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In the

Court of Appeals for the State of Washington

Division Two

In Re the Personal Restraint of:

MARLON OCTAVIUS LUVELL HOUSE

Petitioner.

PERSONAL RESTRAINT PETITION WITH LEGAL ARGUMENT AND AUTHORITIES

Pierce County Superior Court Nos. 14-1-00938-2 and 14-1-00937-4

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I. STATUS OF PETITIONER

Marlon Octavius Luvell House ("House"), currently in the custody of the Department of Corrections, is serving two concurrent 160 month to life sentences. On May 15, 2015, House pled guilty to two counts of Rape of a Child in the First Degree. ***See Exhibit "A," Judgment and Sentence.***

II. TIMELINESS OF PETITION

Pursuant to RCWA § 10.73.090(1), a petition or motion for collateral attack on a judgment and sentence in a criminal case must be filed within one year after the judgment becomes final if the judgment and sentence is valid on its face and was rendered by a court of competent jurisdiction. House appealed his judgment and sentence. This Court issued its mandate on May 24, 2017. This personal restraint petition is timely.

III. GROUNDS FOR RELIEF

House's continued restraint is unlawful because his sentence violates the Constitutions of the United States and Washington and the laws of the State of Washington. RAP 16.4(c)(2). House seeks relief from his restraint on the grounds that his counsel was ineffective for failing to properly investigate his case and interview witnesses and there has been a significant change in the law which applies retroactively and the change is material to his sentence. RAP 16.4(c)(4).

Specifically, House raises the following legal claims:

GROUND ONE: House accepted the plea agreement after his attorney misrepresented several facts to him, including that he had contacted, by way of an investigator, all defense witnesses who may serve as an alibi or otherwise have information pertaining to his defense. Pursuant to a recent private investigator's report, Defense counsel had not in fact conducted a thorough investigation of House's case and the witnesses had not been contacted. House's trial counsel was ineffective and as a result, misrepresented that he had complete knowledge of the case and that House had no chance of winning at trial. These misrepresentations resulted in House accepting the plea. House is entitled to withdraw his plea because it was not knowingly and voluntarily made.

GROUND TWO: House's sentence is unlawful and unconstitutional because the sentencing court failed to consider imposition of a downward exceptional sentence based on House's youth as a mitigating factor. Following House's sentencing, the Supreme Court and Courts of Appeal of Washington entered multiple opinions holding that youth must be considered as a potentially mitigating factor under Washington's Sentencing Reform Act of 1981 ("SRA"). Based on this change in the law, House was wrongfully deprived of the trial court's meaningful consideration of a downward departure from the standard sentencing range based on youth. Justice therefore requires that he be resentenced pursuant to the current state of the law.

IV. STATEMENT OF THE CASE

A. Official Version of the Offense

The Pierce County Prosecuting Attorney's Office charged Marlon House with one count of rape of a child in the first degree and two counts of child molestation in the First Degree on March 10, 2014 under cause number 14-1-00938-2. ***See Exhibit "B," Information***. The alleged victim in that case was L.M. The crimes were alleged to have taken place

between January 2008 and February 2010. *Id*. At the time of these offenses, House was between 22 and 24 years old. On May 15, 2015, the Prosecuting Attorney's Office amended the information to dismiss the two counts of Child Molestation in the first degree. ***See Exhibit "C," Amended Information***. House pled guilty to that charge on May 15, 2015. *See Exhibit "A"*. The PSI for cause number 14-1-00938-2 extracted information from various Lakewood Police Department Reports. The PSI stated that House's mother previously dated L.M's deceased father. ***See Exhibit "D," PSI***. House's mother confirmed that she dated L.M.'s father in either 2008 or 2009 until 2010. She had seen House around L.M. three times at the most. *Id.*

House was also charged with four counts of rape of a child in the first degree on March 10, 2014 under cause number 14-1-00937-4. ***See Exhibit "C."*** The alleged victim in that case was S.K. The crimes were alleged to have taken place between June 2012 and October 2012. *Id*. House was 26 years old during this time. On May 11, 2015, the Prosecuting Attorney's Office amended the information to dismiss three counts of child rape in the first degree. ***See Exhibit "C."*** House pled guilty to that charge on May 15, 2015. ***See Exhibit "A."***

The PSI also addressed the official version of events for case number 14-1-00937-4 regarding the allegations of the rape of S.K. ***See***

Exhibit "D." House was in a three-month relationship with S.K.'s mother and he watched the children while their mother was a work. *Id.* S.K. was examined by a doctor and tested positive for genital warts and later for Chlamydia. *Id.* When a detective spoke to House, he confirmed that he tested positive for Chlamydia, but did not have genital warts. *Id.*

B. Sentencing

Mr. House was charged with one count of rape of a child in the first degree and two counts of child molestation in the first degree under cause number 14–1–00938–2 and three counts of rape of a child in the first degree under cause number 14–1–00937–4. ***See Exhibit "A."*** The crimes were alleged to have taken place between January 2008 and February 2010. The information was updated to drop several charges, with only one count of child rape remaining in each case. ***See Exhibit "B."***

On May 15, 2015, based upon the advice of counsel, Mr. House pleaded guilty to two counts of rape of a child in the first degree, one in each case. Sentencing was set for June 25, 2015, to ensure enough time for the Department of Corrections (DOC) to conduct a Pre-Sentencing Investigation (PSI). However, on June 22, 2015, DOC requested that sentencing be held over for another three weeks. The reason DOC requested sentencing be reset because it was unable to reach House's

attorney Mark Quigley. ***See Exhibit "E," DOC Report***. In the report dated June 22, 2015, the corrections officer noted:

> On May 15, 2015, a Court-order was signed, requiring that a Presentence Investigation (PSI) be completed for Mr. House for a sentencing date that was set for June 25, 2015. DOC has made multiple email attempts (06/08/15 and 06/11/15) to contact Mr. House's defense attorney Mark Quigley, with the Department of Assigned Counsel (DAC) to set up a PSI interview. One attempt (06/08/15) was made to his listed work number, but the voicemail was full and there was not space for messages at that time.

Id.

Sentencing was re-scheduled and took place on July 14, 2015. The defense called Michael Comte, who interviewed House and authored the Psychosexual Evaluation and Treatment Plan met with House on three occasions. ***See Exhibit "F," Psychosexual Evaluation; See Exhibit "G," Transcript of July 14, 2015 Hearing***. House requested that the Court grant him a sex offender sentencing alternative (SSOSA) and suspend the balance of prison time. ***See Exhibit "G,"* page 66.** The State requested a standard range sentence. *Id*. The Court denied House's request for a SSOSA under RCW 9.94A.670(4).

The trial court sentenced House to two concurrent 160 month to life sentences.

C. Newly Discovered Evidence

Following his conviction, Mr. House became aware that several of the witnesses Mr. House advised his attorney to contact were not, in fact,

contacted by his attorney nor the investigator hired by his attorney prior to his plea. ***See Exhibit "H," Affidavits***. These witnesses were crucial to Mr. House's defense, which included an alibi. Furthermore, there is no evidence that the investigator ever wrote any reports for the defense attorney to review, nor that the attorney managed the investigation, nor reviewed any notes by the investigator regarding these witnesses. There is no evidence of Defense counsel and the investigator meeting to discuss the case. Furthermore, a private investigator hired by current defense counsel unearthed a series of alarming emails including the disturbing revelation that he *"wished he had the option of refusing child rape cases,"* calling the defendants charged with such offense, like House, *"wimps."* ***See Exhibit "I," Emails exchanged between trial counsel and the investigation specialist; See Exhibit "J," Investigative Report of Shane Harrington, PhD, Licensed Private Investigator***.

V. ARGUMENT

A. House's plea was not knowing and voluntary because he received ineffective assistance of counsel where counsel represented to house and the court that the defense had contacted all witnesses provided by the defense however neither the witnesses nor the defense case file supports this statement.

1. Standard of Review

The right to effective assistance of counsel is afforded criminal defendants by the Sixth Amendment to the United States Constitution and

article I, section 22 of the Washington Constitution. Strickland v. Washington, 466 U.S. 668, 685–86 (1984); State v. Thomas, 109 Wn.2d 222, 229, 743 P.2d 816 (1987); In re Pers. Restraint of Yung-Cheng Tsai, 183 Wn. 2d 91, 99 (2015). "It is [] impossible to 'exhaustively define the obligations of counsel [ ]or form a checklist for judicial evaluation of attorney performance.'" Tsai, 183 Wn.2d at 99-100 (quoting Strickland v. Washington, 466 U.S. at 688). However, effective assistance "'entails certain basic duties,' such as an the overarching duty to advocate the defendant's cause and the more particular duties to consult with the defendant on important decisions and to keep the defendant informed of important developments in the course of the prosecution..." Id. at 100 (quoting Strickland, 466 U.S. at 688).

The "right to effective assistance includes a 'reasonable investigation' by defense counsel." State v. Boyd, 160 Wn. 2d 424, 434 (2007) (citing Strickland, 466 U.S. at 684). A reasonable investigation requires defense counsel to investigate the case, including the investigation of witnesses. State v. Jones, 183 Wn.2d 327, 339 (2015). The duty to investigate does not always require that every witness be interviewed, but defense counsel has an obligation to "provide factual support for the defense where it is available. [citation]. Not pursuing such corroborating evidence with an adequate pretrial investigation may, under

certain circumstances, establish constitutionally deficient performance." In re Davis, 152 Wn.2d 647, 739 (2004). "Failure to investigate or interview witnesses, or to properly inform the court of the substance of their testimony, is a recognized basis upon which a claim of ineffective assistance of counsel may rest." State v. Ray, 116 Wn.2d 531, 548 (1991). Thus, failure to interview a particular witness may constitute deficient performance. Jones, 183 Wn.2d at 340. Deficient performance may hinge on the reason for such failure to interview. Id.

The Sixth Amendment right to effective assistance of counsel applies to the plea bargaining process. State v. Sandoval, 171 Wn.2d 163, 169 (2011) (citing In re Pers. Restraint of Riley, 122 Wn.2d 772,780 (1993)); McMann v. Richardson, 397 U.S. 759, 771 (1970). Inaccurate or faulty advice of defense counsel may render the defendant's guilty plea involuntary or unintelligent. Sandoval, 171 Wn.2d at 169 (citing Hill v. Lockhart, 474 U.S. 52, 56 (1985)). To establish that the plea was involuntary or unintelligent due to counsel's inadequate advice, the defendant must show under the test in Strickland that his attorney's performance was objectively unreasonable and that he was prejudiced by the deficiency. Sandoval, 171 Wn.2d at 169.

Due process requires a defendant's guilty plea be knowing, voluntary, and intelligent. State v. Weyrich, 163 Wn.2d 554, 556 (2008);

Boykin v. Alabama, 395 U.S. 238, 242 (1969)). In addition to this constitutional minimum, CrR 4.2 also provides statutory safeguards to ensure the voluntariness of guilty pleas, requiring a court to first determine that a plea is made voluntarily, competently and with an understanding of the nature of the charge and the consequences of the plea. CrR 4.2 (d).

A plea that is involuntary plea constitutes a manifest injustice. State v. Walsh, 143 Wn.2d 1, 6-8 (2001); State v. Wakefield, 130 Wn.2d 464, 472 (1996). When determining whether a defendant's plea of guilty was knowing, intelligent, and voluntary, the court must consider all of the facts and circumstances revealed by the record as well as the defendant's statement on a plea of guilty. In Re Hughs, 99 Wn.2d 80 (1983).

The Strickland test is a two-part test. First, to establish ineffective assistance, a defendant must first demonstrate that his lawyer's performance was deficient. Secondly, he must show he was prejudiced by the deficient performance. To meet the showing on the first prong, a defendant must show that the representation fell below an objective standard of reasonableness based on the circumstances. The second prong does not require a defendant to show "that the counsel's deficient conduct more likely than not altered the outcome of the case." Strickland, 466 U.S at 693. Rather, he need only show that "there is a reasonable probability that but for counsel's unprofessional errors, the results of the proceeding

would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome." Id. at 694.

In reviewing the first prong of the Strickland test, the appellate courts presume defense counsel was not deficient. Defense counsel's performance will not be deemed deficient if it qualifies as legitimate trial strategy or tactic. State v. Grier, 171 Wn.2d 17, 33 (2011). However, not all of counsel's strategies are insulated from review: "[t]he relevant question is not whether counsel's choices were strategic, but whether they were reasonable." Id. at 33-34.

While petitioner did raise ineffective assistance of counsel on direct appeal, the factual issue raised in this personal restraint petition is different and relies on evidence outside of the record. Even if the State argues petitioner is attempting to relitigate the same issue from the appeal, which petitioner disagrees with, the issue can still be decided on the merits by this Court.

"In order to renew an issue rejected on its merits on appeal, the petitioner must show the ends of justice would be served by reexamining the issue." In re Pers. Restraint of Gentry, 137 Wn.2d. 378, 388, 972 P.2d 1250, 1256 (1999), as amended (June 30, 1999). State v. Vandervlugt, 120 Wn.2d 427, 842 P.2d 950, 953 (1992) the court held that "'the mere fact that an issue was raised on appeal does not automatically bar review in a

PRP.'" Id. at 432 (quoting In re Taylor, 105 Wash.2d 683, 688, 717 P.2d 755 (1986)). Newly discovered evidence can also be grounds for reexamining the issue. Here, unlike the appeal, petitioner is relying on evidence that was newly discovered and exists outside the record. Petitioner moved diligently to hire an investigator and this evidence could not have been discovered previously through reasonable diligence and was not contained in the record on appeal.

2. **Defense counsel's failure to interview defense witnesses, despite his representations to House and the trial court, fell below an objective standard of reasonableness which prejudiced him by coercing him to take a plea offer with an incomplete and misleading understanding of the facts and evidence.**

Unlike many cases where ineffective assistance is claimed, here defense counsel unquestioningly did not make a strategic choice to not interview House's defense witnesses. In fact, counsel for defendant, Mark T. Quigley, represented to the court at a status hearing on August 22, 2014 before the Honorable Vicki L. Hogan, that "I have retained an investigator, Julie Armijo, who has made contact with every witness that Mr. House has advised me that he would like to subpoena for trial, and so that's been done. I have not interviewed the two alleged victims yet." ***See Exhibit "K," August 22, 2014 Hearing Transcript***.

However, subsequent to House pleading guilty and after sentence was imposed, House learned that the investigator had in fact not contacted

the defense witnesses. This came to House's attention during his appeal, when individuals who had been identified to counsel as witnesses advised House or one of his family members that they had never been contacted.

House, through undersigned counsel, retained a licensed investigator, Shane Harrington, PhD., to review the defense file and determine if in fact all defense witnesses had been contacted. Dr. Harrington conducted a detailed and extensive review of the defense file and went to great lengths to speak with the investigators that Attorney Quigley retained to assist with House's cases. ***See Exhibit "J."*** The complete detailed report of Dr. Harrington highlights the shortfalls of the investigation undertaken by the private investigators retained by Mr. Quigley and what is his apparent failure to obtain reports detailing the work they allegedly performed, including reports regarding defense witness interviews, and his apparent failure to supervise their work in any fashion. The thorough investigation by Dr. Harrington indicates that the defense investigation was woefully insufficient and there is nothing which was provided by prior counsel or his investigators to confirm that any witness interviews were conducted. According to the Pierce County Office of Assigned Counsel and the investigators themselves *there are no notes or reports of any kind from the investigators to confirm that any defense witnesses were interviewed*. The investigators billed for interviews and

report writing, but no reports could be produced when they were requested. ***See Exhibit "J."***

Also revealed through Dr. Harrington's investigation is a potential explanation as to why Attorney Quigley did not invest as much effort in House's case as an effective and competent attorney would have. During his investigation into researching what witnesses actually were contacted by Dr. Harrington, he unearthed a disturbing email exchange which indicates in Attorney Quigley's own words his bias against defendants charged with child sexual offenses. Dr. Harrington's report states the following, in part:

> I discovered that bias may have played a significant role in the Pierce County Department of Assigned Counsel's representation of Mr. House. In an email exchange between Mr. Quigley and Mr. Glenn Glover, who is the defense investigator supervisor, Mr. Quigley shared his concern about taking on these types of cases.
>
> (From page 133) Thursday, 5/8/2014; 10:45 AM. Glenn Glover to Mark Quigley:
>
> "Mark, I reviewing the charging doc's on the above listed case (Marlon House), **I probably need to assign this to Julie Armijo. Not many of the male Investigator's will take a Child Rape case.** I hope that's ok, 'G'
>
> (From page 133) Thursday, 5/8/2014; 1:53 PM, Mark Quigley to Glenn Glover
>
> "That's fine"
>
> (From page 133) Thursday, 5/8/2014; 2:05 PM, Glenn Glover to Mark Quigley:
>
> "Ok, 'G'"

(From page 133) Thursday, 5/8/2014; 2:11 PM, **Mark Quigley to Glenn Glover**

"I wish I had the option of refusing to do child rape cases, what a bunch of wimps"

(From page 133) Thursday, 5/8/2014; 2:16 PM, Glenn Glover to Mark Quigley:

"I agree [smiley face emoji]"

See Exhibit "J," page 10; See Exhibit "I."

The shocking nature of this revelation by any defense counsel cannot be downplayed, however the fact that these sentiments were expressed by a senior lawyer and investigator in the Office of Assigned Counsel is extremely disturbing. *Both of these comments show that House's own attorney had decided House was guilty, that his own attorney did not want to represent him, and that his own attorney had a very unfavorable view of him for no other reason than the charges he was facing.* This is bias.

House's experience with Attorney Quigley confirms that his attorney pressured him to taking a plea and that he did take his client's protestations of innocence seriously. Attorney Quigley did not zealously represent House and he did not ensure the investigators he retained actually did their job under his supervision. House rarely spoke with Attorney Quigley, and when he did, he was informed he could not win at trial was pressured to accept a plea.

