is at recess.

10:36 Court is again in session.

Mr. Valley – Places on the record his client wants the video played, but has been instructed that isn't likely to happen.

Mr. Harris – Makes a statement.

10:37 Jurors in the courtroom.

The following witnesses called on behalf of the State.

10:38 Kiana Harris – Sworn in under oath.

Ms. Schnepf – Conducts direct examination.

Ms. Schnepf – Moves to admit exhibit #22.
Mr. Valley – Objects
Court – Admits exhibit #22.

Ms. Schnepf – Moves to admit exhibit #27.
Mr. Valley – No objection.
Court – Admits exhibit #27.

Ms. Schnepf – Asks permission to ask leading questions under evidence rules.
Court – Will allow it.

11:06 Mr. Valley – Request a sidebar.
Court – Holds sidebar with Counsel and Defendant.

Court – Motion overruled – State may proceed.

Ms. Schnepf – Offers exhibit #39.
Mr. Valley – Objects
Court – Admits exhibit #39.

Ms. Schnepf – Moves to admit exhibits #20, 21 and 23.
Mr. Valley – No objection.
Court – Admits exhibits #20, 21 and 23.

11:30 Mr. Valley – Asks to be heard outside the presence of the jury.

11:30 Jurors out of the courtroom.

Mr. Valley – Objects to the private messages regarding the uncharged crime of rape and other messages as not being relevant.

Ms. Schnepf – Argues, but agrees to redact the comment regarding the crime of rape, but the messages are relevant to the charge of witness tampering.

Court – Agrees the comment regarding the charge of rape needs to be redacted and directs Mr. Valley to review the notebook and be prepared on Monday to address any other items he believes should be redacted.

11:46 Jurors in the courtroom.

Ms. Schnepf – Continues with direct examination.

11:56 Mr. Valley – Conducts cross-examination.

12:15 Ms. Schnepf – Conducts re-direct examination.

Ms. Schnepf – Moves to admit exhibit #44.

Mr. Valley – No objection.

Court – Admits exhibit #44.

12:18 Mr. Valley – Conducts re-cross examination.

Witness excused.

12:19 Jurors out of the courtroom and excused until Monday morning at 9:00 and reminds them not to re

12:20 Court is adjourned.

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

STATE OF WASHINGTON

vs.

ALLIXANDER HARRIS aka PARK

Hon. **SALLY F. OLSEN**

Court Reporter: **CARISA GROSSMAN**

Clerk: **GWEN WARREN**

Cause No. **13-1-00087-1**

Date: August 18, 2014

Day 4 of 12

Page 16 of 56

State appearing through counsel F. TALEBI/C. SCHNEPF
Defendant appearing with counsel ERIC VALLEY

Pursuant to a continuation from the 14TH day of August 2014 this cause comes on regularly this day for further Jury Trial. All interested parties to this action and their respective counsel are present in Court.

9:12 Court is in session.

Court – Addresses a note from Juror #9 and believes they should be question individually.

Mr. Valley – Argues to limit the testimony of the expert witness to the mechanics or workings of the industry of prostitution.

Mr. Talebi – Argues

Court – Motion denied, but doesn't preclude defense from making objections.

Mr. Valley – Argues to exclude any suicide attempt by his client.

Mr. Talebi – Will not be making any mention of it.

Mr. Valley – Argues to limit inquiry into Detective Taylor's CV to his training and experience.

Mr. Talebi - Objects

Court – Motion denied.

9:20 Juror #9 questioned individually by the Court and Counsel.

No concerns from either the State or Defense.

9:24 Jurors in the courtroom.

9:25 Detective Brian Keith Taylor – Sworn in under oath.

Mr. Talebi – Conducts direct examination.

Mr. Valley – Objects and request to be heard outside the presence of the jury.

9:38 Court – Excuses jurors from the courtroom.

9:40 Mr. Valley – Moves for a mistrial. The witness has just unduly prejudiced the jury with testimony regarding human trafficking.

Mr. Talebi – Argues

Mr. Valley – Argues

Mr. Talebi – Can ask the witness make an offer of proof as to human trafficking.

Court – Ask for an offer of proof.

Mr. Talebi – Questions witness regarding human trafficking for an offer of proof.

Mr. Valley – Argues it is highly inflammatory and prejudicial.

Court – Not going to grant the mistrial, but because the defendant isn't charged with human trafficking. The Detective can explain he is on the human trafficking task force, but he is to use exploitation of a minor or adult.

9:54 Jurors in the courtroom.

Mr. Talebi – Continues with direct examination.

10:28 Mr. Valley – Conducts cross-examination.

10:39 Jurors out of the courtroom

10:40 Court is at recess.

11:04 Court is again in session.

11:05 Jurors in the courtroom.

11:05 Mr. Valley – Continues with cross-examination.

11:17 Mr. Talebi – Conducts re-direct examination.

11:19 Mr. Valley – Conducts re-cross examination.

Witness steps down and excused.

11:22 Jurors out of the courtroom and excused until 1:30.

Court – Asks the State to address the use of the service dog.

Ms. Schnepf – Argues Summer Decteau has repeatedly requested for Karris to be in the courtroom while she testifies.

Mr. Valley – Opposes the use of the courtroom dog and asks to hear from the witness herself and if the use of the dog is allowed that it not been seen by the jurors. Also his

client is requesting again for the dog to be searched prior to Ms. Decteau's testimony. It is not his request but is asking for his client.

11:30 Michelle Taylor – Sworn in under oath.

Testifies regarding her clients (Summer Decteau) request for the courthouse dog.

Court – Will allow the use of the courthouse dog Karris. The dog will be brought in before the jurors and will be on the far side of the witness, but can't guarantee the three jurors outside of the jury box won't see her, but she will be as unobtrusive as possible. The Court will examine the dogs vest and will hold it up.

Mr. Valley – No motions regarding exhibits regarding Summer Decteau.

Ms. Schnepf – Outlines the tabs (2, 5 and 10 in the notebook) she will be asking Ms. Decteau to identify. Renews her 404b motion after Detective Taylor's testimony to admit the defendant's statement as outlined in her brief dated August 6, 2014

Mr. Valley – Argues the Facebook evidence isn't admissible due to the business record rule, the State can't authenticate it.

Court – Will allow the defendants statements under 404b common scheme or plan analysis.

Mr. Valley – Argues tab 1(his client's Facebook) is not admissible.

Ms. Schnepf – Responds and the Court's ruling does not alleviate the State of their obligation to authenticate the records.

Mr. Harris – Request to be heard.

Court – Directs him to talk to his client.

Mr. Valley – Advises his client's issue is how Michelle Taylor can represent both Summer Decteau and Andre Herron.

Court – Without a motion the Court won't address it.

11:55 Court is at recess.

1:39 Court is again in session.

Court – Has the courthouse dog "Karris" vest removed and the Court inspects the vest for the record and allows Counsel to inspect it and the dog is placed next to the witness.

Mr. Valley – Request to know who will be authenticating the Facebook records under ER901.

Ms. Schnepf – Indicates it will primarily been done through Sergeant Plumb.

1:45 Jurors in the courtroom.

Court – Instructs the jury on the dog in the courtroom.

1:45 Summer Decoteau – Sworn in under oath.
Ms. Schnepf – Conducts direct examination.

2:08 Mr. Valley – Objects.

2:08 Jurors out of the courtroom.

Mr. Valley – Argues lack of foundation for admission of Backpage ads and this witness hasn't seen all the ads.

Ms. Schnepf – Argues

Mr. Valley – Argues

Court – Overrules the objection.

2:12 Jurors in the courtroom.

Ms. Schnepf – Continues with direct examination.

Ms. Schnepf – Moves to admit exhibit #24.

Mr. Valley – No objection.

Court – Admits exhibit #24.

2:31 Jurors out of the courtroom.

Ms. Schnepf – Wants Karris to be replaced under the witness area as she had gotten up.

Ms. Pendras – Repositions Karris.

2:33 Jurors in the courtroom.

2:34 Ms. Schnepf – Continues with direct examination.

2:41 Mr. Valley – Conducts cross-examination.

Ms. Schnepf - Objects

2:52 Jurors out of the courtroom.

Ms. Schnepf – Argues hearsay.

Mr. Valley – Makes an offer of proof regarding the relevance of the Facebook photo and is not being offered for the truth asserted.

Ms. Schnepf – She isn't able to respond without seeing the photo.

Mr. Valley – Responds

2:59 Court is at recess.

3:24 Court is again in session.

Court – Asks Mr. Valley if he has the photo.

Mr. Valley – Will abandon the line of questioning as there are hundreds of pages of her Facebook records.

3:26 Jurors in the courtroom.

3:28 Mr. Valley – Continues with cross-examination.

3:37 Ms. Schnepf – Conducts re-direct examination.

3:44 Mr. Valley – Conducts re-cross examination.

3:46 Ms. Schnepf – Objects and asks to be heard outside the presence of the jury.

3:47 Jurors out of the courtroom.

3:46 Mr. Schnepf – Advises this witness is not being charged with anything related to what is going on here and believes Counsel has an improper understand of the situation.

Mr. Valley – Believes she is receiving consideration for testifying and her diversion agreement is related to this trial.

Ms. Schnepf – Advises Ms. Decoteau is no longer in the diversion program.

Court – Asks Ms. Taylor to explain the diversion program Ms. Decoteau was in.

Ms. Taylor – Outlines for the Court the diversion program Ms. Decoteau was involved with and her voluntary withdrawal from the program.

Court – Mr. Valley will be allowed to question her regarding the diversion, but can't go into the specifics or mention of the charge as it isn't a conviction yet.

3:59 Jurors in the courtroom.

3:59 Mr. Valley – Continues with re-cross examination.

4:01 Ms. Schnepf – Conducts re-direct examination.

4:02 Mr. Valley – Conducts re-cross examination.

Ms. Schnepf – No further questions.

4:04 Jurors out of the courtroom and excused until tomorrow at 9:00am.

Jury Trial Continued
State vs. Harris aka Park

Date: August 18, 2014
Cause No. 13-1-00087-1

Day No. 4 of 12
Page No. 21 of 56

Ms. Schnepf – Advises some of the items in the juror notebook (exhibits 28-42) do not have page numbers and the State would like to number the un-numbered pages.

Mr. Valley – Has no objection to that.

Court – Pages can be numbered.

4:15 Court adjourned.

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

STATE OF WASHINGTON

vs.

ALLIXZANDER HARRIS aka PARK

Hon. **SALLY F. OLSEN**

Court Reporter: **CARISA GROSSMAN**

Clerk: **GWEN WARREN**

Cause No. **13-1-00087-1**

Date: August 19, 2014

Day 5 of 12

Page 22 of 56

State appearing through counsel F. TALEBI/C. SCHNEPF
Defendant appearing with counsel ERIC VALLEY

Pursuant to a continuation from the 18TH day of August 2014 this cause comes on regularly this day for further Jury Trial. All interested parties to this action and their respective counsel are present in Court.

9:12 Court is in session.

Mr. Valley – Raises an issue regarding Ms. Schnepf questioning Ms. Decoteau yesterday on redirect about the picture of the new outfit and asked was it before or after Trista Chisholm and the witness responded one way but Ms. Schnepf shook her head and the witness changed her answer.

Ms. Schnepf – Doesn't remember shaking her head, but recalls Ms. Decoteau changing her answer regarding questions about Diversion.

Mr. Harris – Attempts to address the Court regarding Trista Chisholm.
Court – Instructs Mr. Harris to speak to his attorney.

9:14 Court is at recess.

9:19 Court is again in session.

Mr. Valley – Places on the record Trista Chisholm failed to identify his client in a photo montage and he is afraid she will say she recognizes him by seeing him in the courtroom this morning, also she saw him in the booking area this morning.

9:24 Court is at recess.

9:28 Court is again in session.

9:31 Jurors in the courtroom.

9:31 Trista Dawn Chisholm – Sworn in under oath.

Ms. Schnepf – Conducts direct examination.

9:46 Mr. Valley – Conducts cross-examination.

9:50 Ms. Schnepf – Conducts re-direct examination

Mr. Valley – Objects relevance.

9:52 **Court** – Calls for sidebar.

Court – Objection overruled.

9:54 Mr. Valley – Conducts re-cross examination.

Ms. Schnepf – Moves to admit exhibit #45.

Mr. Valley – Objects

Court – Admits exhibit #45.

9:55 Jurors out of the courtroom.

9:56 **Court** – Places sidebar on the record.

9:59 Court is at recess.

10:06 Court is again in session.

10:08 Jurors in the courtroom.

10:09 Sergeant Keith Hall – Sworn in under oath.

Ms. Schnepf – Conducts direct examination.

Ms. Schnepf – Moves to admit exhibit #49.

Mr. Valley – No objection.

Court – Admits exhibit #49.

Ms. Schnepf – Moves to admit exhibit #50.

Mr. Valley – No objection.

Court – Admits exhibit #50

Mr. Valley – No questions.

Witness steps down and excused.

10:23 Jurors out of the courtroom.

Mr. Valley – Argues a good portion of the jail call CD (exhibit #48) is not relevant and believes it may be played or a transcript of the CD will be offered.

10:25 Court is at recess.

10:48 Court is again in session.

10:46 Mr. Valley – His client is asking for the Court to readdress bail.

Mr. Talebi – The only change in circumstances is the witness tampering and objects to a reduction.

Court – Motion denied.

10:47 Jurors in the courtroom.

10:40 Detective Martin Garland – Sworn in under oath.

Ms. Schnepf – Conducts direct examination.

10:52 Mr. Valley – Asks to be heard outside the presence of the jury.

10:53 Jurors out of the courtroom.

Mr. Valley – Objects to any mention of the rape of Lorelei Phillips or alleged rape and no mention of responding to the hospital.

Ms. Schnepf – Was not intending to ask about a rape, but this witness did respond to the hospital and doesn't believe it needs to be sanitized.

Mr. Valley – Again argues there should be no reference of the hospital.

Court – There will be no mention of the hospital.

Ms. Schnepf – Argues

Court – Revises her ruling, no mention of the rape, but mention of the hospital can occur, but it isn't to be dwelled on.

Mr. Valley – Argues there should be no mention of the hospital in closing.

Court – Motion denied.

11:00 Jurors in the courtroom.

11:00 Ms. Schnepf – Continues with direct examination.

11:03 Mr. Valley – Objects and asks to be heard outside the presence of the jurors.

11:03 Jurors out of the courtroom.

Ms. Schnepf – Argues the demeanor is relevant.

Mr. Valley – Argues the witnesses appeared to be injured is not her demeanor and

moves for a mistrial as the jury has been prejudiced.

Court – Motion for mistrial denied.

Court – Inquires as to the relevance of the witness's demeanor.

Ms. Schnepf - Argues

Court – Sustains the objection

Mr. Valley – Request an instruction to the jury.

11:13 Jurors in the courtroom.

Court – Instructs the jury to disregard the last comment of the witness.

Ms. Schnepf – Continues with direct examination.

11:24 Mr. Valley – No questions.

11:24 Mr. Harris – Request to see the letter.

Court – Asks Mr. Harris to sit down and talk to his Attorney.

Witness steps down and excused.

11:24 Stephen Mark Wilson – Sworn in under oath.

Mr. Talebi – Conducts direct examination.

11:38 Mr. Valley – Conducts cross-examination.

11:42 Mr. Talebi – Conducts re-direct examination.

11:44 Mr. Valley – Conducts re-cross examination.

Witness steps down and excused.

11:46 Jurors out of the courtroom and excused until 1:30.

Ms. Schnepf – Would like the Court to reconsider the ruling of Detective Garland excluded from testifying as to the witnesses demeanor and the State should be allowed to get into demeanor through Detective Plumb.