The first time House ever spoke to Attorney Quigley, it was over the telephone. At that time, House advised Attorney Quigley that he was innocent and Attorney Quigley's response was that only 3% of the people with a case like House's really didn't do it. ***See Exhibit "L," Affidavit of Marlon House***. House advised Attorney Quigley that he was part of the 3% then, and Attorney Quigley's response was along of the lines of "we will see." *Id.* This conversation took place in April 2014. After that, House only spoke to Attorney Quigley at while present at his court dates. *Id.*

House was worried about his case because whenever he called Attorney Quigley, he was unable to reach counsel and his phone calls were not returned. ***See Exhibit "I."*** House then filed a grievance with the Bar Association voicing his concerns. *Id.* Once Attorney Quigley found out about the grievance, he called House and advised him that it would not change anything. *Id.* The next day in court, House placed his concerns about Attorney Quigley on the record. However, Attorney Quigley remained House's counsel. *Id.*

House's next court date was August 2014 and that was the next time he spoke to Attorney Quigley. This is the appearance at which Attorney Quigley advised the Court that he had retained an investigator

who had reached out to all potential defense witnesses. ***See Exhibit "K."*** Trial was set for January 2015.

Shortly before House's January trial dates, Attorney Quigley called House and asked if he still wanted to go to trial. House indicated he did. ***See Exhibit "L."*** Attorney Quigley advised House that once he speaks to the victims, House could not obtain a plea deal. *Id.* Attorney Quigley notably informed House that he could not win at trial. They did not discuss potential defenses or otherwise attempt to prepare a defense. Once Attorney Quigley advised House he could not win at trial, House asked why. Attorney Quigley's response was that he just simply would not win. *Id.* House "left it at that" and the conversation turned to what plea bargain House would be willing to accept. *Id.* Despite House again advising Attorney Quigley that he did not want to accept a plea because he did not do it, Attorney Quigley told him "come on give me something to work with." ***Id.*** House advised his attorney he would think about it. *Id.*

A few weeks after that call, House received another call from Attorney Quigley saying that he could get a plea bargain. ***See Exhibit "L."*** Attorney Quigley advised House it was because he had no criminal history that they were offering him the plea. He advised House that he had to take tests, including a lie detector to make sure he had no other victims. Attorney Quigley advised House he could be home by May 2015. *Id.*

When House first met Dr. Comte, House denied the allegations and indicated that he was proceeding with the evaluation because he was wanted to accept a plea because he was told he could not win at trial and this was the only way he could get to go home. *Id.* Dr. Comte advised him that the only way he was fit in the SOSA program was if he admitted to the acts. *Id.* House advised Dr. Comte that he was willing to say he did it in order to go home, but Dr. Comte advised him that would not be acceptable and ended the meeting. ***Id.***

A few days after the meeting with Dr. Comte, in February 2015, nearly one year after the information was filed in this case, Attorney Quigley went to see House in jail for the very first time. No investigator ever visited or spoke with House. *Id.* The first thing Attorney Quigley asked House was "You want to go home right?" *Id. House answered yes, he did want to go home. Attorney Quigley then he went on to tell House that he knew House says he did not do it, but if House wanted to go home, House had to "own it." Id. Attorney Quigley advised House that he "had to really own it, even if [he] didn't do it. He told [House] to agree with whatever was said about [him] and don't lie on the lie detector test. If [he] did that, [House] would be home by summer. Id.* (emphasis added).

Attorney Quigley then set up another meeting with Dr. Comte and at this meeting, House "just went with whatever was said. [He also] didn't

lie on the lie detector test." ***See Exhibit "L."*** After these two interviews were completed, Attorney Quigley told House he "did good and everything would be ok because [House] had never been in trouble so [House] had nothing to worry about. *Id.*

The report by Dr. Comte supports House's statements. Dr. Comte notes in the "Referral Information" portion of his Psychosexual Evaluation and Treatment Plan that:

> In my initial Interview with Mr. House January 18, 2015 he denied the allegations. In my subsequent interview with him the following day he told me he was going to admit to all the allegations, despite the fact he was not guilty of them in order to take advantage of a plea offer, if one was proposed. I explained to him he would not qualify for SSOSA without acknowledging wrongdoing and accepting responsibility for his behavior. I further explained it was not sufficient for him to claim he was appeasing his attorney, me and the court***. Following that interview, I telephoned his Attorney, Mr. Quigley and explained Mr. House's position. Mr. Quigley again met with his client and reiterated that claiming he was innocent, while at the same time pleading guilty was not an acceptable response to the charges. Mr. Quigley later telephoned me and explained his client was now ready to be forthright.***
>
> ***See Exhibit "F" (emphasis added).***

As discussed by The Innocence Project in a recent amicus brief to the United States Supreme Court

> "False confessions and guilty pleas by innocent defendants are each more likely when the defendant is given the right (typically short-term) incentive not to tell the truth. As Judge Rakoff has previously observed, '[r]esearch indicates that young, unintelligent, or risk-averse defendants will often provide false confessions just because they cannot 'take the heat' of an interrogation.' [citation omitted] … The innocent who confess in response do so as 'an act of social compliance when they feel

> trapped by the apparent strength of the evidence against them and perceive no other means of escape.' [citation omitted] False evidence also presents 'a strong form of misinformation [and] can create confusion and lead people to doubt their own beliefs, at times internalizing guilt and confabulating memories for crimes they did not commit.' [citation omitted]
> "*Similarly, innocent defendants can be and often are pressured to plead guilty, though the pressure is not entirely adversarial and thus arguably more difficult to withstand.* The deal offered by the prosecutor - the promise of a reduced sentence if the defendant will only forego his right to a trial, coupled with the threat of a longer sentence if the agreement is rejected - provides a strong incentive to plead guilty. *This incentive is often coupled with the pressure placed on the defendant by his own attorney, who, in many cases, advises the client 'that there is a strong case against him, that his likelihood of acquittal is low, and that he faces' a lengthy prison sentence unless he quickly accepts the plea deal.* [citation omitted] *Defense attorneys who believe that it is in their client's best interest to accept a guilty plea will sometimes engage in "arm-twisting" to ensure that the client takes the deal.* Molly J. Walker Wilson, *Defense Attorney Bias and the Rush to Plea,* 65 Kan. L. Rev. 271, 303 (2016).… Thus, just as a police officer may coerce a suspect into confessing to a crime he did not commit, the innocent defendant's own attorney may create an environment in which the defendant feels trapped and can only "escape" by pleading guilty to a crime he did not commit."

Class v. United States of America, 2017 WL 2263382, 12-13 (U.S. 2017) (emphasis added). This sounds remarkably like the situation House found himself in.

House, as discussed above, was represented by an attorney who stated, in his own words, that House was a "wimp" and that he did not want to represent him. Furthermore, House's experience with Attorney Quigley clearly demonstrated that he believed House to be guilty, as evidenced by the "3% comment" Attorney Quigley made to House. Attorney Quigley's failure to properly discuss the case with House, his

aggressive advice to House that all was lost unless he plead guilty, at which time he could "go home" coupled with the extremely deficient investigation into House's alibi witnesses and other witnesses is nothing less than constitutionally ineffective representation. Attorney Quigley was biased against House and that bias tainted his entire representation of House.

House is not the only defendant with a case pending before this Honorable Court asserting Attorney Quigley believed the defendant was guilty, failed to investigate the case and aggressively pressured him to take the plea. In State v. Harris, Pierce County Case 15-1-02431-2, which was originally a second degree felony murder case, defendant moved pro se to withdraw his plea alleging ineffective assistance of counsel. ***See Exhibit "M," Harris' Motion for Relief from Judgment*** (This Motion was converted into a PRP and is currently pending before this Court in case number 49641-1-II) Defendant alleged that he was not aware that the plea offer he accepted, which resulted in him pleading guilty to fictitious crimes in a complicated agreement, which actually resulted in his offender score being bumped up so that his standard range sentence was within the true sentencing range for the greater charge of first degree murder. *Id.*

The Court denied defendant's motion to withdraw his plea, Attorney Quigley and his co-counsel were permitted to withdraw as

counsel and new counsel was appointed. ***See Exhibit "M."*** New counsel in the case immediately saw the deficiencies in Attorney Quigley and co-counsel's investigation and hired another homicide investigator and a mitigation writer/investigator. *Id.* New defense counsel also raised the issue of competency and had his client evaluated immediately. *Id.* Defense counsel's new investigation was concluded just before sentencing and found that the evidence did not support the State's theory of the case. *Id.* Harris, through counsel, asserts in his PRP that his client was not correctly advised of the nature of the evidence against him, and that he was "aggressively advised by his defense team that his story was inconsistent with the forensic evidence." *Id. at 4.* However, Harris's story that the death was an accident did match exactly with the new evidence uncovered by Harris' new attorney's independent investigation. *Id.*

In just a few weeks, new counsel discredited the State's theory of the case and corroborated Harris' story that the death was accidental with the State's own evidence. The PRP alleges that none of the evidence, which did not support a factual basis for premeditation, was known to Harris prior to his plea. *Id.* This matter was consolidated with Harris' direct appeal, which also seeks to withdraw the plea based on ineffective assistance of counsel.

It should be noted that at the same time or within a matter of months that Attorney Quigley was representing House, he was representing Harris. Harris was fortunate enough to be appointed new counsel prior to sentencing who within just a few weeks recognized that there was no basis for one of the elements of the crime Harris was charged with – premeditation. It is significant that in the same time frame that House was represented by Attorney Quigley, another defendant with extremely serious charges is similarly alleging ineffective assistance of counsel due to deficient investigation, lack of due diligence in representation and that he was aggressively advised the evidence showed he was guilty, ultimately resulting in a coerced plea. These are the same allegations House makes.

In pleading guilty, Mr. House was misinformed by his trial counsel about the extent of the investigation counsel performed in the case. Trial counsel advised the trial court and Mr. House that "I have retained an investigator, Julie Armijo, who has made contact with every witness that Mr. House has advised me that he would like me to subpoena for trial, and so that's been done." ***See Exhibit "K," p. 4***. However, this was not accurate. Trial counsel, through his retained investigator, did not contact all the witnesses and did not fully explore House's protestations of innocence that his alibi witnesses and other witnesses would have

supported. Even the witnesses that were supposedly contacted resulted in no reports or written notes provided to Attorney Quigley. Reviewing the record of the investigation and internal emails, it appears Attorney Quigley just handed off the investigation to the retained private investigator, who did an extremely deficient job and apparently generated no reports to provide to Attorney Quigley. ***See Exhibit "J."*** There is no evidence that Attorney Quigley ever requested reports from the investigator and no evidence he ever received any reports. While an investigator was retained in House's case, any competent criminal attorney would recognize the investigation was extremely deficient and inadequate.

House raised the alarm with both the trial court and the Washington State Bar Association about the deficient performance of Attorney Quigley while the case was pending. At the hearing on August 22, 2015, the same hearing where Attorney Quigley inaccurately informed the trial court that all defense witnesses had been contacted, House advised the trial court:

> HOUSE: [M]y lawyer, he says he has done things. He has only talked to me four times since I have been here. He talked to me after my arraignment and let me know that I was his lawyer, and another time before that was April 4th before I had court. He just called me yesterday because I sent in a grievance to the Bar Association. That is why he called me. If I didn't do that, he never would have contacted me.

> My mother has contacted him several times trying to get with him to give him the documentations of my court case. The last time I was in court, January 22nd, I asked him to give my court papers to my mother. He said he would. My mother called his name and he did not acknowledge her. His excuse was, oh, I don't remember her face. But how can you not remember?

THE COURT: All right. I got the tenor of what your issue is. What are you asking the Court to do?

HOUSE: I would ask that the Court relieve my legal counsel of his duty to represent me.

THE COURT: All right. Anything further, Mr. Quigley?

MR. QUIGLEY: No. Only that his mother is present. I talked to her yesterday. It was a pleasant conversation. It was a pleasant conversation today. I don't recall walking by her last time. If I did, I have already apologized to her, but ***I'm doing what I can for Mr. House, given the resources I have, and given the state of the evidence, and I am certainly willing to represent him in these charges. That's my job. So that's what I am planning on doing***.

See Exhibit "K."

These are not the words of a zealous advocate. Mr. House was entitled to effective assistance of counsel, not a counsel who failed to supervise and guide the investigation of his case, failed to follow up on the investigation, and then without even disputing House's assertions that he had *only spoken with him 4 times over the course of a year,* advised the court that he was doing his best with limited resources and "the facts" – meaning the fact that House was guilty. These statements, coupled with the facts and evidence articulated previously clearly demonstrate that

Attorney Quigley's representation fell below the objective standard of reasonableness.

The trial court's response to House's concerns, which the trial court only gave him mere moments to voice, was similarly disheartening. The trial court informed House that when his motion for new counsel was denied and that "[w]hen you have the privilege of hiring your own counsel, then you can hire and fire. *When the county pays for it, on the record before me Mr. Quigley is moving forward on your case*." *Id. at 5-6.* The trial court comfortably denied House's motion "on the record before [it]" because the trial court didn't allow House to articulate the full issues with Attorney Quigley's representation.

Attorney Quigley's representation in this case from start to finish was ineffective. Pursuant to the newly discovered evidence that contrary to Attorney Quigley's representations to House and to the trial court that all defense witnesses had been contacted, this representation was false. House was prejudiced by Attorney Quigley's deficient performance because he accepted the plea based on the advice of a counsel who misrepresented the investigation he had undertaken in his case and told him there was no way he would win at trial. Attorney Quigley did not present the facts and evidence to House competently, because he himself was not even informed of them. The failure to investigate House's alibi

and other witnesses constituted ineffective assistance. House was both pressured by Attorney Quigley and actively misled by him into taking the plea. House did not make a knowing, voluntary, and intelligent guilty plea and therefore is entitled to withdraw his guilty plea.

House was under the impression, based on Attorney Quigley's representations to the court that his investigator had in fact interviewed all of the witnesses, but no reports of those witness interviews exist and some of the witnesses have sworn they were never contacted by an investigator. Dr. Harrington concludes his report with the following:

> "As I conclude my involvement in this investigation, I have discovered that Mr. Quigley either misrepresented himself on behalf of his client, Mr. House, that day in Court before the Honorable Vicki Hogan (8/22/2014), or he could have been provided "bad facts" by his investigator, Mrs. Armijo.
>
> Regardless, neither of them has provided the PCAC with their investigative reports, because there would have been an electronic record. These records were not provided to us either, upon request. They did not even provide the hand-written notes that Ms. Maggitt and Ms. Mimms witnessed Mrs. Armijo writing on 9/2/2014, during their interview.
>
> Once again, our request was only to confirm that the reported interviews verifiably took place, not necessarily to examine the contents of their investigative reports and/or defense strategy. The simple focus of our inquiry was to ensure that our client, Mr. Marlon House, received adequate representation en route to constructing the best defense possible. However, there is no confirmation of anything other than invoices submitted and payment rendered for work on this case, that no one can or is willing to confirm actually exists." ***See Exhibit "J," at 17.***

B. House is entitled to a resentencing hearing in accordance with changes in Washington law.

The trial court sentenced House without considering his youth. Based on new interpretations of relevant statutes expounded by the Washington Supreme Court and appellate courts following House's initial sentence, however, it is apparent that was erroneous. State v. O'Dell, 183 Wn.2d 680, 693 (2015) (youth must be taken into consideration as a factor justifying exceptional sentences downward, even for adults); See In re Pers. Restraint of Light-Roth, 200 Wn. App. 149, 153 (2017), review granted sub nom. In re Light-Roth, 189 Wn.2d 1030 (2017) (a defendant sentenced prior to O'Dell "deserves an opportunity to have a sentencing court meaningfully consider whether his youthfulness justifies an exceptional sentence below the standard range").

House has never raised this issue on appeal or in a personal restraint petition. A personal restraint petition is clearly not the "forum for relitigation of issues already considered on direct appeal," but rather it is a medium in which to review "fundamental errors" that prejudice a restrained individual." In re Pers. Restraint of Lord, 123 Wn.2d 296, 329 (1994). Here, House' sentence is the result of a fundamental error.

"When nonconstitutional grounds are asserted for relief from personal restraint, the petitioner must establish that he is unlawfully

restrained, and that the unlawful restraint is due to a fundamental defect that inherently results in a miscarriage of justice." In re Pers. Restraint of Rowland, 149 Wash. App.496, 507, 204 P.3d 953 (2009). House's inability to argue to the court at sentencing that his youth was a mitigating factor has resulted in a "fundamental defect" in House's sentence "that inherently results in a miscarriage of justice" – his 160 month to life sentence. Id.

1. House's sentence of 160 months to life is a miscarriage of justice as it is the result of a fundamental defect in his sentencing proceeding because youth was not a lawful ground for mitigation at the time he was sentenced.

After House's sentence was imposed, the Supreme Court held, for the first time, that Washington law allows for consideration of youth as a mitigating factor justifying downward departures from standard sentencing ranges established by the SRA[1]. O'Dell, 183 Wn.2d at 693. House did not argue for youth as a mitigating factor. However, ever if he had the clarity of mind and legal knowledge to make such an argument, at that time it would have been contrary to law.

In general, a trial court must impose a sentence that falls within the standard range. State v. Law, 154 Wash.2d 85, 94, 110 P.3d 717 (2005). A

[1] The opinion in O'Dell was filed on August 13, 2015 – approximately 2 months after House was sentenced.

court has discretion to depart from the standard range either upward or downward, However "this discretion may be exercised only if: (1) the asserted aggravating or mitigating factor is not one necessarily considered by the legislature in establishing the standard sentence range, and (2) it is sufficiently substantial and compelling to distinguish the crime in question from others in the same category." State v. Ronquillo, 190 Wn. App. 765, 780-83, 361 P.3d 779 (2015), citing Law, 154 Wash.2d at 95, 110 P.3d 717. The Court in Law held that a factor is sufficiently substantial and compelling to justify departure from a standard sentence only if it relates "directly to the crime or the defendant's culpability for the crime committed." Law, 154 Wash.2d at 95, 110 P.3d 717.