Mr. Valley – Argues the witness wasn't describing demeanor, he said she was injured.

Court – State can recall Detective Garland or ask Detective Plumb about Lorelei's demeanor, but no reference to injuries or rape.

11:49 Court is at recess.

1:41 Court is again in session.

Ms. Schnepf – Just wanted to let the Court know the next witness will be going into details regarding sexual activities, but the State will instruct him not to mention the rape.
Mr. Valley – Argues relevance.

Ms. Schnepf – Makes an offer of proof.

Mr. Valley – Again argues the sexual activities are not relevant.

Court – Reserves ruling, but if the testimony ties in with Detective Taylor's expert testimony it will be allowed.

Ms. Schnepf – Responds

Court – Still reserves ruling until there is testimony, but the witness cannot mention anything about a rape.

Mr. Harris – Makes a state for the record regarding an incident on 12-31-12.

Court – Instructs Mr. Valley to direct his client not to speak.

1:53 Jurors in the courtroom.

1:55 Andre Pharez Williams – Sworn in under oath.

Ms. Schnepf – Conducts direct examination.

Ms. Schnepf – Moves to admit exhibit #19.

Mr. Valley – No objection.

Court – Admits exhibit #19.

Mr. Valley – Objects hearsay.

Ms. Schnepf – Responds co-conspirator.

2:14 Jurors out of the courtroom.

Mr. Valley – Argues these statements are hearsay and Lorelie's statements are not admissible under the exception of co-conspiracy.

Ms. Schnepf – Argues

Court – Will allow the testimony up to the point where she goes to the Starbucks.

2:19 Jurors in the courtroom.

Ms. Schnepf – Continues with direct examination.

Mr. Valley – Objects relevance.

2:27 Jurors out of the courtroom.

Mr. Valley – Argues and asks for an offer of proof.

Ms. Schnepf – Responds and makes an offer of proof.

Mr. Valley – Agrees the witness can authenticate his own Facebook page.

2:31 Jurors in the courtroom.

Ms. Schnepf – Continues with direct examination.

2:35 Mr. Valley – Conducts cross-examination.

2:37 Ms. Schnepf – Asks for a sidebar.

Court – Holds sidebar with Counsel and Defendant.

2:46 Ms. Schnepf – Conducts re-direct examination.

2:48 Jurors out of the courtroom.

Witness steps down.

Ms. Schnepf – Maybe recalling this witness at a later time.

Mr. Valley – Indicates it has come to his attention that people in the gallery can hear sidebars.

2:50 **Court** – Places sidebar on the record.

2:53 Court is at recess.

3:09 Court is again in session.

Mr. Talebi – Files a memorandum of authorities re: admission of defendant's Facebook exhibit. Also a portion of exhibit #36 (two Dunes Motel receipts) have been marked as exhibit #36a.

3:13 Jurors in the courtroom.

3:14 Rodney Dean Herfel Jr. – Sworn in under oath.

Mr. Talebi – Sworn in under oath.

Mr. Talebi – Offers exhibit #36a

Mr. Valley – No objection.

Court – Admits exhibit #36a.

3:23 Mr. Valley – Moves to strike the testimony regarding the Backpage ad in lieu of cross examination.

Court – Denied.

3:24 Mr. Valley – Conducts cross-examination.

Witness steps down and excused.

3:24 Officer Timothy Garrity – Sworn in under oath.

Ms. Schnepf – Conducts direct examination.

3:32 Mr. Valley – No questions.

3:32 Ms. Schnepf – Recalls witness to ask additional questions.

3:33 Mr. Valley – Nothing further.

Witness steps down and excused.

3:33 Mr. Valley – Has a motion to bring.

3:34 Jurors out of the courtroom.

Mr. Valley – Moves to strike testimony regarding Mora as it is not relevant and it is not 404b evidence.

Ms. Schnepf – Argues this has already ruled on this as this witness is also known as Margarita Rose.

Court – Overruled this motion has already been ruled on.

3:41 Jurors in the courtroom.

3:41 Scott Thomas Surma – Sworn in under oath.

Mr. Talebi – Conducts direct examination.

3:50 Mr. Valley – Conducts cross-examination.

3:53 Mr. Talebi – Objects Counsel is testifying.

Court – Sustained, Counsel to rephrase his question.

Mr. Valley – Continues with cross-examination.

Mr. Talebi – Objects not relevant.

Court - Overruled.

3:56 Mr. Talebi – Conducts re-direct examination.

3:58 Mr. Valley – No re-cross examination.

Witnesses steps down and excused.

3:59 Jurors out of the courtroom and excused until tomorrow morning at 8:45.

Mr. Harris – Makes a comment about Detective Randy Plumb adding another charge after being arrested for DWLS.

Court – Again directs Mr. Harris to make his comments to his attorney.

4:01 Court is adjourned.

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

STATE OF WASHINGTON

vs.

ALLIXZANDER HARRIS aka PARK

Hon. **SALLY F. OLSEN**

Court Reporter: **CARISA GROSSMAN**

Clerk: **GWEN WARREN**

Cause No. **13-1-00087-1**

Date: August 20, 2014

Day 6 of 12

Page 30 of 56

State appearing through counsel F. TALEBI/C. SCHNEPF
Defendant appearing with counsel ERIC VALLEY

Pursuant to a continuation from the 19TH day of August 2014 this cause comes on regularly this day for further Jury Trial. All interested parties to this action and their respective counsel are present in Court.

9:23 Court is in session.

Mr. Talebi – Advises the State is ready but will need a break after the second witness to set up some equipment.

Court – Wants the equipment set up now before the jurors enter the courtroom.

9:24 Court is at recess.

9:36 Court is again in session.

Mr. Valley – Request an offer of proof regarding a number of the evidence #54-60.

Mr. Talebi – Advises #54 is the FBI analysis of computer search of Backpage ads and agrees until 450 the items don't have dates.

Mr. Valley – Argues it is rebuttal evidence if the Defendant takes the stand. And asks the Court to admit relevant evidence and weigh the prejudice over the probative value.

Mr. Talebi – Has no objection removing items, but doesn't see the prejudice of the exhibit.

Court – Inquires as to the other exhibits.

Mr. Talebi – Advises exhibit #55 has no dates, #58 has no dates.

Court – Orders items dated 2011 be redacted, but won't rule on undated items until the expert is heard from.

Mr. Valley – Responds he would like an offer of proof as last night when he received

the items he attempted to click on the hyperlinks and wasn't able.

Mr. Talebi – Argues the hyperlinks expire and it goes to show pimps researching their competition.

9:58 Jurors in the courtroom.

9:59 Justin Tuttle – Sworn in under oath.

Ms. Schnepf – Conducts direct examination.

Mr. Valley – No questions.

Witness steps down and excused.

10:07 Crystal Gray – Sworn in under oath.

Ms. Schnepf – Conducts direct examination.

Ms. Schnepf – Moves to admit exhibit #61.

Mr. Valley – No objection.

Court – Admits exhibit #61.

Ms. Schnepf – Moves to admit exhibit #62.

Mr. Valley – No objection.

Court – Admits exhibit #62

Mr. Valley – Objects to the characterization

Court – Jurors to disregard the last question and asks Counsel to ask another question.

Ms. Schnepf – Continues with direct.

Mr. Valley – Objects

Ms. Schnepf – Asks to be heard outside the presence of the jury.

10:21 Jurors out of the courtroom.

Ms. Schnepf – Argues

Mr. Valley – Argues his objection was as to the characterization of the person and argues 801d1 (iii) and Summer Decoteau can testify as to who she identified, but she is no longer available and this is cumulative.

Ms. Schnepf – Argues it is in dispute who these people are.

Mr. Valley – Continues his objection as to leading.

Court – Instructs Counsel not to ask leading questions and Counsel will have to ask open ended questions.

10:28 Jurors in the courtroom.

10:28 Ms. Schnepf – Continues with direct examination.

Ms. Schnepf – Offers exhibit #68.

Mr. Valley – No objection.