At the time of House's sentencing, the law in Washington regarding youth as a mitigating factor was articulated in State v. Ha'mim, 132 Wn.2d 834, 940 P.2d 633 (1997). In Ha'mim, a defendant pled guilty to first degree robbery with a deadly weapon and asserted that her age justified a downward departure from the SRA standard range. Id. at 837. At sentencing, the court accepted her argument and imposed such a sentence. Id. at 838. The State appealed the exceptional sentence, and the Court of Appeals reversed, holding that the defendant's youth did not justify the exceptional sentence. Id. The Supreme Court upheld the reversal, concluding that "the age of the defendant does not relate to the

crime or the previous record of the defendant," and thus does not justify a downward departure under RCW 9.94A.340, which states "the sentencing guidelines . . . apply equally to offenders in all parts of the state, without discrimination as to any element that does not relate to the crime or the previous record of the defendant." Id. at 847. The Court thus held the defendant's "age is not alone a substantial and compelling reason to impose an exceptional sentence." Id.

While House has been incarcerated, the Supreme Court rejected the "sweeping conclusion" in Ha'mim that "'[t]he age of the defendant does not relate to the crime or the previous record of the defendant.'" Id. at 695. (quoting Ha'mim, 132 Wn.2d at 847). Instead, the O'Dell Court held that youth may justify a downward departure from the SRA so long as there is evidence "that youth in fact diminished a defendant's culpability." O'Dell, 183 Wn.2d at 689. This change in thinking was effectuated by recent U.S. Supreme Court opinions relying on psychological studies regarding "adolescents' cognitive and emotional development," that have established "a clear connection between youth and decreased moral culpability for criminal conduct." Id. at 695 (citing Miller v. Alabama, 567 U.S. 460, 132 S. Ct. 2455 (2012) (mandatory life sentences without parole violate the Eighth Amendment when applied to juveniles); Graham v. Florida, 560 U.S. 48 (2010) prohibiting sentences of life without parole for

juveniles convicted of crimes other than Homicide); Roper v. Simmons, 543 U.S. 551 (2005) (juveniles may not be sentenced to death because of their immaturity and heightened capacity for reform)). The Court further noted that these studies "reveal fundamental differences between adolescent and mature brains in the areas of risk and consequence assessment, impulse control, tendency toward antisocial behaviors, and susceptibility to peer pressure." O'Dell 183 Wn.2d at 692 (footnotes omitted).

The Washington Supreme Court held that, while "age is not a per se mitigating factor," youth is "far more likely to diminish a defendant's culpability" than the Court indicated in Ha'mim.[2] O'Dell, 183 Wn.2d at 695-96. Thus, "a trial court must be allowed to consider youth as a mitigating factor when imposing a sentence on a [young] offender." O'Dell, 183 Wn.2d at 696. Because the trial court did not "meaningfully consider youth as a possible mitigating factor," the matter was remanded for resentencing. Id. at 689.

In subsequent cases, this Court has recognized that O'Dell, significantly impacted the use of youth as a mitigating factor. State v. Ronquillo, 190 Wn. App. 765, 780-83, 361 P.3d 779 (2015) Just as when

[2] The Court did not overrule Ha'mim directly but rather "disavow[ed]" the reasoning in Ha'mim to the extent it was inconsistent with its ruling.

House was sentenced, "at the time of Ronquillo's resentencing, a defendant's youthfulness was not, by itself, a mitigating factor that could justify a downward departure." Ronquillo, 190 Wn. App. at 780-83, 361 P.3d 779, citing *Law*, 154 Wash.2d at 97–98, 110 P.3d 717. Considering the *O'Dell* decision, this Court held "[t]he trial court erroneously believed Ronquillo's age could not be considered as a possible mitigating factor, whereas we now know from O'Dell that it can be." Id. at 783. The matter was remanded for resentencing with specific instructions to the sentencing court to consider whether the defendant's culpability was diminished in light of O'Dell and Miller. Id.

However, it is a case that this Court decided just a few months ago, on August 14, 2017, that is the most informative. In In re Pers. Restraint of Light-Roth, the court held

> "that O'Dell expanded youthful defendants' ability to argue for an exceptional sentence, and was a significant change in the law. Because that change in the law was material to Light-Roth's sentence and applies retroactively, we may consider Light-Roth's [otherwise procedurally barred] petition. We conclude that Light-Roth deserves an opportunity to have a sentencing court meaningfully consider whether his youthfulness justifies an exceptional sentence below the standard range." Id. at 461.

Light-Roth, like House, was not a juvenile at the time he committed second degree murder. Id. Also, as in House' case, Light-Roth "did not seek an exceptional sentence downward on the basis of his youthfulness at the time of the murder." Id. After the O'Dell decision

came out, Light-Roth filed a personal restraint petition in 2016 based on the Court's failure to consider his youthfulness at sentencing. Id. at 462. As with House's case, when Light-Roth was convicted and sentenced, Ha'mim was the law. Id. In its opinion, this Court outlines the evolution of the law regarding youth as a mitigating factor up to the Supreme Court's decision in O'Dell. See Id. at 463-466. After this discussion, this Court explained that

> Law and Ha'mim together effectively prevented trial courts from considering whether a young adult defendant's age diminished his or her culpability unless something else tied the defendant's youth to the crime itself. Under O'Dell, trial courts are allowed to consider the defendant's youth and immaturity…*O'Dell approved of the argument that the earlier cases characterized as absurd.* Thus… Light-Roth could not "certainly request" an exceptional sentence based on his youth… Accordingly, we conclude that O'Dell announced a significant change in the law. Id. at 465, emphasis added; internal citations omitted.

House, like Light-Roth, was deprived of an argument for an exceptional sentence based on youth given the status of the law at the time he was sentenced. That law has since changed and is retroactive in its application. The Court remanded Light-Roth's case for resentencing so that he could make the argument of diminished capacity based upon youth as a mitigating factor to justify an exceptional sentence. House is entitled to resentencing for exactly the same reasons.

In Light-Roth, this Court indicated that the State appeared to concede in its brief that

> "if the petition is timely, Light-Roth is entitled to a resentencing hearing. The State asserts, 'It is important to note, that under Light-Roth's reasoning, every offender of an arguably youthful age who was previously sentenced would now be entitled to a new sentencing proceeding.' We treat this argument as a concession that Light-Roth is entitled to relief if we reach the merits of his petition." Id. at 467.

House is entitled to have his case remanded to the trial court for resentencing, enabling House to argue that his culpability was diminished by his youth and to impose a sentence that properly takes this mitigating factor into consideration.

VI. CONCLUSION

For the foregoing reasons, this Court should grant the Petition and remand this matter permitting House to withdraw his plea, or in the alternative for resentencing to evaluate whether House's culpability was diminished by his youth and to resentence accordingly.

Respectfully submitted this 24th day of May, 2018.

LAW OFFICE OF COREY EVAN PARKER

Corey Evan Parker

Corey Evan Parker, WSBA #40006
Attorney for Petitioner, Marlon House

OATH

I declare under penalty of perjury under the laws of the State of Washington that I am the attorney for the petitioner, that I have read the petition, know its contents, and I believe the petition is true.

Respectfully submitted this 24th day of May, 2018.

LAW OFFICE OF COREY EVAN PARKER

By Corey Evan Parker
Corey Evan Parker, WSBA #40006
Attorney for Petitioner

AMENDED CERTIFICATE OF SERVICE

I, Corey Parker, certify under penalty of perjury under the laws of the United States and of the State of Washington that on May 24, 2018, I caused to be served the document to which this is attached to the parties listed below in the manner shown below:

Attorney for Respondent:	
Pierce County Appellate Unit PCpatcecf@co.pierce.wa.us	☐ By First Class Mail ☐ By Fed Express ☐ By Facsimile ☐ By Hand Delivery ☒ By Email
Petitioner:	
Marlon House Washington Corrections Center PO Box 900 Shelton, WA 98584	☒ By First Class Mail ☐ By Fed Express ☐ By Facsimile ☐ By Hand Delivery ☐ By Email

Corey Evan Parker

Corey Evan Parker
WSBA No. 40006
1275 12th Avenue NW Suite 1B
Issaquah, WA 98027
(425) 221-2195

Exhibit “A”

FILED
DEPT. 5
IN OPEN COURT
JUL 14 2015
Pierce County Clerk
By _____
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, Plaintiff, vs. MARLON OCTAVIUS LUVELL HOUSE Defendant. SID: 25177449 DOB: 11/18/1985	CAUSE NO. 14-1-00938-2 JUDGMENT AND SENTENCE (FJS) [X] Prison [ ] RCW 9.94A.712\9.94A.507 Prison Confinement [ ] Jail One Year or Less [ ] First-Time Offender [ ] Special Sexual Offender Sentencing Alternative [ ] Special Drug Offender Sentencing Alternative [ ] Alternative to Confinement (ATC) **[ ] Clerk's Action Required, para 4.5 (SDOSA), 4.7 and 4.8 (SSOSA) 4.15.2, 5.3, 5.6 and 5.8** **[ ]Juvenile Decline [ ]Mandatory [ ]Discretionary**

I. HEARING

1.1 A sentencing hearing was held and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

II. FINDINGS

There being no reason why judgment should not be pronounced, the court FINDS:

2.1 **CURRENT OFFENSE(S)**: The defendant was found guilty on May 15, 2015 by [X] plea [ ] jury-verdict [ ] bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
I	RAPE OF A CHILD IN THE FIRST DEGREE (136)	9A.44.073		01/01/08 – 02/28/10	130370462 LAKEWOOD PD

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, See RCW 46.61.520, (JP) Juvenile present, (SM) Sexual Motivation, (SCF) Sexual Conduct with a Child for a Fee. See RCW 9.94A.533(8). (If the crime is a drug offense, include the type of drug in the second column.)

as charged in the AMENDED Information

15-9-06373-2

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[ ] Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):

[ ] Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2 **CRIMINAL HISTORY (RCW 9.94A.525):**

	CRIME	DATE OF SENTENCE	SENTENCING COURT	DATE OF CRIME	A or J ADULT JUV	TYPE OF CRIME
1	14-1-00937-4 RAPE OF A CHILD IN THE FIRST DEGREE	OTHER CURRENT	PIERCE, WA	01/01/08 – 02/28/10	A	SEX, V

[ ] The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

2.3 **SENTENCING DATA:**

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	3	XII	120 – 160 MOS TO LIFE		120 – 160 MOS TO LIFE	LIFE

2.4 [ ] **EXCEPTIONAL SENTENCE.** Substantial and compelling reasons exist which justify an exceptional sentence:

[ ] within [ ] below the standard range for Count(s) _____.

[ ] above the standard range for Count(s) _____.

[ ] The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

[ ] Aggravating factors were [ ] stipulated by the defendant, [ ] found by the court after the defendant waived jury trial, [ ] found by jury by special interrogatory.

Findings of fact and conclusions of law are attached in Appendix 2.4. [ ] Jury's special interrogatory is attached. The Prosecuting Attorney [ ] did [ ] did not recommend a similar sentence.

2.5 **ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS.** The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

[ ] The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

_____

[ ] The following extraordinary circumstances exist that make payment of nonmandatory legal financial obligations inappropriate:

_____

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2.6 [ ] **FELONY FIREARM OFFENDER REGISTRATION.** The defendant committed a felony firearm offense as defined in RCW 9.41.010.

[ ] The court considered the following factors:

[ ] the defendant's criminal history.

[ ] whether the defendant has previously been found not guilty by reason of insanity of any offense in this state or elsewhere.

[ ] evidence of the defendant's propensity for violence that would likely endanger persons.

[ ] other: _____

[ ] The court decided the defendant [ ] should [ ] should not register as a felony firearm offender.

III. JUDGMENT

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1.

3.2 [ ] The court DISMISSES Counts _____ [ ] The defendant is found NOT GUILTY of Counts _____

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court: (Pierce County Clerk, 930 Tacoma Ave #110, Tacoma WA 98402)

JASS CODE

RTN/RJN $ 364.09 Restitution to: CVC

$ _____ Restitution to: _____

(Name and Address--address may be withheld and provided confidentially to Clerk's Office).

PCV $ 500.00 Crime Victim assessment

DNA $ 100.00 DNA Database Fee

PUB $ waived Court-Appointed Attorney Fees and Defense Costs

FRC $ 200.00 Criminal Filing Fee

FCM $ _____ Fine

length of sentence
present ability to pay

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

$ 2,933.44 Other Costs for: Extradition costs (concurrent w/14-1-00937-4)

$ _____ Other Costs for: _____

$ 4,097.53 TOTAL

[ ] The above total does not include all restitution which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

[ ] shall be set by the prosecutor.

[ ] is scheduled for _____

[X] **RESTITUTION.** Order Attached

[ ] The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

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[X] All payments shall be made in accordance with the policies of the clerk, commencing immediately, unless the court specifically sets forth the rate herein: Not less than $ per CCO per month commencing . per CCO . RCW 9.94.760. If the court does not set the rate herein, the defendant shall report to the clerk's office within 24 hours of the entry of the judgment and sentence to set up a payment plan. Upon D's release

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b)

[ ] **COSTS OF INCARCERATION.** In addition to other costs imposed herein, the court finds that the defendant has or is likely to have the means to pay the costs of incarceration, and the defendant is ordered to pay such costs at the statutory rate. RCW 10.01.160.

COLLECTION COSTS The defendant shall pay the costs of services to collect unpaid legal financial obligations per contract or statute. RCW 36.18.190, 9.94A.780 and 19.16.500.

INTEREST The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090

COSTS ON APPEAL An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW. 10.73.160.

4.1b **ELECTRONIC MONITORING REIMBURSEMENT.** The defendant is ordered to reimburse _____ (name of electronic monitoring agency) at _____, for the cost of pretrial electronic monitoring in the amount of $_____.

4.2 [X] **DNA TESTING.** The defendant shall have a blood/biological sample drawn for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, the county or DOC, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

[X] **HIV TESTING.** The Health Department or designee shall test and counsel the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. RCW 70.24.340.

4.3 **NO CONTACT**

The defendant shall not have contact with L.M. 6/25/01 (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for Life years (not to exceed the maximum statutory sentence).

[X] Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed with this Judgment and Sentence.

4.4 **OTHER**: Property may have been taken into custody in conjunction with this case. Property may be returned to the rightful owner. Any claim for return of such property must be made within 90 days. After 90 days, if you do not make a claim, property may be disposed of according to law.

- Law abiding behavior
- Conditions per CCO
- Register as a sex offender as required by statute
- No contact with minors
- Appendices F + H
- Psycho-sexual evaluation + follow-up treatment

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4.4a [X] All property is hereby forfeited

[ ] Property may have been taken into custody in conjunction with this case. Property may be returned to the rightful owner. Any claim for return of such property must be made within 90 days. After 90 days, if you do not make a claim, property may be disposed of according to law.

4.4b **BOND IS HEREBY EXONERATED**

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4.5 **CONFINEMENT OVER ONE YEAR.** The defendant is sentenced as follows:

(a) **CONFINEMENT.** RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

_____ months on Count _____ _____ months on Count _____

_____ months on Count _____ _____ months on Count _____

_____ months on Count _____ _____ months on Count _____

CONFINEMENT. RCW 9.94A.~~712~~ 507. Defendant is sentenced to the following term of confinement in the custody of the Department of Corrections (DOC):

Count I Minimum Term: 160 Months Maximum Term: Life

Count _____ Minimum Term _____ Months Maximum Term: _____

Count _____ Minimum Term _____ Months Maximum Term: _____

* The Indeterminate Sentencing Review Board may increase the minimum term of confinement. *

Actual number of months of total confinement ordered is: 160 months to life subject to ISRB.

(Add mandatory firearm, deadly weapons, and sexual motivation enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above).

[ ] The confinement time on Count(s) _____ contain(s) a mandatory minimum term of _____.

CONSECUTIVE/CONCURRENT SENTENCES. RCW 9.94A.589. All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm, other deadly weapon, sexual motivation, VUCSA in a protected zone, or manufacture of methamphetamine with juvenile present as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____

Concurrent to 14-1-00937-4

The sentence herein shall run consecutively to all felony sentences in other cause numbers imposed prior to the commission of the crime(s) being sentenced. The sentence herein shall run concurrently with felony sentences in other cause numbers imposed after the commission of the crime(s) being sentenced except for the following cause numbers. RCW 9.94A.589: _____

Confinement shall commence immediately unless otherwise set forth here: _____

(c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: to be calculated by DOC.

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4.6 [ ] **COMMUNITY PLACEMENT** (pre 7/1/00 offenses) is ordered as follows:

Count _____ for _____ months;

Count _____ for _____ months;

Count _____ for _____ months;

[ ] **COMMUNITY CUSTODY** (To determine which offenses are eligible for or required for community custody see RCW 9.94A.701)

The defendant shall be on community custody for:

Count(s) _____ 36 months for Serious Violent Offenses

Count(s) _____ 18 months for Violent Offenses

Count(s) _____ 12 months (for crimes against a person, drug offenses, or offenses involving the unlawful possession of a firearm by a street gang member or associate)

Note: combined term of confinement and community custody for any particular offense cannot exceed the statutory maximum. RCW 9.94A.701.

[X] **COMMUNITY CUSTODY** is Ordered for counts sentenced under RCW 9.94A. ~~712~~ 507, from time of release from total confinement until the expiration of the maximum sentence:

Count I ~~until _____ years from today's date~~ [X] for the remainder of the Defendant's life.

Count _____ until _____ years from today's date [ ] for the remainder of the Defendant's life.

Count _____ until _____ years from today's date [ ] for the remainder of the Defendant's life.

(B) While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while in community custody; (6) not own, use, or possess firearms or ammunition; (7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; (9) abide by any additional conditions imposed by DOC under RCW 9.94A.704 and .706 and (10) for sex offenses, submit to electronic monitoring if imposed by DOC. The defendant's residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

The court orders that during the period of supervision the defendant shall:

[ ] consume no alcohol.

[X] have no contact with: minors, L.M.

[X] remain [X] within [X] outside of a specified geographical boundary, to wit: per CCO

[ ] not serve in any paid or volunteer capacity where he or she has control or supervision of minors under 13 years of age

[X] participate in the following crime-related treatment or counseling services: psycho-sexual

[ ] undergo an evaluation for treatment for [ ] domestic violence [ ] substance abuse [ ] mental health [ ] anger management and fully comply with all recommended treatment.

[X] comply with the following crime-related prohibitions: per CCO.

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[X] Other conditions:

Per CCO Appendices F+H, register as a sex offender per statute
law abiding behavior, no contact with minors

[ ] For sentences imposed under RCW 9.94A.702, other conditions, including electronic monitoring, 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.

Court Ordered Treatment: If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9.94A.562.

PROVIDED: That under no circumstances shall the total term of confinement plus the term of community custody actually served exceed the statutory maximum for each offense

4.7 [ ] **WORK ETHIC CAMP**. RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.

4.8 **OFF LIMITS ORDER** (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the County Jail or Department of Corrections: _____

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V. 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.** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose 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. The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the court may issue a notice of 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 may be taken without further notice. RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

5.4 **RESTITUTION HEARING.**

[ ] Defendant waives any right to be present at any restitution hearing (sign initials): _____.

5.5 **CRIMINAL ENFORCEMENT AND CIVIL COLLECTION.** Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. Per section 2.5 of this document, legal financial obligations are collectible by civil means. RCW 9.94A.634.

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.** (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

5.7 **SEX AND KIDNAPPING OFFENDER REGISTRATION.** RCW 9A.44.130, 10.01.200.

1. General Applicability and Requirements: Because this crime involves a sex offense or kidnapping offense (e.g., kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW) where the victim is a minor defined in RCW 9A.44.130, you are required to register with the sheriff of the county of the state of Washington where you reside. 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 immediately upon being sentenced unless you are in custody, in which case you must register at the time of your release and within three (3) business days from the time of release.

2. Offenders Who Leave the State and Return: If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within three (3) business days after moving to this state. If you are under the jurisdiction of this state's Department of Corrections, you must register within three (3) 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 out a vocation in Washington, or attend school in Washington, you must register within three (3) business days after starting school in this state or becoming employed or carrying out a vocation in this state.

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3. Change of Residence Within State and Leaving the 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 (3) business days of moving. If you change your residence to a new county within this state, you must register with that county sheriff within three (3) business days of moving, and must, within three (3) business days provide, by certified mail, with return receipt requested or in person, signed written notice of the change of address in the new county to the county sheriff with whom you last registered. If you move out of Washington State, you must send written notice within three (3) business days of moving to the county sheriff with whom you last registered in Washington State.

4. Additional Requirements Upon Moving to Another State If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within three (3) business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. You must also send written notice within three (3) days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12): If you are a resident of Washington and you are admitted to a public or private institution of higher education, you are required to notify the sheriff of the county of your residence of your intent to attend the institution within three (3) business days prior to arriving at the institution. If you become employed at a public or private institution of higher education, you are required to notify the sheriff for the county of your residence of your employment by the institution within three (3) business days prior to beginning to work at the institution. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within three (3) business days of such termination. If you attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, you are required to notify the sheriff of the county of your residence of your intent to attend the school. You must notify the sheriff within three (3) business days prior to arriving at the school to attend classes. The sheriff shall promptly notify the principal of the school.

6. Registration by a Person Who Does Not Have a Fixed Residence: Even if you do not have a fixed residence, you are required to register. Registration must occur within three (3) business days of release in the county where you are being supervised if you do not have a residence at the time of your release from custody. Within three (3) business days after losing your fixed residence, you must provide signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new countywithin three (3) business days after entering the new county. You must also report weekly in person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. You may be required to provide a list the locations where you have stayed during the last seven days. 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 (3) business days of the entry of the order. RCW 9A.44.130(7).

[X] The defendant is a sex offender subject to indeterminate sentencing under RCW 9.94A.~~712~~ 507

5.8 [ ] The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.

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5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.

5.10 **OTHER:** per CCO, no contact with minors, sex offender registration, psychi-sex eval (done) + follow up treatment, Appendices F + H

DONE in Open Court and in the presence of the defendant this date: 7/14/15

JUDGE
Print name

Deputy Prosecuting Attorney
Print name: Kara Sanchez
WSB # 35502

Attorney for Defendant
Print name: Mark Quigley
WSB # 14496

Defendant
Print name: Marlon House

VOTING RIGHTS STATEMENT: RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony convictions. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: 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.

Defendant's signature:

FILED
DEPT. 5
IN OPEN COURT
JUL 14 2015
Pierce County Clerk
By DEPUTY

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Tacoma, Washington 98402-2171
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CERTIFICATE OF CLERK

CAUSE NUMBER of this case: 14-1-00938-2

I, KEVIN STOCK Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date: _____.

Clerk of said County and State, by: _____, Deputy Clerk

IDENTIFICATION OF COURT REPORTER

Angela McDougall

Court Reporter

Office of Prosecuting Attorney
930 Tacoma Avenue S. Room 946
Tacoma, Washington 98402-2171
Telephone: (253) 798-7400

7/15/2015 7600 00087

APPENDIX "F"

The defendant having been sentenced to the Department of Corrections for a:

X sex offense
____ serious violent offense
____ assault in the second degree
____ any crime where the defendant or an accomplice was armed with a deadly weapon
____ any felony under 69.50 and 69.52

The offender shall report to and be available for contact with the assigned community corrections officer as directed:

The offender shall work at Department of Corrections approved education, employment, and/or community service;

The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions:

An offender in community custody shall not unlawfully possess controlled substances;

The offender shall pay community placement fees as determined by DOC:

The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

The offender shall submit to affirmative acts necessary to monitor compliance with court orders as required by DOC.

The Court may also order any of the following special conditions:

X (I) The offender shall remain within, or outside of, a specified geographical boundary: per CCO

X (II) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals: L.M., minors

X (III) The offender shall participate in crime-related treatment or counseling services;

____ (IV) The offender shall not consume alcohol;

X (V) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or

X (VI) The offender shall comply with any crime-related prohibitions.

X (VII) Other: per CCO

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Attachment A

VOTING RIGHTS STATEMENT:

RCW 10.64.140: After conviction of a felony, or entry of a plea of guilty to a felony, your right to vote is immediately revoked and any existing voter registration is cancelled. Pursuant to RCW 29A.08.520 after you have completed all periods of incarceration imposed as a sentence, and after all community custody is completed and you are discharged by the Department of Corrections (DOC), your voting rights are automatically restored on a provisional basis. You must then register to be permitted to vote.

Failure to pay legal financial obligations, or comply with an agreed upon payment plan for those obligations, can result in your provisional voting right being revoked by the court.

Your right to vote may be fully restored by:

a) a certificate of discharge issued by the sentencing court (RCW 9.9A.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).

NOTICE: Voting *before* the right is either provisionally or fully restored is a class C felony (RCW 92A.84.660).

I acknowledge receipt and understanding of this information.

Defendant's signature: _____ 7-14-15
Date

IDENTIFICATION OF DEFENDANT

SID No. 25177449 Date of Birth 11/18/1985
(If no SID take fingerprint card for State Patrol)

FBI No. 153303ED0 Local ID No. 20091762012

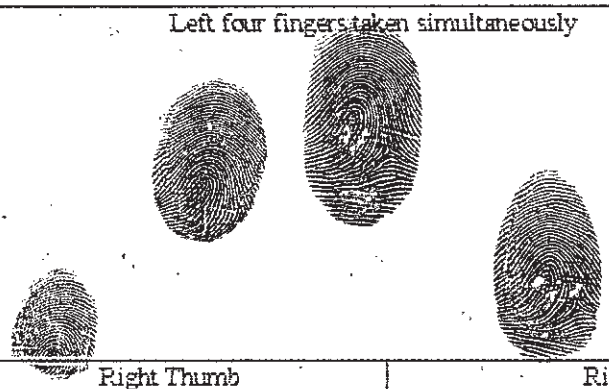
PCN No. 541179062 Other

Alias name, SSN, DOB: _____

Race:						Ethnicity:		Sex:	
[ ]	Asian/Pacific Islander	[X]	Black/African-American	[ ]	Caucasian	[ ]	Hispanic	[X]	Male
[ ]	Native American	[ ]	Other:			[X]	Non-Hispanic	[ ]	Female

FINGERPRINTS

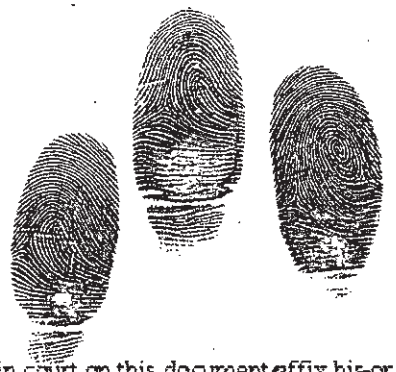
Left four fingers taken simultaneously



Left Thumb

Right Thumb

Right four fingers taken simultaneously



I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, _____ Dated: 7/17/15

DEFENDANT'S SIGNATURE: _____

DEFENDANT'S ADDRESS: _____

FILED
DEPT. 5
IN OPEN COURT
JUL 14 2015
Pierce County Clerk
By _____
DEPUTY

Office of Prosecuting Attorney
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Tacoma, Washington 98402-2171
Telephone: (253) 798-7400

Exhibit “B”

E-FILED
IN COUNTY CLERK'S OFFICE
PIERCE COUNTY, WASHINGTON

March 10 2014 11:32 AM

KEVIN STOCK
COUNTY CLERK

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, Plaintiff, vs. MARLON OCTAVIUS LUVELL HOUSE, Defendant.	CAUSE NO. 14-1-00937-4 INFORMATION

DOB: 11/18/1985	SEX : MALE	RACE: BLACK
PCN#:	SID#: 25177449	DOL#: WA HOUSEMO155QQ

COUNT I

I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse MARLON OCTAVIUS LUVELL HOUSE of the crime of RAPE OF A CHILD IN THE FIRST DEGREE, committed as follows:

That MARLON OCTAVIUS LUVELL HOUSE, in the State of Washington, during the period between the 1st day of June, 2012 and the 11th day of October, 2012, did unlawfully and feloniously being at least 24 months older than S.K., engage in sexual intercourse with S.K., who is less than 12 years old and not married to the defendant and not in a state registered domestic partnership with the defendant, contrary to RCW 9A.44.073, and the crime was aggravated by the following circumstances: pursuant to RCW 9.94A.535, defendant's conduct during the commission of this offense involved MULTIPLE INCIDENTS OF OFFENSES PER VICTIM, OR MULTIPLE PENETRATIONS, OR MULTIPLE ACTS, and/or pursuant to RCW 9.94A.535(3)(n), the defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense, and against the peace and dignity of the State of Washington.

COUNT II

And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse MARLON OCTAVIUS LUVELL HOUSE of the crime of RAPE OF A CHILD IN THE FIRST DEGREE, a crime of the same or similar character, and/or a

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Main Office (253) 798-7400

crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That MARLON OCTAVIUS LUVELL HOUSE, in the State of Washington, during the period between the 1st day of June, 2012 and the 11th day of October, 2012, did unlawfully and feloniously being at least 24 months older than S.K., engage in sexual intercourse with S.K., who is less than 12 years old and not married to the defendant and not in a state registered domestic partnership with the defendant, contrary to RCW 9A.44.073, and the crime was aggravated by the following circumstances: pursuant to RCW 9.94A.535, defendant's conduct during the commission of this offense involved MULTIPLE INCIDENTS OF OFFENSES PER VICTIM, OR MULTIPLE PENETRATIONS, OR MULTIPLE ACTS, and/or pursuant to RCW 9.94A.535(3)(n), the defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense, and against the peace and dignity of the State of Washington.

COUNT III

And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse MARLON OCTAVIUS LUVELL HOUSE of the crime of RAPE OF A CHILD IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That MARLON OCTAVIUS LUVELL HOUSE, in the State of Washington, during the period between the 1st day of June, 2012 and the 11th day of October, 2012, did unlawfully and feloniously being at least 24 months older than S.K., engage in sexual intercourse with S.K., who is less than 12 years old and not married to the defendant and not in a state registered domestic partnership with the defendant, contrary to RCW 9A.44.073, and the crime was aggravated by the following circumstances: pursuant to RCW 9.94A.535, defendant's conduct during the commission of this offense involved MULTIPLE INCIDENTS OF OFFENSES PER VICTIM, OR MULTIPLE PENETRATIONS, OR MULTIPLE ACTS, and/or pursuant to RCW 9.94A.535(3)(n), the defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense, and against the peace and dignity of the State of Washington.

COUNT IV

And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse MARLON OCTAVIUS LUVELL HOUSE of the crime of RAPE OF A CHILD IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single

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scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That MARLON OCTAVIUS LUVELL HOUSE, in the State of Washington, during the period between the 1st day of June, 2012 and the 11th day of October, 2012, did unlawfully and feloniously being at least 24 months older than S.K., engage in sexual intercourse with S.K., who is less than 12 years old and not married to the defendant and not in a state registered domestic partnership with the defendant, contrary to RCW 9A.44.073, and the crime was aggravated by the following circumstances: pursuant to RCW 9.94A.535, defendant's conduct during the commission of this offense involved MULTIPLE INCIDENTS OF OFFENSES PER VICTIM, OR MULTIPLE PENETRATIONS, OR MULTIPLE ACTS, and/or pursuant to RCW 9.94A.535(3)(n), the defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense, and against the peace and dignity of the State of Washington.

DATED this 10th day of March, 2014.

LAKEWOOD POLICE DEPARTMENT
WA02723

MARK LINDQUIST
Pierce County Prosecuting Attorney

hd

By: /s/ HEATHER DEMAINE
HEATHER DEMAINE
Deputy Prosecuting Attorney
WSB#: 28216

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Exhibit “C”

14-1-00938-2 44661336 AMINF 05-15-15

FILED
DEPT. 5
IN OPEN COURT
MAY 15 2015
Pierce County Clerk
By DEPUTY

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, Plaintiff, vs. MARLON OCTAVIUS LUVELL HOUSE, Defendant.	CAUSE NO. 14-1-00938-2 AMENDED INFORMATION

DOB: 11/18/1985 SEX : MALE RACE: BLACK
PCN#: SID#: 25177449 DOL#: WA HOUSEMO155QQ

COUNT I

I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse MARLON OCTAVIUS LUVELL HOUSE of the crime of RAPE OF A CHILD IN THE FIRST DEGREE, committed as follows:

That MARLON OCTAVIUS LUVELL HOUSE, in the State of Washington, during the period between the 1st day of January, 2008 and the 28th day of February, 2010, did unlawfully and feloniously being at least 24 months older than L.M., engage in sexual intercourse with L.M., who is less than 12 years old and not married to the defendant and not in a state registered domestic partnership with the defendant, contrary to RCW 9A.44.073, and against the peace and dignity of the State of Washington.

DATED this 11th day of May, 2015.

LAKEWOOD POLICE DEPARTMENT
WA02723

MARK LINDQUIST
Pierce County Prosecuting Attorney

kes

By: _____
KARA E. SANCHEZ
Deputy Prosecuting Attorney
WSB#: 35502

ORIGINAL

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5/15/2015 6821 0086

Exhibit “D”

14-1-00938-2 44994764 PSI 07-14-15

FILED
DEPT. 5
IN OPEN COURT
JUL 14 2015
Pierce County Clerk
By _____ DEPUTY

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

PRE-SENTENCE INVESTIGATION

TO: The Honorable Vicki L. Hogan
Pierce County Superior Court

DATE OF REPORT: 06/29/15

NAME: House, Marlon O.L.
ALIAS(ES): House, Travious

DOC NUMBER: 382908
COUNTY: Pierce

CRIME(S): Count I: Rape of a Child in the First Degree

CAUSE #: 14-1-00938-2

DATE OF OFFENSE: Between 01/01/008 to 02/28/10

SENTENCING DATE: 07/14/15

PRESENT ADDRESS: Pierce County Jail

DEFENSE ATTORNEY: Mark Quigley
949 Market Street
Suite 334
Tacoma, WA 98402

I. OFFICIAL VERSION OF OFFENSE:

Pursuant to the Information dated March 10, 2014, Mr. House was formally charged with one Count of Rape of a Child in the First Degree (Count I) and two Counts of Child Molestation in the First Degree (Counts II and III) by the Pierce County Prosecuting Attorney's Office. On May 15, 2015, an Amended Information was filed with the Pierce County Court wherein Mr. House was formally charged with one Count of Rape of a Child in the First Degree (Count I), on that same date, he pled guilty to that charge (Count I). Mr. House is currently incarcerated in the Pierce County Jail, and will be sentenced on this cause before the Honorable Vicki L. Hogan in Pierce County Court on July 14, 2015.

The following was extracted from the Declaration for Determination of Probable Cause filed by the Pierce County Prosecutor's Office, dated March 10, 2014. It

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was based on various Lakewood Police Department Reports referencing incident number 130370462.

That in Pierce County, Washington, during the period between January 1, 2008, and February 28, 2010, the defendant, MARLON OCTAVIUS LUVELL HOUSE, did commit the crimes Rape of a Child in the First Degree and Child Molestation in the First Degree (two counts) against L.M. (DOB 6/25/01).

The defendant's mother previously dated L.M.'s deceased father. L.M. is in foster care. On March 1, 2012, a social worker reported to CPS that L.M. disclosed while she was in her father's care, he allowed her to visit a 23-year-old male about two years prior. The male's name was unknown, but L.M. reported he did drugs and drank alcohol.