Court – Admits exhibit #68.

Ms. Schnepf – Offers exhibit #63.

Mr. Valley – No objection.

Court – Admits exhibit #63

Ms. Schnepf – Offers exhibit #64.

Mr. Valley – No objection.

Court – Admits exhibit #64

Ms. Schnepf – Offers exhibit #65.

Mr. Valley – No objection.

Court – Admits exhibit #65

10:44 Mr. Valley – Conducts cross-examination.

Witness steps down and excused.

10:47 Jurors out of the courtroom.

10:47 Court is at recess.

11:09 Court is again in session.

Mr. Valley – Advises he just received a phone call from his daughter and she was just in an accident in Shelton and the Prosecutor has offered to recess until 1:30.

11:10 Court is at recess until 1:30.

1:59 Court is again in session.

Mr. Talebi – Redacted the items from 2011 and Defense Counsel has seen them.

Mr. Valley – Places on the record his client is concerned that some discovery was not provided – notes from Detective Gray and a report. Counsel does not see them as critical issues.

Ms. Schnepf – Reports there was an interview regarding a home invasion robbery with Summer as a suspect that had nothing to do with this case and Detective Gary was instructed not to mention it, but all other discovery has been provided.

2:04 Jurors in the courtroom.

2:05 John Benedict Powers – Sworn in under oath.

Mr. Talebi – Conducts direct examination.

Mr. Talebi – Offers exhibit #47.

Mr. Valley – Objects – Lack of foundation.

Court – Sustained

Mr. Talebi – Again offers exhibit #47.

Mr. Valley – Asks to voir dire the witness. Again objects.

Mr. Talebi – Asks a follow up question.

Court – Admits exhibit #47.

Mr. Talebi – Moves to admit exhibit #51

Mr. Valley – No objection

Court – Admits exhibit #51.

Mr. Talebi – Moves to admit exhibit #52 & 53.

Mr. Valley – No objection.

Court – Admits exhibits #52 & 53.

Mr. Talebi – Moves to admit exhibit #18

Mr. Valley – Objects

Court – Admits exhibit #18

Mr. Talebi – Moves to publish the exhibits.

Mr. Valley – Request a sidebar.

2:22 **Court** – Holds sidebar with Counsel and Defendant.

2:24 Jurors out of the courtroom.

2:25 **Court** – Places sidebar on the record.

Mr. Valley – Argues the admissibility due to a chain of custody has not be established with the computer.

Mr. Talebi – Argues chain of custody, and unbroken chain of custody does not need to be argued.

Court – Motion denied.

2:29 Jurors in the courtroom.

Mr. Talebi – Continues with direct examination and publishes exhibits.

Mr. Talebi – Moves to admit exhibits 54a, 55 & 56.

Mr. Valley – Objects – foundation.

Court – Overruled – admitted.

Mr. Talebi – Moves to admit exhibits 57, 58a & 59.

Mr. Valley – Objects – hearsay

Court – Overruled – admitted.

Mr. Talebi – Moves to admit exhibits #38, 39, 40 & 41.

Mr. Valley – No objection.

Court – Admits exhibits #38, 39, 40 & 41

3:04 Mr. Valley – Conducts cross-examination..

3:35 Mr. Talebi – Conducts re-direct.

Witnesses steps down and excused.

3:39 Court is at recess.

3:56 Court is again in session.

3:56 Jurors in the courtroom.

3:58 Officer Randall Reynolds – Sworn in under oath.

Ms. Schnepf – Conducts direct examination.

4:04 Mr. Valley – Conducts cross-examination.

4:05 Mr. Schnepf – Conducts re-direct examination.

4:05 Mr. Valley – Conducts re-cross examination.

Witness steps down and excused.

4:06 Donald Wassenaar – Sworn in under oath.

Mr. Talebi – Conducts direct examination.

Mr. Talebi – Moves to admit exhibit #36.

Mr. Valley – No objection.

Court – Admits exhibit #36.

4:13 Mr. Valley – Conducts cross-examination.

Witness steps down and excused.

4:17 Jurors out of the courtroom and excused until tomorrow morning.

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

STATE OF WASHINGTON

vs.

ALLIXZANDER HARRIS aka PARK

Hon. **SALLY F. OLSEN**

Court Reporter: **CARISA GROSSMAN**

Clerk: **GWEN WARREN**

Cause No. **13-1-00087-1**

Date: August 21, 2014

Day 7 of 12
Page 35 of 56

State appearing through counsel F. TALEBI/C. SCHNEPF
Defendant appearing with counsel ERIC VALLEY

Pursuant to a continuation from the 20th day of August 2014 this cause comes on regularly this day for further Jury Trial. All interested parties to this action and their respective counsel are present in Court.

9:05 Court is in session.

Ms. Schnepf – Moves to admit exhibits 25, & 26.

Mr. Valley – No objection.

Court – Admits exhibits 25 & 26.

Mr. Talebi – Moves to admit exhibit 60a.

Mr. Valley – No objection.

Court – Admits exhibit 60a.

9:07 Jurors in the courtroom.

9:09 Issa Martin – Sworn in under oath.

Ms. Schnepf – Conducts direct examination.

Ms. Schnepf – Moves to admit exhibit #37.

Mr. Valley – No objection.

Court – Admits exhibit #37.

9:13 Mr. Valley – Conducts cross-examination.

9:16 Ms. Schnepf – Conducts re-direct examination.

9:16 Mr. Valley – Conducts re-cross examination.

Witness steps down and excused.

Ms. Schnepf – Advises her next witness is not here yet, they are scheduled for 9:30.

9:18 Jurors out of the courtroom.

9:36 Jurors in the courtroom.

9:36 Detective Aaron David William Elton – Sworn in under oath.

Ms. Schnepf – Conducts direct examination.

Ms. Schnepf - Moves to admit exhibit #69

Mr. Valley – No objection.

Court – Admits exhibit #69.

9:43 Mr. Valley – Conducts cross-examination.

Ms. Schnepf – Objects.

Mr. Valley – Responds – Statement against interest.

9:45 Jurors out of the courtroom.

Mr. Valley – Argues statement against interest are not limited to party opponents.

Ms. Schnepf – Argues Counsel needs to show the witness is unavailable to be allowed to ask the questions he is.

Mr. Valley – Argues it is a coconspirator statement.

Ms. Schnepf – Responds

Mr. Valley – Argues and withdraws his question.

Court – Sustains the objection.

9:58 Jurors in the courtroom.

Mr. Valley – Continues with cross-examination.

Witnesses steps down and excused.

10:56 Jonathan Meador – Sworn in under oath.

Ms. Schnepf – Conducts direct examination.

10:10 Mr. Valley – Conducts cross-examination.

Witness steps down and excused.

10:13 Jurors out of the courtroom.

10:15 Court is at recess.

10:55 Court is again in session.

10:56 Jurors in the courtroom.

10:57 Demaro Jones – Sworn in under oath.

Mr. Talebi – Conducts direct examination.

11:24 Mr. Valley – Conducts cross-examination.

Mr. Talebi – Objects

11:26 Jurors out of the courtroom.

Court – Admonishes Counsel not to try and illicit from the witness a potential sentence of his Client.

Mr. Valley – Argues

Mr. Talebi – Argues motion in limine #10.

Mr. Valley – Responds he was just asking the witness he plead to one court and his client is facing six counts of the same crime.

Court – Again admonishes Counsel not to get into charges or possible sentence.

11:34 Jurors in the courtroom.

11:35 Mr. Valley – Continues with cross-examination.

Mr. Talebi – Objects

Mr. Valley – Asks to be heard outside the presence of the jury.

11:44 Jurors out of the courtroom.

Mr. Talebi – Argues Counsel needs to have a good faith belief to ask the question his client he had a job at Direct TV after the witness testified he didn't have a job.

Mr. Valley – Responds he has a good faith belief as his client has given him this information.

Mr. Talebi – Argues

Mr. Valley – Argues it is appropriate question for cross examination.