On December 4, 2012, L.M.'s therapist reported to CPS that L.M. disclosed that when she was eight, her father's girlfriend's son (that identified as the defendant) took L.M. to his home and gave her alcohol and possibly a marijuana cigarette. L.M. disclosed that she got tingly, dizzy and fell asleep.

On January 20, 2013, L.M. therapist reported the following to CPS: L.M. disclosed the defendant gave her alcohol and marijuana three years prior. The same day he gave her the alcohol and marijuana, he exposed his privates to L.M. She asked him to stop and he pulled his pants back up. L.M. ran away, but the defendant caught up to her pinning her down and pulling her pants down. He rubbed his privates against her. The defendant rubbed his penis against her back towards her bottom. L.M.'s father had been sleeping in another room. The defendant did this again on a different day, but longer. He told L.M. she had the perfect butt size.

On February 11, 2013, L.M.'s therapist reported to CPS that L.M. disclosed the defendant licked her "down there". L.M. told him to stop and he did. A detective contacted L.M.'s therapist who advised L.M. was very guarded and uncomfortable discussing the abuse. L.M. wrote about the abuse and the statements were given to police.

On February 14, 2013, L.M. was forensically interviewed. She was very upset and did not want to discuss the abuse, but said she told her therapist the truth. L.M. was shown a photomontage containing the defendant's picture and she positively identified him as the person she told her therapist about. L.M. declined a full medical examination.

On February 25, 2013, a detective called the defendant who advised he was moving to Louisiana.

On March 12, 2013, the detective called the defendant to get his address and learned he was still in Ohio. The detective told him about the investigation and

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the defendant denied he lived in Washington at the time of the incidents. He said he came back for a month and then returned to Georgia. He said he did not move back to Washington until September 2010. The defendant confirmed that his mother dated L.M.'s father, but he denied he did anything to L.M. or that he had been alone with her.

The detective spoke with the defendant's mother who said she dated L.M.'s father in either 2008 or 2009 and ended the relationship in March 2010. She confirmed L.M.'s father died in August 2010. The defendant's mother said the defendant had been around L.M. three times at the most. She said he visited twice and he took L.M. and his son to the movies. She also recalled dropping L.M. off at the defendant's son's mother's home and believed the defendant spent the night. She believed the defendant lived in Georgia about one year in 2009 or 2010. She recalled the defendant returned to Washington and stayed with her.

The defendant is charged with multiple counts of Rape of a Child in the First Degree against another child under a separate cause number (see Lakewood incident number 123560310) and the State is seeking a warrant for his arrest.

II. VICTIM CONCERNS:

I spoke telephonically with Lisa Greenhill, L.M.'s adopted mother, on June 22, 2015. She stated she adopted L.M. over a year ago and has been very involved in her counseling and healing from many of the hardships she has had to deal with in her short life. She stated she is very familiar, more than she really wants to be, about what happened to L.M. at the hands of Mr. House. Ms. Greenhill wants the Court to understand that when all of this happened, L.M. was an extremely vulnerable young girl. Her mother abandoned her at a young age and her father was neglectful, with no other family there to step in on her behalf, L.M. wasn't just an innocent child, she was vulnerable to the predator in the Court room now.

Mr. House was very aware of L.M.'s situation and used it against her. He also used his knowledge of her emotional starvation that even to this day, L.M. still feels like she is responsible for what he did to her. She still struggles with the guilt of what happened, she states "he was nice to me and he let me play his X Box." With the neglect she suffered from her father, this attention she was receiving from a grown man was wanted, despite the fact that he threatened her if she told anyone what he was doing to her. She is learning that at the age of 7 and 8 years of age, Mr. House was the adult and anything and everything he did to her was his fault. She did not have the ability to say yes, and there was nothing she could have done at that age to "seduce" him, especially when she didn't want him to hurt her and told him to stop.

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Ms. Greenhill stated that these conflicting emotions and her trust and attachment issues have made it hard for her to have friends at the age of 14. She is very wary of other people and has problems forming healthy relationships. Ms. Greenhill stated she has to keep an eye out for L.M. because she exudes vulnerability that seems to attract unwanted attention from older males. She attributes this heightened vulnerability to what Mr. House did to L.M. L.M. does not seek this attention, in fact will do everything she can to avoid it, but there seems to be some kind of "flag" over L.M.'s head that signifies her as a potential victim. Fortunately, she has been able to be kept safe, but helping her heal and overcome these issues has been very hard because of her misplaced sense of guilt for betraying Mr. House's trust. This is just a prime example of how he uses emotional and mental games to twist his young victims into reporting what he is/has done to them? It makes you wonder how many other victims are still out there afraid to speak up.

SSOSA is not a sentencing Ms. Greenhill supports, she has talked in depth with L.M. about all of this and they both do not feel he should have the chance to get out and have an opportunity to harm anyone else. But, Ms. Greenhill stated she went along with the plea option with the possibility of a SSOSA sentence only for the sake of not having to bring L.M. back to testify at trial. L.M. has lived with this for half her life and it still controls her. How is she supposed to be able to make healthy relationships and have a chance and a good future when the assaults Mr. House did to her still keeps her from integrating with her peers and other people on any real level. They are both asking for the maximum sentence allowable by the Court.

Ms. Greenhill stated she wants the Court to understand that Mr. House prayed on a very vulnerable child knowing what she was already dealing with in her short life. He stole her innocents for an X Box, he is an "asshole" and it is going to take them (L.M. and Ms. Greenhill) years to have any type of a "normal" relationship, let alone however long it will take L.M. to learn to have any type of relationship with anyone outside their home. She wants the Court to recognize that this is an individual that cannot be trusted and she hope he does not find another vulnerable child and not rape her. He is a predator who already has more than one victim identified, one who has spent half her life dealing with the fear, anger, and guilt for what he did. He does not belong back on the streets right after he is finally caught.

Ms. Greenhill also wanted to tell Mr. House that he can "go fuck himself."

III. MR. HOUSE'S STATEMENT REGARDING OFFENSE:

I met with Mr. House at the Pierce County jail on June 26, 2015. Also present was his defense attorney, Mark Quigley. Mr. House was dressed in normal jail attire and appeared lucid. He agreed to speak with me. He stated that he didn't have any contact with L.M. until March of that year when he had to come back to

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Washington for a Court hearing about an incident with his child's mother. He stated that he didn't know the victim at all, as he had left his mother when he was 13 years old and when all this happened he was living with his child's mother. He stated he "only met the victim one time."

IV. CRIMINAL HISTORY:

SOURCES:

1. National Crime Information Center (NCIC) and Washington Crime Information Center (WASCIC).
2. Washington State Department of Corrections Offender Databse.
3. Superior Court Operations Management Information System (SCOMIS).
4. Law Enforcement Support Agency (LESA).
5. District Court Information System (DISCIS).

Juvenile Felonies: None documented or found.

Adult Felony:

Date of Offense: Between 01/01/08 to 02/28/10
Crime: Count I: Rape of a Child in the First Degree
County / Cause: Pierce County/14-1-00938-2
Date of Sentence: 07/14/15
Disposition: Guilty/Pending **Score** 3

Crime	Date of sentence	Jurisdiction	Date of Crime	Adult/Juvenile	Crime Type	Class	Score	Felony or Misdemeanor
Rape of Child 1st Other Current Charge 14-1-00937-4	Pending	Pierce Co	Between 01/01/08 to 02/28/10	A	VS	A	3	Felony

Misdemeanor(s): Misdemeanors do not affect the offender score but do reflect the offender's view of societal values and should be noted by the court.

Juvenile Misds: None documented or found.

V. SCORING:

SERIOUSNESS LEVEL		OFFENDER SCORE	STANDARD RANGE
Count I	XII	3	120 to 160 Months, up to Life

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VI. COMMUNITY CUSTODY:			
SERIOUSNESS LEVEL		OFFENDER SCORE	STANDARD RANGE
Count I	XII	3	Life

VII. RISK / NEEDS ASSESSMENT:

A risk / needs assessment interview was completed with the offender. The following risk / needs area(s) and strengths have implications for potential risk, supervision, and interventions. Unless otherwise noted, the following information was provided by the offender and has not been verified.

Criminal History:

See Section IV above.

Mr. House stated the first time he had contact with law enforcement of any kind was when he was over 21 years of age and it was for traffic infractions. He stated there was an incident of Domestic Violence in 2010 but, it was dismissed as the victim didn't go to Court and the responding officer said there were no visible marks on her.

Mr. House is also being sentenced for Pierce County cause 14-1-00937-4, Rape of a Child in the First Degree. Per the Declaration of Probable Cause:

That in Pierce County, Washington, during the period between June 1, 2012, and October 11, 2012, the defendant, MARLON OCTAVIUS LUVELL HOUSE, did commit the crime Child Rape in the First Degree (four counts, all aggravated) against S.K. (DOB 11/19/02). The defendant was S.K.'s mother's former boyfriend and has never been married to S.K.

On December 21, 2012, S.K.'s mother reported the following to police: She took S.K. for a checkup as she had a foul odor from her vaginal area. After a medical exam, the doctor advised S.K. had scarring in her vaginal area. When the doctor asked S.K. if anyone touched her vaginal area, she said no but began crying. The doctor advised S.K. should be checked by a specialist. S.K.'s mother learned that on December 20, S.K. disclosed to her father that the defendant touched her private area with his fingers. S.K.'s mother further advised that she and S.K.'s father were separated at the time of the incidents and she had dated the defendant from June until September 2012. She said the defendant watched her children while she worked. The defendant left Washington around the end of October and moved to Ohio. She said he told her that he had done her wrong and that if he told her what he did she would kill him.

On January 2, 2013, a detective learned S.K. had two healed transections of her hymen. The detective spoke with S.K.'s mother who provided a consistent

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statement. When asked about the defendant's statement to her that she would kill him if he told her what he did, she said he had since told her he was referring to "sleeping around". The detective spoke with S.K.'s father who provided a consistent statement.

On January 7, 2013, S.K.'s mother reported a statement on the defendant's Facebook account that alluded to threats against her, but no names were used. She said his posting had since been removed. She further reported that S.K. told her the defendant came into her room every night and touched her in her private. The defendant had asked S.K. if that felt good and touched her when her mother was at work. S.K. told her mother she did not tell because she was scared. S.K.'s mother further advised the defendant tested positive for Chlamydia and Gonorrhea (she later clarified he only tested positive for Chlamydia).

On January 9, 2013, the detective called the defendant who said he moved to Ohio on October 11. He denied the statements S.K.'s mother attributed to him. The defendant was aware of S.K.'s disclosures, but denied it happened. He said S.K.'s mother was mad at him because she had to get back together with S.K.'s father. He admitted he watched her children at night when S.K.'s mother worked. He denied he posted threatening messages on Facebook.

On January 10, 2013, S.K. was forensically interviewed and disclosed the following: The defendant came into her room every night and touched her in her "wrong spot" (she indicated her vaginal area). He put his hands under the covers, removed her pants and underwear, and touched her "wrong spot". She said it scratches in there and hurt. The defendant sat at the side of the bed during the touching and his hand was inside her body. He asked her if it (touching) felt good and if it hurt. She told him yes, but he continued touching. She said he asked her to touch him (she wrote the word "dick"). She had to put his penis in her mouth more than five times but less than ten. S.K. was afraid to tell her mother because she thought she would get in trouble (the defendant told her they would both get in trouble). She told her father. S.K. had a medical exam the same day which revealed she suffered from genital warts (she later tested positive for Chlamydia) The examination also revealed two transections of the hymen which are consistent with penetrating trauma to the hymen.

On February 25, 2013, the detective spoke with the defendant who confirmed he tested positive for Chlamydia and Herpes. He denied he had genital warts. He said he was moving to Louisiana.

The defendant is charged with rape and molestation of another child under a different cause number (see Lakewood incident number 130370462) and the State is seeking a warrant for his arrest.

During the PSI interview, Mr. House stated that "I'm not going to make excuses, the incidents happened like two times and they were an oral sex thing, that's it. I

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dated her mother from July of 2012 to October 2012 and I didn't know them before that. S.K.'s mother was friends with my son's mother and I just met her when I moved back to Washington in 2012. We didn't start dating until her husband deployed to Afghanistan."

Education / Employment:

Employment is a primary socialization structure in our culture. Lack of consistent employment reflects a higher risk for, or return to criminal behavior. A history of poor job performance and attitude signifies disregard for pro-social reinforcement. Overall academic achievement is related to stability and a crime-free lifestyle.

Mr. House stated that he graduated from John Wilson High School in 2010, while he was living in Ohio. He stated it was an online course that allowed him to get his high school diploma instead of a GED. He stated that he attended school to the 12th grade, after his second semester he started working and since he only needed one semester of credits he went the online route. He stated he liked school, especially playing football and the social life. He said it was the best time of his life, and there was not much he didn't like about school. He stated he finished school with a 3.7 grade point average. He stated he got in-school suspensions a few times. Once was for fighting while he was in the 10th grade.

Mr. House stated he attended an underwater welding course through the Commercial Diving Academy in Jacksonville, Florida shortly after completing high school. He stated he graduated the program in 6 months as it was an advance course.

Mr. House stated his last job was with Boise Cascade in Louisiana. He stated it was a wood factory where they make 2x4s for house construction. He stated he worked there for one month because when he was hired on he had been smoking marijuana and didn't pass the drug test. He stated before that he worked at Progress Rail, building and repairing locomotives. He stated he started working for that company in Kentucky and after three months there he was transferred to the Washington site at the Port of Tacoma. He stated he worked there from February of 2012 to October of 2012. He estimated he worked there for approximately a total of eleven months. He stated he left that job when he moved to Cincinnati after breaking up with S.K.'s mother. He stated he thought he could get a welding job there. He stated he didn't work before that as he was in school.

Financial:

Financial stability and self-sufficiency are pro-social. Financial problems are considered stressors, which may be indicative of anti-social attitudes or precipitators of inappropriate ways to get money.

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Mr. House stated that he has no assets or any liabilities. He stated he thinks he might still have a student loan, but he is not sure if his mother paid it off or not. He stated he also owes on child support, but he doesn't know how much.

Family / Marital:

A satisfying family or marital situation indicates pro-social relationships and ties that are negatively correlated with criminal risk. Uncaring, negative or hostile relationships with relatives who have frequent contact indicate poor social and problem-solving skills and a lack of pro-social modeling. Parental influence is a behavioral control that inhibits anti-social behavior and is a source of pro-social modeling.

Mr. House stated his 63 year old father is Marlon Taylor. He stated the only time he has seen him was when he was young, maybe 5 years old. He stated in the 9th grade he spent a week during the summer with him, but he hasn't seen him again since. He stated the last time he talk to him on the phone was in April, because his mother thought he should. He stated he has never had a relationship with his father and only knows he lives in Los Angeles, CA and is on SSI because of a bad heart. He stated he didn't have a father figure in his life as he moved back and forth between his mother and grandmother when he was younger.

Mr. House stated his mother is 47 year old Vicki Maggitt. He stated she lives in Lakewood, WA and works as a social worker and a domestic violence counselor. He stated that she was not present throughout his childhood as she was a drug user when he was young and he would stay with his grandmother. His mother would "get clean, then relapse and I would go back the grandma's house." He stated she is doing well now; she got cleaned up and she got her Master's Degree in college in Social Service. He stated she graduated from Evergreen College in 2012.

Mr. House stated his mother never disciplined him when he was living with her. He stated "I did whatever I wanted to do." He stated that since he has come to jail their relationship is the "best it's ever been in my whole life. Before now, I wasn't fond of her before this. My grandmother raised me and she passed away in 2013."

Mr. House stated his grandmother was Bobbie Ann House. He stated "she was the most wonderful woman in the world. We were very close and she raised me right and made sure I went to Church." He stated she would discipline him "depending on what I did and what punishment was fitting. She would spank me to anything else to get me right. But, she was not abusive."

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Mr. House stated he is an only child. He stated he was told his father has three daughters, but he has never had any contact with them. He stated growing up was hard. He was back and forth between his mother and grandmother and it was very different with each household. He stated his grandmother first lived in an apartment and then she moved into the country in Louisiana, where everything is at a slow pace. He stated when he lived with his mother, she moved a lot. He stated he attended 13 schools in his life before he got "stationary" with his grandmother.

Mr. House stated he has never been married, but he has 5 kids. He stated 2 of his children are with the same woman and the other 3 have different mothers. He stated his oldest is his son Jayden, who is 11 years old. He stated Jayden lives with his mother in Lakewood, WA. He stated "Jayden is the reason why I know what love is, I was lonely before him, now he's my whole life, and he's my everything."

Mr. House stated that his second oldest child is his 7 year old daughter Marlasha. He stated she lives in Los Angeles, CA with her mother and their new family. He stated his next oldest child is 6 year old daughter Zayna, who also lives in Lakewood with her mother. He stated his youngest two children are siblings, his 2 year old son Marlon Jr. and 1 year old daughter Armeran. He stated he has had some contact with his younger children, but did not indicate a strong on-going relationship with them.

Accommodation:

A stable residence shows some ties to a neighborhood. Many changes in residence reflect insufficient neighborhood ties and could mean more exposure to or influence of pro-criminal attitudes. In a high-crime neighborhood there may be more opportunities for pro-criminal modeling and rewards for anti-social behaviors and attitudes.

Mr. House stated he has spent his whole life moving and it is "the only thing I know, I am trying to find my way and what to do with my life." He stated he lived primarily in LA with his grandmother while growing up, with time in between with his mother, where ever she was living at the time. He stated since he has been on his own he has lived off and on in Cincinnati since 2010, in Washington State off and on, and he lived in Atlanta for a while in 2010.

Leisure and Recreation:

An excess of idle or discretionary time presents an added dimension of risk. Recent, regular involvement with a group of pro-social individuals is an indicator of attachment and bonds that would tend to constrain the individual's criminal activities.

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Mr. House stated he enjoys playing basketball in his spare time. He stated that he also plays semi pro-football in Cincinnati, Atlanta, and here locally. But, for the most part he stays home and plays video games as he doesn't get out much.

Companions:

The presence of criminal acquaintances and/or friends is associated with an opportunity for pro-criminal modeling, which is considered a major risk factor. A lack of pro-social companions means a diminished opportunity to observe pro-social models and no reinforcement for pro-social behaviors.

Mr. House stated he is the type of guy who has the same friend his whole life. He stated he has friend both here in Washington and in Louisiana. He stated his best friend is Nicholas Vallot. He stated they have known each other since they were young kids in the 6th grade. He stated they have a lot in common and do the same things, like basketball and football. Nicholas is a person he gets along well with.

Alcohol / Drug Use:

A history of substance abuse is a risk factor for criminal behavior. Substance abuse erodes significant pro-social bonds that contribute to increased criminal risk. Substance misuse may facilitate or instigate criminal behavior.

Mr. House stated he first tried alcohol when he was 10 years old. He stated he doesn't remember why he started drinking at that age, just that he would try the left over beer. He stated that now he doesn't like drinking and will only have a drink for a real special occasion. He stated he did drink a lot before he was legal, but it didn't agree with him anymore.

Mr. House stated that he first started smoking marijuana when he was 12 years old. He stated he was hanging out with a couple of friends in Steilacoom Park the first time he tried it. He stated didn't smoke very much in his youth, but has been using it heavily in the last 4 years. He stated he tried ecstasy from July 4th, 2005 to December of 2005. He stated it was only a "weekend thing, like from Thursday to Saturday." He stated he stopped using when he almost overdosed and ended up in the hospital. He denied use of any other illegal or controlled substances. He stated he has never attended any substance abuse treatment.

Emotional / Personal:

Mild anxiety and depression, as well as severe emotional and cognitive problems can interfere with an individual's ability to respond to occupational, social and psychological stressors. Coping deficiencies may increase the risk of criminal behavior.

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Mr. House stated his health is fine and he is in good condition. He stated his only illnesses he could remember was sinus issues when he was a kid. He stated that he fractured his wrist in P.E. Class, but he doesn't have any long term issues with it now. He stated he has never seen any psychiatrists or psychologist in his live, and has never been diagnosed for any mental or emotional health issues. He did state that he has experienced symptoms of depression his whole life to some degree or another. He denied ever thinking, planning, or attempting suicide in his life.

When asked if he thinks he has any deviant sexual tendencies, Mr. House stated "I have had a lot of sexual partners, like about 200 or more. I have a high sex drive. I don't have abusive thoughts towards them, but have manipulated them into sexual relations. Due to this current situation I have to be deviant. But, I don't fantasize about it."

Attitude / Orientation:

A criminal value orientation is strongly associated with future criminal behavior, anti-social personality disorder and psychopathic tendencies. Poor attitudes and sentiments about the conviction, sentence and/or supervision tend to indicate anti-social values. Lifestyle, predicated on sensation seeking, and general acceptance of criminal orientation, is associated with poor informal social controls.

Mr. House described himself as "my past self was a self-centered person and it was all about me. I played a selfish game for a long time. But, these last 14 months gave me time to think about my behavior and the past. I don't want to be where I was. It has never been me to do that and I don't know how I got there, it's not me. But, I don't like making excuses, but there was a lot of things bottled up inside."

When asked how he felt about his current sentencing options, Mr. House stated "I personally don't see myself as any different from the other people with SSOSAs. I passed a polygraph saying I have been honest. I committed a crime I should pay the price, but 14 years is a lot of time. I need help, I have had 200 plus partners, but to get to this point something is wrong, I never prowled and it is not something desired. I am not a threat to anybody and SSOSA has so many restrictions, I couldn't put myself in a bad position. I do good with structure. Counseling is what I want and I have wanted to do that my whole life. Plus, I have my children to think about, if I go to prison or fail on SSOSA then I have to explain why I am a failure to them. I can't be out helping to raise them, even if it is just monetary. I understand I will not be able to see my kids. But they are my main motivation, they love me for me and I will do whatever is needed to be a part of their lives. I have a strong desire to get help, I need it more than anything."

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VIII. CONCLUSIONS:

A risk assessment was completed during the pre-sentence interview. Factors which require attention to reduce Mr. House's risk to re-offend include his, sexual deviancy. Recommended conditions in Appendix H will enable the Department of Corrections (DOC) to effectively monitor and supervise Mr. House in the community. Intervention applied to these areas would assist in reducing potential risk to community safety. Also, DOC, as a matter of policy, supervises sex offenders and violent offenders who are placed on supervision at elevated levels.

IX. SENTENCE OPTIONS:

- ☒ Confinement within the Standard Range Sentence
- ☐ Community Restitution Hours
- ☐ Exceptional Sentence
- ☐ First-time Offender Waiver (FTOW)
- ☐ Drug Offender Sentencing Alternative (DOSA)
- ☒ Special Sex Offender Sentencing Alternative (SSOSA)
- ☐ Mentally Ill Offender Sentencing Option (MIOSO)

X. RECOMMENDATIONS:

Based on information contained in the Guilty plea, I understand the Deputy Prosecutor in this matter intends to recommend 160 months, up to Life confinement; Life on Community Custody under the supervision of the Department of Corrections; to submit to a DNA test; No Contact with victim(s) (S.K.); No Contact with minors; to Register as a sex offender in County of residence; and thereafter to register per the Sex Offender registration statute; obtain a psychosexual evaluation and comply with all recommendations; to maintain Law-Abiding behavior; to comply with conditions outlined in Appendix H, by the CCO, and on the Pre-Sentence Investigation; and legal financial Obligations as noted in section XI.

I am in agreement with the Deputy Prosecuting Attorney's recommendation of 160 months, up to life. Per the special sex offender sentencing alternative RCW 9.94A.970, Mr. House does not even qualify for consideration for a SSOSA.

As stated in section (2)(a) and (2)(e) as listed below:

(2) An offender is eligible for the special sex offender sentencing alternative if:

(a) The offender has been convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense. If the conviction results from a guilty plea, the offender must, as part of his or her plea of guilty, voluntarily and affirmatively admit he or she committed all of the elements of the crime to which the offender is pleading guilty. This alternative is

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not available to offenders who plead guilty to the offense charged under *North Carolina v. Alford*, 400 U.S. 25, 91 S.Ct. 160, 27 L.Ed.2d 162 (1970) and *State v. Newton*, 87 Wash.2d 363, 552 P.2d 682 (1976);

(e) The offender had an established relationship with, or connection to, the victim such that the sole connection with the victim was not the commission of the crime; and

The sexual history polygraph does not indicate if Mr. House is being honest about his statements of guilt about this current case, as all questions asked intentionally exclude any elements of the current crime. The polygraph is a rule out of other possible victims and an indicator of honesty with the treatment provider performing the psychosexual evaluation. In the fact that Mr. House obtained his polygraph before working with any SOTP, the determination that he was not being deceptive on his polygraph in this case has no bearing on his truthfulness in admission to any of the elements of the crime.

Mr. House very clearly informed this interviewer that he only met this victim one time which disqualifies him from SSOSA consideration as he has no established relationship with L.M. and the sole connection with this victim in this case is the commission of the crime. He admitted that he did not have a strong relationship with his mother who per this interview was dating L.M.'s father, and his care provider in the psychosexual evaluation.

This statement is in direct contradiction to the statement of the victim who stated that there were multiple incidences on differing dates and times. In the psychosexual evaluation Mr. House's mother also verified Mr. House had no less than 3 separate meetings and interactions with L.M. over the short period of time she was involved with the victim's father.

Mr. House did not go into any type of detail of the crime he committed against L.M. beyond "the incident happened." In the psychosexual evaluation Mr. House went into great detail of why he assaulted the victim of the other case, but the only statement of any admission for this case is as stated on page 2: He admitted to sexual activity with the alleged victim in 2010 or 2011 and his admission are consistent with her description of what occurred. He said he was motivated by curiosity then.

Other factors in this recommendation is the inconsistencies in Mr. House's sexual activities. In the polygraph and psychosexual evaluation he admitted to only approximately 100 sexual partners, yet to this interview he stated on at least two occasions in the interview that he had over 200 different sexual partners. He also admitted to manipulative behavior to get what he wanted or acting out in revenge. In the psychosexual evaluation he admitted to manipulating his high school football coach's daughter into sexual behavior to obtain more time playing

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during games. He admitted that his motivation against the victim of the other case was revenge against the woman he was having an extra marital affair with for giving him herpes.

Mr. House informed this interviewer that he dropped out of school to start working. Yet during the employment questions he contradicted himself by stating his first job was after he completed his schooling at the welding/diving school which he could "only attend if he had his high school diploma, not a GED." In the psychosexual evaluation his reason for completing his last semester of school was due to his grandparents moving to another state during his senior year of school. In fact Mr. House related to Mr. Comte that his first job was when he was 19 years old as a "floor man" at the poultry plant his grandmother worked at.

During the PSI interview he stated he had only worked at two jobs, Progress Rail for a total of 11 months and Boise Cascade for 1 month before being terminated for use of marijuana. In the psychosexual he stated he worked at Progress Rail for a total of 22 months and Boise Cascade was only a 1 month temporary contract. He also told Mr. Compte that he obtained employment with the Louisiana Correction Center as a transporter, which is where he discovered he had a warrant for his arrest for the other current case.

Another concerning contradiction is during the psychosexual evaluation Mr. House stated on page 8 that "He is charged with one count of Rape of a Child in the First Degree and two counts of Child Molestation in the First Degree resulting from the alleged sexual assaultiveness with L.M. As discussed, he admitted molesting L.M, "out of curiosity," and he said he is guilty of what she alleged." Yet in the paragraph just below that statement on the same page "He denied coercing sexual contact with anyone and aberrant sexual behavior, ..." yet in the statements by the victim he admitted were correct in the psychosexual evaluation only she stated he provided her alcohol, marijuana, and when she tried to run away he caught up to her "pinning her down and pulling her pants down." He rubbed his privates against her. The defendant rubbed his penis against her back towards her bottom.

Sentence Type/Option: Confinement within the Standard Range Sentence

Confinement: 160 Months, up to Life (Defense may request SSOSA)

Length of Community Custody: Life

Conditions of Supervision: See attached Appendix H

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XI. MONETARY OBLIGATIONS:

Restitution:	TBD	**Court Costs:**	$200.00	**DNA:**	$100.00
Victim Penalty:	$500.00	**DAC Atty. Fee:**	$500.00		

Submitted By:

7/2/15

Sally Saxon Date
Community Corrections Officer
1016 S 28th St
Tacoma, WA 98409
253-680-2621

Approved By:

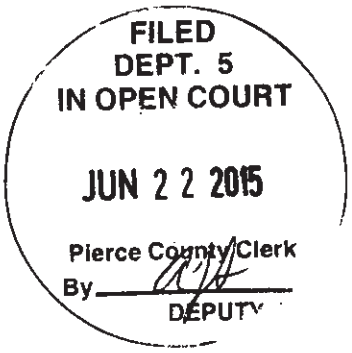
7/2/15

Karen Blatman-Byers Date
Community Corrections Supervisor
1016 S 28th St
Tacoma, WA 98409
(253) 680-2688

Distribution: **ORIGINAL** – Court **COPY** - K. Sanchez, Prosecuting Attorney, M. Quigley Defense Attorney, File, WCC / RC (Prison)

Exhibit “E”

14-1-00938-2 44899148 RPTDOC 06-26-15



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

COURT-SPECIAL

REPORT TO:	The Honorable Vicki L Hogan Pierce County Superior Court	DATE:	06/22/15
		DOC NUMBER:	382908
DER NAME:	House, Marlon O.L.		
AKA:	N/A	DOB:	11/18/85
CRIME:	Count I: Rape of a Child in the First Degree	COUNTY CAUSE #:	14-1-00938-2
SENTENCE:	Pending	DATE OF SENTENCE:	06/25/15 (Pending)
Present Address:	Pierce County Jail	STATUS:	Presentence Investigation

The purpose of this report is to notify the Court of preparation cooperation the Department of Corrections (DOC) requires to complete Presentence Investigations. On May 15, 2015, a Court-order was signed, requiring that a Presentence Investigation (PSI) be completed for Mr. House for a sentencing date that was set for June 25, 2015. DOC has made multiple email attempts (06/08/15 and 06/11/15) to contact Mr. House's defense attorney, Mark Quigley, with the Department of Assigned Counsel (DAC), to set up a PSI interview. One attempt (06/08/15) was made to his listed work number, but the voicemail was full and there was not space for messages at that time.

Given that, DOC was unable to conduct a PSI interview and therefore provide a proper report under the current directive of the DAC. As such a PSI report will not be submitted for this case at this time. It is respectfully requested that Mr. House's sentencing be set over for two to three weeks to allow DOC to properly conduct his Presentence Investigation and prepare a report of such for the Court. If the Court orders that the original timeframe be maintained, DOC can submit upon request a modified PSI that would include Mr. House's

criminal history and DOC's recommendations based on the information that it currently has.

I certify or declare under penalty of perjury of the laws of the state of Washington that the foregoing statements are true and correct to the best of my knowledge and belief.

Submitted By:	Approved By:
6/22/15	6.22.15
Sally Saxon Date	Karen Blatman-Byers Date
Community Corrections Officer	Community Corrections Supervisor
1016 S 28th St	1016 S 28th St
Tacoma, WA 98409	Tacoma, WA 98409
253-680-2621	(253) 680-2688

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14

Distribution: **ORIGINAL** - Court **COPY** - Prosecuting Attorney, Defense Attorney, File

Exhibit “F”

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7/15/2015 76000

COMTE'S & ASSOCIATES

Evaluations & Consultations

Michael A. Comte, LICSW, ACSW
711 Court A, Suite 103
Tacoma, Washington 98402

Telephone: 253-564-3622
Fax: 253-564-1441
Email: office@comteinc.com

February 14, 2015

PSYCHOSEXUAL EVALUATION AND TREATMENT PLAN

NAME:	**Marlon Octavius Luvell House**
ADDRESS:	**Pierce County Jail Tacoma, Washington**
DOB:	**November 18, 1985**
REFERRING PARTY:	**Mr. Mark Quigley, Attorney-at-Law Department of Assigned Counsel 949 Market Street, Suite 334 Tacoma, Washington 98402-3696**
DATE OF EVALUATION:	**1/18/2015, 1/19/2014 & 2/04/2015**
TESTS ADMINISTERED:	**Shipley Institute of Living Scale Curtis Completion Form Minnesota Multiphasic Personality Inventory-2**

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REFERRAL INFORMATION:

Mr. Marlon House was referred for a Psychosexual Evaluation and Treatment Plan by his Attorney, Mr. Mark Quigley. Mr. House is charged with sexually assaulting two female child victims, one who was eight-years-old and the other who was nine. Allegations regarding the eight-year-old stemmed from at least three years ago. According to the investigative reports, the child's father was in a dating relationship with the defendant's mother. However, according to Mr. House, his mother was in a caretaking role with the father of the alleged victim, who eventually died. The child indicated Mr. House provided her with alcohol and "possibly pot." She recalled she was dizzy and fell asleep. She awoke to Mr. House exposing his genitals to her. She said she ran from her bedroom, he chased her, caught her, pinned her and then pulled her pants down. She said he rubbed his penis against her backside "toward her bottom." She said the same behavior occurred another day. When the child entered therapy, she disclosed to her therapist that Mr. House performed cunnilingus on her on one occasion. She said when she told him to stop, he did. Sexual abuse of the second alleged victim was reported by her mother December 21, 2012. Mr. House was in a relationship with the mother and resided with the family from July to October of that year. While the mother was working, Mr. House looked after the children. The child, SK, said he entered her bedroom every night, fondled her vaginal area and digitally penetrated her, which she described as painful. She described five-to-ten instances when she was required to fellate him. She was subsequently diagnosed with Chlamydia and Genital Warts. Mr. House considers it possible he transmitted Chlamydia, but he said he has never been diagnosed with genital warts and considers it possible she contracted them from another perpetrator. There are indications the child was previously assaulted. In a physical examination the physician identified two healed transections of her hymen "consistent with prior trauma."

In my initial interview with Mr. House January 18, 2015, he denied all the allegations. In my subsequent interview with him the following day he told me he was going to admit to all the allegations, despite the fact he was not guilty of them in order to take advantage of a plea offer, if one was proposed. I explained to him he would not qualify for SSOSA without acknowledging wrongdoing and accepting responsibility for his behavior. I further explained it was not sufficient for him to claim he was appeasing his attorney, me and the court. Following that interview, I telephoned his Attorney, Mr. Quigley and explained Mr. House's position. Mr. Quigley again met with his client and reiterated that claiming he was innocent, while at the same time pleading guilty was not an acceptable response to the charges. Mr. Quigley later telephoned me and explained his client was now ready to be forthright. When I returned February 4, 2015 Mr. House explained to me he was having considerable difficulty acknowledging what he had done and accepting responsibility, because of the motives for his behavior. He said in actuality, there was not a sexual motive to the alleged abuse of SK. He admitted to sexual activity with the alleged victim in 2010 or 2011 and his admissions are consistent with her descriptions of what occurred. He said he was motivated by curiosity then. He said with SK his motive

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was "vengeance." He explained he was involved in a romantic and sexual relationship with SK's mother, who did not inform him she had herpes. He contracted the virus from her. He explained he had always been a vengeful person and sex was one of his tools. Although he seemed to be making an effort to be forthright with me during the last interview, he claimed there were only three assaults on the child, which involved cunnilingus. However, he also acknowledged sexually touching her. He did not indicate penile or digital penetration. He explained he had ample time to reflect on his defensive stance from the first interview with me until he met with his attorney prior to my last interview with him. He implied that extreme guilt and shame influenced his defensiveness. He said he was able to convince himself that as long as he did not utilize physical force and in his mind the behavior was not sexually motivated, then it was less egregious. He said he now realizes that is not the case and it did not make a difference how the child was exploited or abused, but only that she was and he was responsible.