Mr. Valley – Objects the Court won't let him make a record.

Court – Informs Mr. Valley we are done.

11:49 Jurors in the courtroom.

11:49 Mr. Valley – Continues with cross-examination.

11:50 Mr. Talebi – Conducts re-direct examination.

11:52 Mr. Valley – Conducts re-cross examination.

11:53 Jurors out of the courtroom and excused until Monday morning.

11:54 Mr. Valley – Makes a record regarding the Court's ruling not allowing him to ask the witness about his clients working.

11:55 Mr. Valley – Client wants him to note for the record that no search warrant for the phone itself, only the data.

11:57 Court is adjourned.

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

STATE OF WASHINGTON

vs.

ALLIXZANDER HARRIS aka PARK

Hon. **SALLY F. OLSEN**

Court Reporter: **CARISA GROSSMAN**

Clerk: **GWEN WARREN**

Cause No. **13-1-00087-1**

Date: August 25, 2014

Day 8 of 12
Page 39 of 56

State appearing through counsel F. TALEBI/C. SCHNEPF
Defendant appearing with counsel ERIC VALLEY

Pursuant to a continuation from the 21st day of August 2014 this cause comes on regularly this day for further Jury Trial. All interested parties to this action and their respective counsel are present in Court.

9:20 Court is in session.

Ms. Schnepf – Updates the Court on the exhibits – tab 4 (exhibit #31 has been redacted now #31a, tab 7 exhibit #34 has been redacted now 34a and tab 9 – hotel receipts the three separate receipts have been marked 36, 36a & 36b). And addresses the Jury notebook .

Mr. Valley – Will be objecting to the jury notebooks for individual jurors.

Ms. Schnepf – Argues it won't be functional to give loose exhibits to individual jurors nor will it be practical.

Court – There will be no cover sheet with descriptions of the exhibits on the jury notebook.

9:40 Court is at recess.

9:47 Court is again in session.

Mr. Valley – His client has requested him to make a record of discovery issues.

Mr. Harris – Makes a statement that his 14th Amendment Rights have been violated and he is receiving ineffective assistance of Counsel.

Court – Is directing Mr. Harris to make his comments to his attorney or he will be removed from the courtroom.

9:52 Court is at recess.

10:02 Court is again in session.

10:04 Jurors in the courtroom.

10:05 Sergeant William Endicott – Sworn in under oath.

Ms. Schnepf – Conducts direct examination.

10:14 Mr. Valley – Conducts cross-examination.

Witnesses steps down and excused.

10:16 Sergeant Randy Plumb – Sworn in under oath.

Mr. Talebi – Conducts direct examination.

Mr. Valley – Objects and request to address the court.

10:26 Jurors out of the courtroom.

Mr. Valley – Objects to the reference of prostitutes as victims as there is a motion in limine.

Mr. Talebi – Argues

Mr. Valley – Responds

Court – Objection overruled, cautions the witness not to use human trafficking and only a few more questions maybe asked regarding the prevalence of it in Kitsap County to lay the foundation.

10:35 Jurors in the courtroom.

Mr. Talebi – Continues with direct examination.

Mr. Talebi – Offers exhibit 33a.

Mr. Valley – No objection.

Court – Admits exhibit 33a.

Mr. Talebi – Offers exhibit 48a.

Mr. Valley – No objection.

Court – Admits exhibit 48a.

Mr. Talebi – Offers exhibit #42.

Mr. Valley – Objects

Court – Admits exhibit #42.

Mr. Talebi – Offers exhibit #34.

Mr. Valley – Objects.

Court – Admits the exhibit.

Clerk clarifies – 34 or 34a.

Mr. Talebi – Advises 34a.

Mr. Valley – Again objects and asks the Court to reserve ruling until after there is argument.

Court – Reserves ruling.

Mr. Valley – Voir dices witness regarding exhibit #28.

Mr. Talebi – Conducts a follow up question.

11:06 Jurors out of the courtroom.

Mr. Valley – Stipulates to the admission of 29, 31a and 32. He does object to the admission to 28.

Mr. Talebi – Argues

Court – Everything but #28 is admitted.

Mr. Valley – Responds

Court – Admits exhibit #28 as the State has met its burden on ER 901.

Mr. Valley – Argues the admission of exhibit #34a – Ms. Pagelinan is not a co-conspirator.

Mr. Talebi - Responds

Court – Rules 219, 222 and 226 are admitted and finds they are relevant and the same ruling as to 339, 340, 341, 342 and 343.

Mr. Talebi – Advises they have been arguing exhibit #34a, but there is an agreement to redact an additional word on 340 so it will be marked as 34b.

Court – Will admit it after it has been remarked and officially offered as 34b.

11:29 Court is at recess.

1:37 Court is again in session.

Mr. Talebi – Offers exhibit #34b

Mr. Harris – Attempts to place on the record something regarding his car tabs not being expired and something regarding a suppression hearing.

Court – Directs Mr. Harris to sit down and stop talking.

Mr. Harris – Attempts to make a record.

Court – Again directs Mr. Harris to sit down and stop talking and advises him he will be removed from the courtroom.

1:40 Jury in the courtroom.

1:40 Greyson Charles Brantly – Sworn in under oath.

Mr. Talebi – Conducts direct examination.

1:51 Mr. Valley – Conducts cross-examination.

1:55 Mr. Talebi – Conducts re-direct examination.

Witness steps down and excused.

Jurors are given notebooks with exhibits and are instructed not to write in the notebooks.

1:58 Sergeant Randy Plumb – Recalled

Mr. Talebi – Continues with direct examination.

Mr. Talebi – Offers exhibit #4.

Mr. Valley – No objection.

Court – Admits exhibit #4.

Mr. Talebi – Offers exhibits #1, 2 & 3.

Mr. Valley – No objection.

Court – Admits exhibit #1, 2 & 3.

Mr. Talebi – Offers exhibits #5, 6, 7 & 8.

Mr. Valley – No objection.

Court – Admits exhibit #5, 6, 7 & 8.

Mr. Talebi – Offers exhibits #9 & 12.

Mr. Valley – No objection.

Court – Admits exhibit #9 & 12.

Mr. Talebi – Offers exhibit #46.

Mr. Valley – No objection.

Court – Admits exhibit #46.

3:01 Jurors out of the courtroom.

3:02 Court is at recess.

3:26 Court is again in session.

3:27 Jurors in the courtroom.

3:27 Sergeant Randy Plumb – Resumes

Mr. Talebi – Continues with direct examination.

Mr. Talebi – Offers exhibit #13.

Mr. Valley – No objection.

Court – Admits exhibit #13.

Mr. Talebi – Offers exhibit #14.

Mr. Valley – No objection.

Court – Admits exhibit #14

Mr. Talebi – Offers exhibit #17.

Mr. Valley – Objects – lack of foundation.

Court – Admits exhibit #17.

4:23 Jurors out of the courtroom and excused until tomorrow morning.

4:24 Mr. Valley – Objects as he believes it is a decision for the jury.

Mr. Talebi – Responds

Court – The detective can continue with his explanation of new terms.

4:27 Court is at recess.

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

STATE OF WASHINGTON

vs.

ALLIXZANDER HARRIS aka PARK

Hon. **SALLY F. OLSEN**

Court Reporter: **CARISA GROSSMAN**

Clerk: **GWEN WARREN**

Cause No. **13-1-00087-1**

Date: August 26, 2014

Day 9 of 12

Page 44 of 56

State appearing through counsel F. TALEBI/C. SCHNEPF
Defendant appearing with counsel ERIC VALLEY

Pursuant to a continuation from the 25th day of August 2014 this cause comes on regularly this day for further Jury Trial. All interested parties to this action and their respective counsel are present in Court.

9:15 Court is in session.

9:17 Jurors in the courtroom.

9:17 Sergeant Randy Plumb – Sworn in under oath. - Resumes
Mr. Talebi – Continues with direct examination.

9:34 Mr. Harris – Stands and ask the Court for a brief recess as he doesn't understand some stuff.