In my second interview with Mr. House we reviewed psychological testing he completed. The following day I spoke by telephone with his mother. She explained she is the only occupant of her home and she is hopeful, if her son is granted SSOSA, that he can reside with her. Mr. Quigley provided me copies of the investigative reports, Mr. House's medical records and a Sexual History Polygraph Report authored by the examiner, Mr. Richard Smith. The exam occurred January 6, 2015. After eliciting the defendant's sexual history, Mr. Smith inquired about the possibility of sexual contact with anyone else under the age of sixteen since he reached adulthood and whether he ever coerced sexual contact with anyone. He responded in the negative to both questions and physiological responses indicated he was not attempting deception. My findings, conclusions and recommendations result from my review of the above information.

BACKGROUND HISTORY:

Mr. Marlon Octavius Luvell House is a twenty-nine year old, single, African-American male, who was born in Grenada, Mississippi November 18, 1995. He was the only child who issued from the relationship between his mother, Vickie (Maggitt) currently age forty-five and Marlon Taylor, age fifty-one. The couple were never married to each other. His mother was sixteen-years-old and his father was twenty when they conceived. His father was then in the Army. The couple were together following the defendant's birth. After his first birthday, he began residing with his maternal grandparents. His grandmother died in 2013 at age sixty-seven. Mr. House resided with his grandparents most of his developmental years with brief stays with his mother and paternal grandparents. His mother acknowledges she was addicted to drugs. She married once to Michael Maggitt shortly after the defendant's birth. They separated in 1994, reconciled and were back together in 2000. Their reconciliation was shortlived and they soon separated and divorced. Because of his mother's drug issues and upheaval within the family over the divorce, Mr. House was again sent to reside with his grandparents, who were then residing in Natchitoches, Louisiana, which is located between Shreveport and Alexandria, Louisiana. His mother told me her son was so angry with her he refused

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to communicate with her between his ages sixteen and twenty-one. She said she committed herself to abstinence in 2005 and has been able to sustain her commitment. She returned to school and eventually earned her Masters Degree. She is currently employed as a social worker with the Salvation Army in Tacoma. The defendant and his mother resolved their conflicts and began communicating following his twenty-first birthday. He now describes her as a loving and supportive parent.

Mr. House said he was affected by separation from his mother during his early childhood. He said he missed her and was often in tears. He felt powerless regarding her addiction and the fact he was unable to influence her to stop. He said he recalls in his eleventh year following a crying spell that he decided, "I will never cry again." He said he never did. Instead, he seemed to evolve exploitive and vindictive feelings toward women in general and women he was involved with in particular. He said he would manipulate women through seduction and he never had difficulty garnering attention from women his age and older. He provided me the example his participation on the Lakes High School football team. He attended high school there for a year or two. He said the football coach was not allowing him much playing time. He said he decided to seduce the coach's daughter and was successful. Mr. House admitted convincing the young woman to fellate him. He then shared that experience with friends. The coach eventually became aware and when he confronted his daughter, she vigorously advocated for Mr. House. He said the coach reneged and increased his playing time for the rest of the season.

Mr. House explained he never had a relationship with his biological father. He is aware of the man, who evidently resides in the area. He said his father never provided support nor was he involved in his life. Mr. House's maternal and paternal grandparents were involved. He said he had positive feelings about his stepfather and his relationship with him. His stepfather brought one son to the marriage, although the young man was not in his father's custody and care. Mr. House recalls conflicts between his mother and Mr. Maggitt and he said, "They fought a lot." He said his most significant parental influence was his maternal grandmother. He described her as "old school, but you got what you needed." He said she was stern and would exercise corporal punishment with a switch. He said she was also loving. When they resided in Natchitoches, his grandmother was employed at a poultry plant. She was later hired as the head cook at the Natchitoches Parish Jail. Although his grandfather was still alive then, Mr. House did not mention him, although he denied his grandparents were abusive with him. He described his grandmother as alcoholic.

Mr. House moved with his grandparents to a couple of locations in Louisiana and Mississippi. He would return to Washington State periodically to reside with his mother and stepfather. Consequently, he attended a number of schools. Again, he resented the residential changes and his mother's absence from his life. His resentments toward her became generalized to all females.

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Mr. House's mother was diagnosed with Lupus in childhood and has struggled with the disease throughout her life. She was discouraged from having a baby and had not become pregnant before, so she was surprised when she learned of her pregnancy with her son. He is her only child. She said she had difficulty gaining weight during the pregnancy. She managed to carry him full-term. He was six-pounds at birth. He was jaundiced, but otherwise healthy. She said he reached his developmental milestones in a timely manner. He contracted the chicken pox in early childhood. He has never required surgery. He fractured his left elbow when he was running and fell during a physical education class. He denied other bone fractures or breakages. During childhood he experienced dry sinuses until age ten when the symptoms resolved. He denied a history of head injuries, such as concussions. He said he was never diagnosed with psychological, emotional or behavioral problems, never prescribed psychoactive medications nor was he referred for counseling. He believes he is in good physical health.

Mr. House said he attended Baptist Church services with his grandparents, mother and others during his developmental years, but attendance was disrupted by frequent residential changes. He attended services regularly when he lived with his mother during the third grade. When he visited her during the summer after the sixth grade, he asked to stay with her and she agreed. He attended the sixth, seventh and eighth grades at Hudtloff Middle School in the Clover Park School District. His mother then relapsed and he was sent back to his grandmother's. He returned for the second semester of the ninth grade and was enrolled at Lakes High School. He attended there through the eleventh grade. His mother again relapsed and he was again returned to his grandmother's care. During his stay in the county jail, he said he has regularly attended church services there.

When Mr. House returned to his grandparents' custody and care they were residing in Hazelhurst, Mississippi. He was enrolled in the high school there. However, mid year his grandparents decided to return to Louisiana. He decided to dropout of high school and completed his education online. He said he satisfied the credits for graduation. Woodfield High School is listed on his diploma. During his elementary school years, he said he was diagnosed with reading comprehension problems and was referred to Another Door for Learning. He said a woman he identified as "my step grandmother," regularly tutored him and helped him compensate for his learning disability. He said he usually earned average and above average grades in school. During high school, he said he was required to maintain at least average grades in order to play football, which was ample incentive for him to apply himself. He said he usually excelled in history and science. He had no particular academic weaknesses and was able to earn good grades if he applied himself, regardless of subject. He denied posing chronic discipline problems, but admitted he was suspended on one occasion at Lakes High School for fighting. Socially, he described himself as outgoing and popular, particularly with the young women.

Mr. House completed a year long commercial diving academy certification program in five months. The academy was located in Jacksonville, Florida. He had subsequent training in welding and metal fabrication and has had work experience in the welding field. He would like to return to that vocation.

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In summary, Mr. House described considerable upheaval during his childhood and adolescence resulting from his mother's drug addiction, inability to parent him and frequent residential changes. He said his most stable parenting experience occurred with his maternal grandmother, but she and his grandfather also moved to various locations in Louisiana and Mississippi, which required changes in school. He was resentful of his mother and stopped communicating with her altogether for five years. He admitted evolving a pattern of exploiting women his age during early adolescence. That pattern persisted until his arrest on the current charges. Aside from his sexual deviancy, there does not appear to be a pattern of criminality. He denies chemical dependence.

EMPLOYMENT HISTORY:

Mr. House said he was nineteen-years-old when he was hired as a "floor man" at the poultry company where his grandmother worked. I am not clear whether he received training in welding prior to or following his employ there. He was eventually hired by Progress Rail as a fabricator and welder. He said he began working at a plant in Kentucky, just across the border from Cincinnati, Ohio. After eleven-months, he transferred to the company's Tacoma plant. He was employed eleven-months in Tacoma. He seemed to indicate a breakup with his oldest son's mother influenced his decision to return to Cincinnati. He was unable to find work there. He relocated to Louisiana and was hired by Boise Cascade. He explained the job was temporary and he was only employed there a month. He applied for and was accepted as a transporter for the Louisiana Correctional Center system at the Winfield Penitentiary. He was hired when he discovered he had a warrant for Failure to Appear on arraignment with reference to the charges involving SK.

Mr. House is interested in further employment in welding. He has a specialty in marine welding and he said he would like to work on oil rigs, but realizes if granted SSOSA, he might not be permitted to work out of state. He insists he was not trying to elude police by moving to Ohio. He commented, "They (police) had mom's telephone number."

ALCOHOL AND DRUG HISTORY:

Mr. House informed the polygraph examiner, Mr. Smith and me, he first tasted alcohol, specifically beer, when he was ten-years-old. He said he usually consumed beer, but he denied a sustained period of alcohol abuse. He said he was always wary of alcohol, because of his grandmother's alcoholism. He said he stopped drinking on a regular basis seven years ago. He said he has had an alcohol beverage on special occasions since. If required to abstain from alcohol and nonprescription drugs, he said he would have no difficulty doing so.

Mr. House said he first smoked marijuana in high school, but he denied smoking the drug on a regular basis, explaining urinalysis was required to play football. He said he smoked the drug occasionally until two or three years ago, when he began smoking on a regular

basis, sometimes daily. He said he first ingested ecstasy in 2006 and continued to indulge on a few occasions over a four-month period. He said he last ingested the drug in November 2006. He said he became extremely dehydrated the last time, which influenced him to stop taking it. He denied experimenting with other hallucinogens, psychostimulants and opiates. Alcohol and persistent drug abuse might not be issues for him.

ARREST HISTORY:

A number of years ago while briefly residing in Georgia, Mr. House said he was a witness to a shooting. He said two men were arguing over a woman when one of the men shot the other. Mr. House said blood spattered over his pants. He was scheduled for a deposition on what he witnessed, but the accused pled guilty to the charge, so he did not have to follow through with the deposition or testify. During the investigation of that case, he said police in Georgia discovered an outstanding warrant from Washington State. He said his only other experience with law enforcement occurred when he was cited for Driving Without an Operator's License. There are no indications he satisfied the criteria for a Conduct Disorder during adolescence. Such a diagnosis is a precondition to assignment of an Antisocial Personality Disorder but he does not satisfy the criteria for that disorder.

SEXUAL HISTORY:

Mr. House said his mother and grandparents enforced modesty in their homes and there were always boundaries in place to ensure privacy. He received sex education in the ninth grade at school and he said his mother and grandmother lectured him about the importance of utilizing condoms. He did not pay heed to their instructions and cautions, since he has already fathered six children, three sons and three daughters. He has been informed the alleged victim, SK's mother is pregnant and he said it is possible he is the father. He denied being sexually victimized during childhood or at any other time. He had no recall of exploratory sexual experiences prior to the onset of puberty. Although he was sexually active from age twelve, he said he did not evolve an ejaculatory response until he was fifteen. He said he was not orgasmic during his first sexual encounter at age twelve, which occurred with a girl his age. He described her as the mother of his oldest son and he said they were involved "off and on" from his age twelve until two years ago. Since then, he estimates sexual involvement with over 100 female partners exclusive of the two alleged victims. The mother of one of his children visits him in the county jail. His mother usually visits every Sunday. I inquired whether he is currently in a relationship and he explained his ongoing involvement with the mother of his oldest child "is like a relationship."

Mr. House said he has engaged in masturbation occasionally through the years, but he has never been successfully orgasmic while self-stimulating. He denied ever entertaining

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sexual thoughts and fantasies of his alleged victims while masturbating and he was adamant during my contacts with him that he is not aroused by prepubescent children. He also denied masturbating to fantasies or images of sexual violence, such as rape and same sex stimuli. He admits viewing pornography via the Internet "occasionally." He denied masturbating while doing so. He denied ever viewing child pornography.

Mr. House is charged with four counts of Rape of a Child in the First Degree with reference to the alleged victim, SK. He is charged with one count of Rape of a Child in the First Degree and two counts of Child Molestation in the First Degree resulting from the alleged sexual assaultiveness with LM. As discussed, he admitted molesting LM, "out of curiosity," and he said he is guilty of what she alleged. With regards to SK, he claims he can only clearly recall three instances of assaulting her, which involved fondling her vaginal area and performing cunnilingus on her. However, during my last interview with him February 4, 2015 he admitted he convinced her to fellate him. He denied threatening either alleged victim and physically coercing them. As discussed, he said his offending with SK was motivated by a desire for vengeance toward her mother, who gave him herpes and also demeaned him. During his involvement with SK's mother, he was also involved with the mother of one of his children.

Mr. House's contention there are no other child victims appears to have some support based on results of polygraph examination. He denies coercing sexual contact with anyone and aberrant sexual behavior, such as public exhibitionism, compulsive voyeurism, sexual contact with animals and fetish interests. He admitted contracting Chlamydia and Herpes, but denied he was ever diagnosed with or treated for Gonorrhea and Genital Warts.

Mr. House is cognizant how others probably view his stated motive for allegedly abusing SK. He articulated considerable guilt and remorse for exploiting the child in that fashion and he has some recognition he could have adversely affected her life, perhaps for the rest of her life. He indicated he is somewhat perplexed by his behavior, since he would "seek vengeance" on anyone who exploited his six children. His claim he is not aroused by a prepubescent female form is difficult to accept given the chronicity of his behavior. He understands if the court grants SSOSA, sex offender treatment will be necessary, probably for a number of years. He has no objection and he said he recognizes the importance of exploring how he evolved the need for "vengeance," which he visited on two innocent children.

In summary, Mr. House recognizes others might view his behavior with the children as heinous and he claims he is just now beginning to realize how his exploitive view of females has created trauma for others. He appears motivated to address his sexual deviancy. Despite the troubling nature of his motives and behavior, he scores at low risk on standard static and dynamic risk protocols. In my opinion what risk does exist can be compromised by participation in and a successful completion of sex offender treatment.

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PSYCHOLOGICAL TESTS AND DIAGNOSES:

Mr. House is probably in the average to above average range of intellectual ability, but his responses to the Shipley Institute of Living Scale precluded scoring, because he failed to answer a sufficient number of questions. He only answered 7 of the 20 items on the abstract or problem-solving portion of the protocol and answered incorrectly to 1 of them. Cognitive processes might be affected by ongoing depression related to his many months in the county jail and anxiety about disposition. His history reflects he is an intellectually capable man. When I interviewed him he was oriented to time, place and person. He denied a history of symptoms associated with a thought disorder, such as hallucinations and delusions. He said he never considered suicide.

Computer analysis of Mr. House's personality profile (MMPI-2) was not beneficial. He appeared to be defensive in his responses and attempted to present an unrealistically favorable picture "of his personal virtue and moral values." He had a tendency to deny human frailties. He appears to rely on defense mechanisms, such as repression or denial. His clinical scales were within normal limits. He was identified as quiet, lacking in self-confidence, somewhat pessimistic about the future and it appears he experiences episodic depression and self-doubt. He demonstrated some self-critical behavior. Socially, he indicated an average interest in being with others. He is not a social isolate nor does he appear anxious in social situations. Because of the benign nature of his testing, the computer analysis did not offer diagnostic impressions.

In his responses to the Curtis Completion Form Mr. House reflected back on his adolescent years. He completed the sentence stem, "During my school days…" with "I played football, chased girls and had fun." There were a number of references to his Christian belief system. He complained of sleep problems. At the end of the protocol the test subject is invited to offer remarks they consider important. Mr. House wrote a paragraph about being true to oneself and trying not to let loved ones down.

It should be noted Mr. House completed his testing prior to admitting his offending to me. He was defensive during the interviews and in his responses to testing. He seemed relieved by his decision to finally be forthright and own a significant portion of the accusations. In my last interview with him he could not recall whether he had been completely forthright with his mother. I reminded him of the importance of doing so. Mrs. Maggitt is very interested in learning more about his current position on the allegations. I could not share that information with her, which seemed to be frustrating to her. Full candor will be necessary if the court grants SSOSA and he is allowed to reside with her.

In summary, Mr. House's alleged offending behavior, specifically the allegations as reported by the alleged victims, does not translate to a Paraphilia, Pedophilia diagnosis, which is not to say he is not aroused by prepubescent children. I believe that is a distinct possibility. It does appear he is episodically depressed and that his symptoms are related

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to his current circumstances and, therefore, might be transitory. He is also experiencing considerable anxiety, but I am not convinced he satisfies the criteria for a Generalized Anxiety Disorder. He does have some of the criteria associated with a Narcissistic Personality Disorder, which is described as a pervasive pattern of grandiosity (in fantasy or behavior), a need for admiration, lack of empathy for others and with a grandiose sense of one's own self-importance. Such individuals require excessive admiration and have a sense of entitlement over others. They are interpersonally exploitive and they often present as arrogant with haughty behaviors and attitudes. I have the impression he has been somewhat humbled by his many months in the county jail.

SUMMARY AND CONCLUSIONS:

What Mr. House perceived as abandonment and rejection by his mother appears to be a theme that affected his personality development and attitudes toward women and sexuality. He admits he has always been exploitive. He seemed to obtain a sense of empowerment, acceptance and reinforcement for his attractiveness through his sexual behavior. It seemed to me women became objects that existed for his gratification and he was unconcerned about their feelings and emotions. Those attitudes toward women were also indicative in his alleged exploitive behavior with the alleged victims. He is now at the early stages of recognizing how his thinking and behavior created trauma for the alleged victims and persons who are close to him. He has the capacity to alter his thinking, attitudes and behavior and at this point he appears motivated to do so. He understands SSOSA includes community supervision and there are strictly enforced rules, but he has no experience in his background to fully understand and appreciate those expectations. He has the capacity to conform and there is no indication of a pattern of problems with authority. It would be helpful if he was reminded he best not test the limits. I believe he is at low risk to do so.

Static risk protocols, such as the STATIC-99R are heavily weighted in the direction of criminal convictions. Mr. House denies a history of prior convictions. He is admitting to two child victims, both of whom were known to him. It is noteworthy he has never experienced a long-term committed relationship. He described a long-term relationship with the mother of his oldest child, but admits that was "on and off" involvement. He has no sense of fidelity in a relationship. Dynamic risk concerns, as outlined in the STABLE-2007 include negligible capacity for relationship stability, hostility toward women, a lack of concern for others and what appears to be sexual preoccupation. He earns a score of 4 on that protocol, which identifies him at moderate risk. Combining scores on the STATIC-99R and the STABLE-2007 suggest he is at low risk for future sexual offending.