Court – Directs Mr. Harris to sit down.

9:34 Mr. Valley – Request a brief recess on behalf of his client.

9:35 Jurors out of the courtroom.

9:36 Court is at recess.

9:55 Court is again in session.

Mr. Valley – Has no motions, but his client insists on making a record and he has been informed that if he tries he will be removed from the courtroom. Mr. Harris pounded

both of his fists on the table and was told the outburst was an act of violence.

Ms. Schnepf – Responds that she doesn't believe there is enough to remove the Defendant from the courtroom, but the concern is about acts of violence. The Defendant has made threats in the jail to other inmates that he is going to stab his attorney, he pounded his fists on the table and made a threat to Mr. Talebi.

Court – Finds there is enough evidence to have the Defendant restrained.

Sergeant Keith Hall – Outlines for the Court the options he has for restraining the Defendant.

Ms. Schnepf – Suggests using the belly chain and allowing the Defendant to wear a windbreaker to hide the chains and request the table cloth be used. The State moves to have the Defendant restrained.

Mr. Valley – Opposes the motion.

Court – Orders for the day there will be two Corrections Officers in the courtroom, but any further verbal outbursts he will be removed from the courtroom.

10:18 Jurors in the courtroom.

10:18 Sergeant Randy Plumb – Resumes

Mr. Talebi – Continues with direct examination.

Mr. Talebi – Moves to publish exhibit #48a

Mr. Valley – No objection.

Court – Allows 48a to be published.

Not published at this time.

Mr. Talebi – Continues with direct examination.

Mr. Valley – Objects to lack of foundation.

11:44 Jurors out of the courtroom.

11:46 Mr. Valley – Argues

11:46 Mr. Talebi – Argues

11:48 **Court** – Objection is overruled as the document has been admitted.

Mr. Valley – Argues – Withdraws objection.

11:50 Court is at recess.

1:33 Court is again in session.

1:35 Court is at recess.

1:45 Court is again in session.

1:46 Jurors in the courtroom.

1:46 Sergeant Randy Plumb – Resumes
Mr. Talebi – Continues with direct examination.

2:56 Mr. Valley – Objects

2:56 Jurors out of the courtroom.

Mr. Valley – Argues his objection to exhibit #55 as cumulative, and argumentative, and this witness has no expertise in this area.

Mr. Talebi - Argues

Court – Overruled objection does not believe it is argument, only pointing out inconsistencies. Queries are limited to charging dates.

Mr. Valley – Argues form of the questions as he believes it is a comment on the evidence.

Court – Does not see it is a comment on the evidence

3:04 Court is at recess.

3:27 Court is again in session.

3:29 Jurors in the courtroom.

3:29 Sergeant Randy Plumb – Resumes
Mr. Talebi – Continues with direct examination.

Mr. Talebi – Offers exhibit #70.

Mr. Valley – No objection.

Court – Admits exhibit #70.

Mr. Talebi – Offers exhibit #72.

Mr. Valley – No objection.

Court – Admits exhibit #72.

Mr. Talebi – Offers exhibit #73.

Mr. Valley – No objection.

Court – Admits exhibit #73.

Mr. Talebi – Offers exhibit #74.

Mr. Valley – No objection.

Court – Admits exhibit #74

4:08 Mr. Valley – Conducts cross-examination.

Mr. Talebi – Objects as to hearsay.

4:13 Jurors out of the courtroom and excused for the day.

Mr. Talebi – Argues it becomes hearsay based on evidence rule 613.

Mr. Valley – Responds – Withdraws the question.

4:22 Court is adjourned.

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

STATE OF WASHINGTON

vs.

ALLIXZANDER HARRIS aka PARK

Hon. **SALLY F. OLSEN**

Court Reporter: **CARISA GROSSMAN**

Clerk: **GWEN WARREN**

Cause No. **13-1-00087-1**

Date: August 27, 2014

Day 10 of 12

Page 48 of 56

State appearing through counsel F. TALEBI/C. SCHNEPF
Defendant appearing with counsel ERIC VALLEY

Pursuant to a continuation from the 26th day of August 2014 this cause comes on regularly this day for further Jury Trial. All interested parties to this action and their respective counsel are present in Court.

9:07 Court is in session.

Mr. Valley – Makes a record that his client is concerned that on a docket print out it indicates Mr. Schoenberger is still counsel of record.

9:11 Jury in the courtroom.

9:12 Sergeant Randy Plumb – Resumes
Mr. Valley – Continues with cross-examination.

9:42 Mr. Valley – Request to be heard outside the presence of the jury.

9:42 Jurors out of the courtroom.

Mr. Valley – Will be asking Detective Plumb isn't it true Summer Decoteau and Lorelei Phillips informed you Allix Harris was selling drugs.

Mr. Talebi – Objects as to hearsay.

Court – Sustains the objection.

9:46 Jurors in the courtroom.

9:47 Mr. Valley – Continues with cross-examination.

10:10 Mr. Talebi – Conducts re-direct examination.

10:14 Mr. Valley – Conducts re-cross examination.

Witness steps down.

10:15 Mr. Talebi – State rests.

10:15 Jurors out of the courtroom.

10:16 Mr. Valley – Argues there is insufficient evidence to include the instruction regarding the special allegation of aggravating circumstance.

Mr. Talebi – Will concede and won't be including that special allegation on the first VI counts.

Court – Will strike it from each count.

10:21 Court is at recess.

10:49 Court is again in session.

Mr. Valley – Advises his client will not be testifying and defense will not be putting on a case in chief.

10:52 Jurors in the courtroom.

10:53 Mr. Valley – Defense rests.

10:54 Jurors out of the courtroom and excused until 1:15.

10:55 Court and Counsel go over jury instructions.

11:50 Court is at recess.

1:30 Court is again in session.

Ms. Schnepf – Asks to mark exhibits created by Detective Plumb, #75 as the telephone numbers and #76 as the dates.

Mr. Valley – Places on the record at the request of his client exhibit #42 has text messages on it after he was in custody.

1:34 Jurors in the courtroom.

1:35 **Court** – Reads jury instructions.

2:05 Ms. Schnepf – Conducts closing argument.

2:45 Jurors out of the courtroom.

2:46 Court is at recess.

3:06 Court is again in session.

Mr. Valley – Places on the record on his clients behalf a clarification regarding text messages at the end of exhibit #42.

3:08 Jurors in the courtroom.

3:08 Mr. Valley – Conducts closing argument .

4:00 Mr. Talebi – Conducts rebuttal closing argument.

Alternate jurors in seats - #7 , #12 and #3 chosen at random by the Court and excused.

4:19 Jurors out of the courtroom.

4:19 Court asks Counsel to confirm the exhibits that will be going back to the jurors.

4:22 Ms. Schnepf – Advises the State is satisfied the exhibits are in order.
Mr. Valley – Is also satisfied with the exhibits.

4:23 Mr. Valley – Makes a record for his client.

4:23 Court is adjourned.

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

STATE OF WASHINGTON

vs.

ALLIXZANDER HARRIS aka PARK

Hon. **SALLY F. OLSEN**

Court Reporter: **JAMI HETZEL**

Clerk: **GWEN WARREN**

Cause No. **13-1-00087-1**

Date: August 28, 2014

Day 11 of 12

Page 51 of 56

State appearing through counsel F. TALEBI

Defendant appearing with counsel ERIC VALLEY

Pursuant to a continuation from the 27th day of August 2014 this cause comes on regularly this day for further Jury Trial. All interested parties to this action and their respective counsel are present in Court.

11:02 Court is in session.

Mr. Talebi – Places jury question and response from the Court on the record.

Mr. Valley – Responds

Court – Reads the question and answer from the Court to the jury for the record.

Both Counsel agree this is the correct answer.

Mr. Valley – Advises his client objects for the record, but as his Attorney he agrees with the answer.

Court – Inquires of both Counsel if they object to another Judge taking the verdict. Both Counsel have no objection to another Judge taking the verdict.

11:09 Court is at recess.

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

THE STATE OF WASHINGTON

and/vs

ALLIXANDER HARRIS aka PARK

Hon. JEANETTE DALTON
 Court Reporter JAMI HETZEL
 Court Clerk GWEU WARREN
 Date AUG 28 2014
 Bailiff: M. KINCL
 No. 13-1-00087-1
 Day 11 of 12

Plaintiff appeared with / through Counsel **F. TALEBI/C. SCHNEPF**
 Defendant appeared with / through Counsel **ERIC VALLEY**

THE MATTER BEFORE THE COURT Jury Verdict

Jury reached a verdict 4:10 am (pm) Jury enters the Courtroom 4:28 am (pm)

- Court / Clerk reads the verdict
 - Court polls the jurors
 - Unanimous [] Not Unanimous _____ For _____ Against
 - [] Court accepts the verdict [] Mistrial / Hung Jury / Acquittal
 - [] Civil Jury Monetary Award [] Guilty / Not Guilty
- SPECIAL VERDICT ALSO ADVISED G I - G VIII
1st SPECIAL VERDICT YES CTS 1-VI
2nd SPECIAL VERDICT FIRST QUESTION CTS 1-VI YES
2nd QUESTION CTS - NO - CT II NOT UNANIMOUS
CT III NOT UNANIMOUS
CT IV " "
CT V YES
CT VI NOT UNANIMOUS
- [] See attached copy of verdict form

Jury excused 4:42 am / (pm)

- Firearms Notification signed Presentence Investigation [] Ordered
- Order Detaining / Releasing Defendants Signed [] Probation Department Notified
- [] Bail exonerated / set at \$ _____ Concurrent / Cash Only
- [] Judgement of Acquittal Signed
- [] Court sets _____ hearing at _____ am/pm on _____
- [] Court Scheduler Advised
- [] Written / Oral Notice given to Defendant
- [] Pleadings/File taken from this hearing by _____

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

STATE OF WASHINGTON

vs.

ALLIXZANDER HARRIS aka PARK

Hon. **SALLY F. OLSEN**

Court Reporter: **KATHY TODD**

Clerk: **SHAUNA JOHNSON**

Cause No. **13-1-00087-1**

Date: August 29, 2014

Day 12 of 12

Page 53 of 56

State appearing through counsel COREEN SCHNEPF
Defendant appearing with counsel ERIC VALLEY

Pursuant to a continuation from the 28th day of August 2014 this cause comes on regularly this day for further Bifurcated Jury Trial. All interested parties to this action and their respective counsel are present in Court.

10:46 Court is in session.

Mr. Valley – Advises he has no counter instructions to the jury to propose and agrees with State's proposed instructions.

Ms. Schnepf – Advises that Judge Dalton read the advance instructions regarding the bifurcated trial to the jury yesterday.

Housekeeping issues addressed.

Court – Reviews the jury instructions as they will be provided to the jury.

10:54 Jury enters courtroom.

10:54 Ms. Schnepf – Gives opening remarks.

Mr. Valley – Waives opening remarks.

10:55 **CCO Rex Garland takes the stand, is sworn, and testifies**

Ms. Schnepf conducts direct examination

Mr. Valley declines cross examination

10:59 Witness steps down and is excused.

Court – Reviews instructions with the jury.

11:04 Ms. Schnepf – Makes closing remarks.

Mr. Valley – Makes closing remarks.

11:07 Jury exits courtroom to begin deliberations.

Mr. Valley – Raises a constitutional issue regarding the vagueness of the use of the word ‘shortly’ and moves to dismiss.

Ms. Schnepf – Responds

Court – Denies the motion.

Ms. Schnepf – Requests to complete the sex offender registration forms.

Mr. Valley - Argues he does not feel this is a sex crime that requires registration and requests time to investigate the issue.

Parties agree the sex offender registration form can be signed at sentencing.

Parties discuss sentencing timing.

Mr. Harris – Objects to setting sentencing out for five (5) weeks.

Court – Sets sentencing for September 26th at 1:30

Ms. Schnepf – Believes the issue of the severed charge should be addressed and requests to set the trial date for September 29th with a status September 12th.

Mr. Harris - Objects.

Mr. Valley requests the sentencing still track with the severed charge so the sentencing would be done for both at the same time. Mr. Valley objects under the speedy trial rule, regarding the severed charge, per the request of his client at this time.

Additional timing issues discussed.

Ms. Schnepf requests to set the sentencing and will agree to continue it if the trial goes forward on the severed charges. Advises the speedy trial rule does not apply as the trial on charge #9 was started before it was severed.

Court – Confirms dates as requested and signs order setting.

Mr. Valley – Clarifies the issues the speedy trial argument applies to for the record.

11:20 Court at recess.

Jury reaches a verdict at 12:04

1:21 Court in session

Court signs order for presentencing investigation.

1:23 Jury enters courtroom

Court reads special verdict form on count #1, yes

Court reads special verdict form on count #2, yes

Mr. Valley waives polling of the jury.

Court thanks and releases the jury.

1:27 Jury exits courtroom

1:27 Court adjourned.

**SUPERIOR COURT OF WASHINGTON
COUNTY OF KITSAP**

STATE OF WASHINGTON
Plaintiff / Petitioner

vs
ALEXZANDE HARRIS AKA PARK
Defendant / Respondent

Hon. Sally F. Olson
Court Reporter KATHY TODD
Court Clerk SHAWNA JOHNSON
Bailiff M KINC
Date Aug 29, 2014
No. 13-1-00087-1
Day 12 of 12
Page 56 of 56

The Plaintiff / Petitioner represented by C. Schnepf, Counsel / Deputy Prosecuting Attorney
The Defendant / Respondent appearing YES NO In custody Represented by Valley

THE MATTER BEFORE THE COURT Jury Verdict Change of Plea

Verdict

Jury reached a verdict 12:04 am / pm Jury enters the Courtroom 1:23 am / pm
 Court Clerk reads the verdict
 Court polls the jurors Unanimous Not Unanimous _____ For _____ Against
 Court accepts the verdict Mistrial / Hung Jury / Acquittal
 Civil Jury Monetary Award Guilty / Not Guilty Judgment of Acquittal Signed
 See attached copy of verdict form
 Court sets _____ hearing at _____ am/pm on _____
 Jury released at 1:27 am / pm

Change of Plea

Served with true copy of the Information (Amended) Read in Open Court / Reading Waived
 Court finds probable cause Probable cause / Plea established through warrant / certification
 Guilty Plea Alford Plea Court finds Defendant guilty on his / her plea of guilty
 Plea Agreement signed Statement on Plea of Guilty Signed
 Court Finds Defendant Guilty on Stipulated Facts
 Jury released at _____ am / pm
 Notification of Conviction and Firearm Warning signed No Contact Order Signed
 Pre-sentence Investigation ordered
 Order Detaining / Releasing after conviction
 Bail / Bond Extended Pending Sentencing Bail exonerated / set at \$ _____ Concurrent / Cash Only
 Defendant Waives Speedy Sentencing to _____
 Sentencing / Special Set Sentencing Date / Other _____ on _____ at _____ am/pm

 Written and oral notice given to defendant for above-set dates
 Court Scheduler notified of Special Set / Trial
 Pleadings/File taken from this hearing by _____

APPENDIX R

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

FILED
KITSAP COUNTY CLERK

EXHIBIT LIST (EXLST)

AUG 29 2014

No. 13-1-00087-1

TYPE OF HEARING: Jury Trial DAVID W. PETERSON

State of Washington vs. ALLIXZANDER HARRIS aka PARK

OFFERED BY	NO. OF EXHIBIT		RULING	TITLE/DESCRIPTION OF EXHIBIT	DATE OF RULING
STATE	1	O	Admitted	Pg. 113 – 3, 4, 5; Kiana H.; 10/17/12	8-25-14
STATE	2	O	Admitted	Pg. 85 #13-35 (odd) 38, 40, 58-66; Kiana Hl. Per 3; 10/14/12	8-25-14
STATE	3	O	Admitted	41, 49-54; Kiana H.; Per 3; 10/15/12	8-25-14
STATE	4	O	Admitted	Color copy of photo;	8-25-14
STATE	5	O	Admitted	Color copy of photo; back trunk of Geo	8-25-14
STATE	6	O	Admitted	Color copy of photo; blue denim bag	8-25-14
STATE	7	O	Admitted	Color copy of photo; red back pack	8-25-14
STATE	8	O	Admitted	Color copy of photo; close up of unzipped red back pack	8-25-14
STATE	9	O	Admitted	Color copy of photo Toshiba lap top	8-25-14
STATE	10		Not Offered	Color copy of photo; camera	
STATE	11		Not Offered	Color copy of photo; Sony 4GB	
STATE	12	O	Admitted	Color copy of photo; electronic cable and Top's rolling papers	8-25-14
STATE	13	O	Admitted	Color copy of photo; copy of Court document re Allixzander Harris	8-25-14
STATE	14	O	Admitted	Color copy of photo; donation paper	8-25-14
STATE	15		Not Offered	Color copy of photo; 2 knives	
STATE	16		Not Offered	Color copy of photo; flashlight	
STATE	17	O	Admitted	Color copy of photo, condoms	8-25-14
STATE	18	O	Admitted	Copy of list: bookmarker	8-20-14
STATE	19	O	Admitted	Copy of 7/31/14 DOL search re Lorelei Marie Phillips	8-19-14
STATE	20	O	Admitted	Copy of 7/31/14 DOL search re Kiana Janay Harris	8-14-14
STATE	21	O	Admitted	Copy of 7/31/14 DOL search re Summer Spirit Callihoo	8-14-14
STATE	22	O	Admitted	Copy of 7/31/14 DOL search re Trista Dawn Chisholm	8-14-14
STATE	23	O	Admitted	copy of 7/31/14 DOL search re Demario Maurice Jones	8-14-14
STATE	24	O	Admitted	Copy of 7/31/14 DOL search re Andre Pharez Williams	8-18-14
STATE	25	O	Admitted	Copy of 7/31/14 DOL search re Greyson Charles Brantly	8-21-14

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

EXHIBIT LIST (EXLST)

No. 13-1-00087-1

TYPE OF HEARING: Jury Trial

State of Washington vs. ALLIXZANDER HARRIS aka PARK

OFFERED BY	NO. OF EXHIBIT		RULING	TITLE/DESCRIPTION OF EXHIBIT	DATE OF RULING
STATE	26	O	Admitted	Copy of 7/31/14 DOL search re Scott Thomas Surma	8-21-14
STATE	27	O	Admitted	Copy of 7/31/14 DOL search re Stephen Mark Wilson	8-14-14
STATE	28	O	Admitted	Facebook – Allixander Harris	8-25-14
STATE	29	O	Admitted	Facebook – Summer Decoteau	8-25-14
STATE	30		Not Offered	Facebook – Demario Jones	
STATE	31		Not Offered	Facebook – Kiana Harris	
STATE	31a	O	Admitted	Redacted Version of #31	8-25-14
STATE	32	O	Admitted	Facebook – Andre Heron	8-25-14
STATE	33		Not Offered	Jail calls – Harris and Pangelinan	
STATE	33a	O	Admitted	Redacted version of #33	8-25-14
STATE	34		Not Offered	Texts – Victoria Pangelinan	
STATE	34a	O	Redacted version used	Redacted version of #34	
STATE	34b	O	Admitted	Redacted version of #34a	8-25-14
STATE	35		Not Offered	Texts and Phone Pics – Andre Herron	
STATE	36	O	Admitted	Hotel Receipts	8-20-14
STATE	36a	O	Admitted	(2) Dunes Motel Receipts (from exhibit #36)	8-19-14
STATE	36b		Not Offered	Rothem Inn Motel Receipt	
STATE	37	O	Admitted	Back page Ads – Decoteau and Phillips	8-21-14
STATE	38	O	Admitted	Harris Laptop Pics – Harris	8-20-14
STATE	39	O	Admitted	Harris Laptop Pics – Kiana	8-14-14
STATE	40	O	Admitted	Harris Laptop Pics – Phillips	8-20-14
STATE	41	O	Admitted	Harris Laptop Pics – Summer	8-20-14
STATE	42	O	Admitted	Texts – Harris	8-25-14
STATE	43		Not Offered	Facebook Certificate of Authenticity 3-25-13	
STATE	44	O	Admitted	Copy 8/14/14 DOL search re: Eric Matthew Hopper	8-14-14
STATE	45	O	Admitted	Trista Chisholm Contacts	8-19-14
STATE	46	O	Admitted	LG Cell Phone in sealed evidence bag	8-25-14
STATE	47	O	Admitted	Toshiba Laptop in sealed evidence	8-20-14

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

EXHIBIT LIST (EXLST)

No. 13-1-00087-1

TYPE OF HEARING: Jury Trial

State of Washington vs. ALLIXZANDER HARRIS aka PARK

OFFERED BY	NO. OF EXHIBIT		RULING	TITLE/DESCRIPTION OF EXHIBIT	DATE OF RULING
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				bag	
STATE	48		Not Offered	CD of Jail Calls	
STATE	48a	O	Admitted	Redacted version of CD in 48	8-25-14
STATE	49	O	Admitted	Audio File List	8-19-14
STATE	50	O	Admitted	Facility Report	8-19-14
STATE	51	O	Admitted	FTK Case Report	8-20-14
STATE	52	O	Admitted	Recovered Artifacts	8-20-14
STATE	53	O	Admitted	Recovered Artifacts	8-20-14
STATE	54		Not Offered	Classifieds URLs	
STATE	54a	O	Admitted	Redacted version of #54	8-20-14
STATE	55	O	Admitted	Firefox SessionStore Artifacts	8-20-14
STATE	56	O	Admitted	Facebook Chat	8-20-14
STATE	57	O	Admitted	Firefox Web History	8-20-14
STATE	58		Not Offered	Parsed Search Queries	
STATE	58 a	O	Admitted	Redacted version of #58	8-20-14
STATE	59	O	Admitted	Rebuilt Webpages	8-20-14
STATE	60		Not Offered	Internet Explorer History	
STATE	60a	O	Admitted	Redacted version of #60	8-21-14
STATE	61	O	Admitted	Photomontage – Summer Decoteau	8-20-14
STATE	62	O	Admitted	Photomontage – Summer Decoteau	8-20-14
STATE	63	O	Admitted	Photomontage – Kiana Harris	8-20-14
STATE	64	O	Admitted	Photomontage – Kiana Harris	8-20-14
STATE	65	O	Admitted	Photomontage – Kiana Harris	8-20-14
STATE	66		Not Offered	Photomontage – Trista Chisholm	
STATE	67		Not Offered	Photomontage – Trista Chisholm	
STATE	68	O	Admitted	Photomontage (no cover page) – Summer Decoteau	8-20-14
STATE	69	O	Admitted	Backpage Ad	8-21-14
STATE	70	O	Admitted	Photomontage –Stephen Wilson	8-26-14
STATE	71		Not Offered	Photomontage –Greyson Brantley	
STATE	72	O	Admitted	Photomontage –Trista Chisholm	8-26-14
STATE	73	O	Admitted	Photomontage –Kiana Harris	8-26-14
STATE	74	O	Admitted	Photomontage –Kiana Harris	8-26-14
STATE	75		Not Offered	List of Phone Numbers-Created by	

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

EXHIBIT LIST (EXLST)

No. 13-1-00087-1

TYPE OF HEARING: Jury Trial

State of Washington vs. ALLIXZANDER HARRIS aka PARK

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KITSAP COUNTY PROSECUTOR'S OFFICE - CRIMINAL DIVISION

March 23, 2018 - 1:43 PM

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Appellate Court Case Title: Personal Restraint Petition of Allixzander Devell Harris
Superior Court Case Number: 13-1-00087-1

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