In my opinion Mr. House is amenable to treatment in the community under the conditions outlined below. He is at low risk for future sexual offending and he seems to have some appreciation for the consequence of long-term imprisonment should he not conform to SSOSA expectations. Consequently, I am recommending for SSOSA under the following conditions:

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1. If permitted to reside with his mother in Tacoma, she and the defendant should be thoroughly oriented to expectations, including the fact he will not be allowed contact and communication with children, including his own, until the court agrees to supervised visits.

2. Mr. House should not work, recreate or socialize in situations where he could have unsupervised contact with children. These areas are best delineated by his Community Corrections Officer and treatment provider. He should not develop relationships with women who have minor children in their custody and care. At some point in the therapy process, his clinician might be willing to advocate for supervised contact with his children. If and when that occurs and if the court concurs, a visitation supervisor will have to be identified and oriented to expectations.

3. Mr. House should be referred to a Certified Sex Offender Treatment Provider in the Tacoma area. I can provide him with referrals. As with most offenders, he will respond best to a cognitive and behavioral approach in weekly individual and/or group psychotherapy. He will need to be guided to an understanding how his exploitive view of women evolved and what will be necessary to alter that thinking. He should be reminded that polygraph examination will be employed to verify his compliance with the rules. I estimate he will need to be specialized psychotherapy a minimum of three years.

4. Mr. House should be prohibited from possessing and consuming alcohol and nonprescription drugs. Polygraph examination should verify compliance.

5. Mr. House should be prohibited from possessing, perusing and viewing sexually explicit materials in any medium, including magazines, videos, over the Internet or by telephone. "Sexually explicit materials" should be defined by the treatment provider.

6. Mr. House has the potential to earn a good income. It is reasonable to expect him to provide support for his six children, at least what he can afford. Personnel from Support Enforcement are probably in the best position to review his income and living needs and to set his support obligation.

7. Prior to developing a sexual relationship with a woman, Mr. House should disclose to her the particulars of his conviction. These disclosures should be witnessed by his Community Corrections Officer or treatment provider.

In summary, Mr. House has lived a promiscuous lifestyle since early adolescence, which included a persistent pattern of exploiting women and at least two female children. There is much to accomplish through clinical involvement. He has the intellectual capacity and at this point motivation to invest in the treatment process and profit from it. Consequently, at this point his prognosis is good.

Yours truly,

Michael A Comte BJK

Michael A. Comte, M.S.W., A.C.S.W.
Certified Sex Offender Treatment Provider
Licensed Independent Clinical Social Worker

MAC/mls

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ATTACHMENT B

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Sexual History Interview Polygraph Examination

Attorney Mark Quigley
Department of Assigned Counsel
949 Market Street, Suite 334
Tacoma, Washington 98402

Jan. 6th, 2015

Defendant/Examinee: Marlon House

DOB: 11/18/1985

Cause#

Type of Polygraph Examination: UTAH Zone Comparison.

Results of Polygraph Examination: *Numerical scoring result-* ***No Deception Indicated***

Mr. Quigley,

The following is a report regarding a sexual history disclosure interview of a Mr. Marlon House on January 6th at the Pierce County Jail in Tacoma, Wa. The purpose of this examination was to verify his complete truthfulness to the following Sexual History Interview, with special emphasis on whether he is concealing incidents of any type of sexual touching, consensual or not, which also includes contact to include by definition any sexualized interaction, or communication in person, over the phone or internet with any child or minor under 18 years of age. He was also tested regarding sexual contact with others by any force.

Waiver-Release for Polygraph Testing

Mr. House confirmed by signature on my release form that he is taking the polygraph voluntarily, and was advised in this form that any and all information arising from said polygraph is confidential, for himself, and his attorney Mark Quigley. Mr. House was then asked the questions in the following Sexual History Interview. It should be noted that I carefully discussed words and terms in each of the questions with Mr. House, to ensure he understood the content and meaning of each question asked. This is also done to preclude rationalization. He was advised that his sexual history interview, and the polygraph to follow, were not focused in any way on the instant offense he is currently charged with.

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Instant Offense

American Polygraph Association Sex Offender Testing Guidelines specify that sexual history examinations do not ask specific questions about the Instant Offense during the pre-test, or examination (instrumentation) phase. Any discrepancies, if any, between the official version of the offense and the offender's version, must be addressed in a separate polygraph examination.

What was the crime you're charged with? **Child Rape and Child Molest 1st Degree (he thinks).**

Have you admitted to the details of the crime you're charged with, or being charged with? **No.**

Who is your therapist? **n/a**

SEXUAL HISTORY QUESTIONNAIRE

JUVENILE SEXUAL ACTIVITY

Years of age= YOA

As a juvenile under the age of 18, did you ever have any kind of sexual contact with another person? **Yes.**

Males- **No.**

Females- **Yes, Cannot recall how many but they were all peer age.**

How old were you when you had your first sexual encounter? **Age 12.**

How old were you when you first masturbated? **Denies ever doing this. I questioned him further and he then said 12-13 yoa.**

How often did you masturbate when you were under the age of 18? **Just when he was being sexual with a girl, occasionally.**

Did you use adult pornography? **No.**

Did you use child pornography? **No.**

Did you masturbate in front of another person when you were under the age of 18? **Yes.**

Did you masturbate outside your home or a public place as a juvenile? **No.**

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What did you think about, visualize in your mind, or imagine when you masturbated? **Girls he had been with at the time.**

Did you ever have sexual contact with any family member? **No.**

Besides your case, did you do anything sexual that you could have been arrested for? ***No.***

While masturbating, did you have fantasies of, or think about young children? **No.**

Did you have rape fantasies? **No.**

Did you masturbate to violent visuals or seeing people in fear or being hurt? **No.**

Have you masturbated in front of younger children? **No.**

How often did you watch or view pornography when you were under 18? **Occasionally.**

Did any adult touch you sexually when you were under 18? **No.**

ADULT SEXUAL ACTIVITY

After the age of 18, approximately how many sexual partners have you had? **Doesn't know for sure, at least over a hundred.**

Were any of these females under 18 YOA while you were an adult? **Yes. Maybe 7 at the most. These girls were in the 16-17 years of age range and he was in the 18-20 years of age range at the time.**

Were any of these females under 16 yoa? **No.**

What kind of sexual acts have you participated in with your female sexual partners? **Penile/vaginal sexual intercourse, penile/anal sexual intercourse, oral sex on each other.**

How often do you masturbate since you turned 18? **He denies doing so.*(see next page).**

What sexual acts do you fantasize, visualize, or think about the most while masturbating? **He said he would have to actually see a female, he denies engaging in sexual fantasy.**

While masturbating, do you have fantasies or think about children or underage girls? **Denies this.**

Do you have rape fantasies? **No.**

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Do you look at adult pornography while masturbating? **Denies masturbating. Yes. Mostly on the internet, sometimes cable.**

Do you look at child pornography ever, or nude, or semi-nude images of persons under 18 YOA while masturbating? **No.**

Have you masturbated in front of another person since you turned 18? **Yes. Woman he was having sex with.***

Have you masturbated in front of any children or underage person? **No.**

Have you shown your penis to any child or underage person? **Yes. Just in his case.**

Have you masturbated outside your home, in a public place, or in a vehicle since you turned 18? **No.**

How often do you watch pornography? **Occasionally.**

Did you ever go to a theater to watch adult pornography? **No.**

Did you masturbate in a theater? **No.**

Did you have sexual contact with anyone in a theater? **No.**

Did you ever watch or attend Peep Shows? **No.**

Did you masturbate in a private video booths? **No.**

Did you masturbate or engage in any sexual acts with anyone else in a private booth or Adult Book or Novelty Store? **No.**

Did you go to strip clubs or topless bars? **Yes.**

Did you ever buy lap dances? **No.**

Did you engage in any sexual acts with any of the dancers at strip clubs? **No.**

Did you go to massage parlors? **No.**

Did you engage in any sexual acts with anyone at a massage parlor? **N/A**

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Have you called, contacted online, or been to any place that promoted prostitution or was an escort service? **No.**

Since you turned 18, have you ever have any kind of sexual contact with another male? **No.**

Have you ever placed any personal ads or profile on the internet or in a newspaper, or any publication to meet people for sex? **No.**

Did you ever have sex with anyone you met through a personal ad in any publication or on the internet? **Yes, via site called "TAGGED".**

What is the worst sexual act you ever engaged in as an adult that you were not charged with or arrested for? **None.**

INTERNET

Do you have a MySpace, Facebook or any other internet account? **Yes. Tagged. Plenty of Fish Facebook, Yahoo mail, no others that he can think of.**

Did you ever chat sexually with anyone on the internet? **Yes.**

Did you ever chat sexually with anyone you knew to be a minor child on the internet? **No.**

Did/do you have a web cam on your computer or any computer you used, tablet or cell phone? **No.**

Did you send nude photographs or sexually explicit photographs from a computer, tablet, ipod or cell phone to others? **Yes. To a peer age girls. Some whom he dated.**

Did you send any nude photos of yourself or others to minors under 18? **No.**

Did you receive any nude photographs or sexually explicit photographs from others? **Yes, from peer age women.**

Did you receive any nude photographs, pictures, or images from any minor children under 18? **No.**

Did you ever view nude or partially nude images of children or minors under 18 on any computer, cell phone, ipod, or tablet? **No.**

DEVIANT & OTHER SEXUAL ACTS

Have you ever engaged in any of the following sexual acts-

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Have you ever engaged in any kind of sexual act or sexual contact with an animal, or have been sexually aroused by contact with an animal? **No.**

Have you ever used a vibrator or sexual toy during sex? **No.**

Have you ever had sex or sexual contact with a member of your family or family relation? **No.**

Have you ever exposed your penis, genitals, or anus to a stranger or non-consenting person? **No.**

Have you ever done any peeping or spying on others? **No.**

Have you ever engaged in phone sex? **No.**

Have you ever made any sexually obscene telephone calls? **No.**

Have you called any 1-800 or 1-900 telephone sex line? **No.**

Have you ever taken any nude photographs or videos of yourself or anyone else? **Yes. Of his genitals.**

Where are those photographs now? **Doesn't think anyone has them any longer.**

Have you ever stalked anyone, followed and watched them for your own sexual arousal or excitement? **No.**

Have you ever paid for the services of a prostitute or escort? **No.**

Have you ever been paid for sex? **No.**

Have you ever traded anything or bartered for sexual activity? **No.**

Have you ever engaged in any kind of sexual activity with more than one person at a time? **Yes.**

Have you ever physically forced, restrained, or instilled fear in anyone to get them to have sex with you against their will? **No.**

Did you ever continue having sex with anyone after they asked you to stop or said NO, or made it clear in some manner that they did not want to continue being sexual with you? **No.**

Did you ever give someone medication, liquid, pills, or put something in their drink so you could have sex with them even if they didn't want to? **No.** 82

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Have you ever had sex with anyone who was unconscious, incapacitated, or for any reason unable to give consent or know what you did? **No.**

Did you ever harm or cause pain to anyone while having any kind of sex with them? **No.**

Have you allowed anyone to harm or cause pain to you during any kind of sex? **No.**

Have you ever tied or bound anyone up during sex? **No.**

Have you allowed anyone to tie or bind you during any kind of sex? **No**

Have you ever engaged in auto-asphyxiation? **No.**

Have you ever put a pillow, rag, towel, or plastic bag, or anything else over, or in a sexual partner's mouth during sex? **No.**

Did you ever sexually touch or rub up against anyone under the pretense of an accident or without them knowing what you did (Frottage)? **No.**

Have you ever had anal intercourse with anyone? **Yes.**

Have you ever inserted anything into your anus? **No.**

Have you ever attempted auto fellatio? **No.**

Have you ever had a sexually transmitted disease? **Yes-**

AIDS? **No.**

Herpes? **No.**

Gonorrhea? **No.**

Syphilis? **No.**

Chlamydia? **Yes.**

Have you ever worn any female clothing or lingerie? **No.**

Have you ever used female clothing or lingerie as a stimulant during masturbation? **No.**

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Have you ever engaged in a sexual act in which either you or your partner used urine or feces? **No.**

Have you ever had any kind of sexual contact with a dead, or dying person, or someone who was about to die? **No.**

Have you ever had any kind of sexual contact with a mentally disabled person? **No.**

Have you ever had sexual contact with an elderly person who was or was not incapacitated? **No.**

Have you ever been excited sexually by setting fires? **No.**

Have you ever been to a public library? **Yes.**

Did you speak to children or teens at library? **No.**

Use a computer at library? **Yes.**

Did you view nude images of persons or those under 18 on a computer at library? **No.**

Did you masturbate at a public library? **No.**

ALCOHOL & ILLEGAL DRUGS

How old were you when your first consumed alcohol? **Age 10.**

How many times have you been drunk? **Numerous times before age 21. Stopped drinking at about age 22.**

Do you consider yourself to be an alcoholic? **No.**

Have you ever been in treatment for alcoholism? **No.**

When was the last time you had any alcohol to drink? **About age 22.**

Have you ever used any illegal drugs or marijuana? **Marijuana.**

Last time you used drugs and what type? **2006 ecstacy. March 2014 marijuana.**

Have you ever sold any illegal drugs? **No.**

Did you grow marijuana? **No.**

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PHYSICAL VIOLENCE

How many physical altercations were you involved in with your siblings? **n/a- only child.**

How many fights did you get into during your school years at school? **Two.**

How many fights were you involved in as an adult? **A few.**

Have you been arrested for assault? **No.**

Have you ever pushed, shoved, slapped, hit, pinched, kicked or punched a wife, child or girlfriend? **Yes, he shoved a girlfriend before.**

SEXUAL CONTACT WITH A CHILD as an Adult

Not including the case you were charged with, or what you already told me, have you ever had any kind of sexual contact with a child, or minor under 16, that you haven't told me about? **No.**

As an adult, have you ever spoken to, or chatted with a child or minor under 16 about anything sexual in person, or on the phone, over the internet via computer, tablet, or cell phone? **No.**

CONTACT WITH YOUR VICTIM(s)-

He denies seeing or having any direct or indirect contact with his victims.

CONTACT WITH MINORS *for Grooming Purposes-*

He denies engaging in grooming behaviors with children.

Have you purchased gifts or given something to a minor child for grooming purposes? **No.**

Have you been alone unsupervised with a minor child? **Yes.**

Did anything inappropriate or sexual occur between you and any children that you didn't tell me about? **No.**

Did you ever discuss anything sexual with a child? **No.**

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Did you ever show a child persons in the nude, or sexual imagery of any kind? **No.**

Have you been all alone in a home or vehicle with any minor child? **Yes.**

Have you engaged in any grooming activity with a minor child? **No.**

Have you had any *secret* contact with a minor child? **No.**

Have you told a *secret* to a minor child? **No.**

Have you ever asked, or told a child to keep a secret? **No.**

Have you felt sexually aroused by looking at, or having any contact with a child? **No.**

What is the youngest age you could potentially find sexually arousing to you? **Age 17.**

Not including the case you're charge with, or what you have already told me, have you ever touched or fondled the genitals, breasts, or anus of any child you didn't tell me about? **No.**

Have you visited, entered, or loitered near any of the following places where children play or congregate while you were alone because you wanted to watch children, or expose yourself to them? **No.**

Parks? **No.**
Schools? **No.**
Playgrounds? **No.**
Arcades? **No.**
Fast Food Restaurants? **No.**
Day Care centers? **No.**
Festivals/Fairs? **No.**
Malls? **No.**
Recreational Places? **No.**

Truthfulness Summary

Have you lied to me about your sexual thoughts, feelings, or fantasies? **No.**

Have you deliberately withheld from me any minor children, or person that you have engaged in any kind of sexual contact with because it was likely illegal? **No.**

Have you withheld any person from me that you physically forced or threatened, or physically

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restrained, or scared into any kind of sexual contact with you? **No.**

Are you withholding something from me that you know, or feel you should have disclosed? **No.**

Did you lie to me about anything during this sexual history interview? **No.**

POLYGRAPH EXAMINATION

A pretest interview was conducted with Mr. House, wherein it was determined that he was experiencing no apparent physical, or any known psychological issue, which would preclude a valid polygraph test result. Mr. House did not appear to be under the influence of any intoxicating beverage, liquor, and/or drugs/pharmaceuticals.

The testing platform utilized is a Lafayette LX4000 computerized polygraph system including the most up to date software and algorithms for analysis of physiological data (updated September 2014) The sensors utilized in this system monitor- thoracic and abdominal response, cardio/blood pressure/blood volume/pulse rate/dicrotic notch response, electrodermal skin response, and pulse blood volume of the vasomotor response of the arterioles in the digital extremity by use of a photo-plethysmograph. Motion sensor technology is also employed to monitor for systematic movement.

The polygraph examination procedure, and all test questions were fully explained to Mr. House to ensure common understanding of their purpose, meaning, and to preclude rationalization. I made it very clear that his sexual history interview, and the polygraph to follow, were not focused in any way on the instant offense he is currently charged with.

The following relevant questions were presented to Mr. House in three separate administrations of a **"UTAH Zone Comparison Technique"** polygraph examination-

RQ#1) Not including your case, did you sexually touch anyone under 16 while you were an adult? *Mr. House responded "NO".*

RQ#2) Not including your case, did you have sex with anyone under 16 while you were an adult? *Mr. House responded "NO".*

RQ#3) Not including your case, did you ever force someone into sexual contact with you? *Mr. House responded "NO".*

POLYGRAPH EXAMINATION RESULTS

Manual *numerical* chart evaluation of Mr. House's physiological responses to the relevant issue questions listed above, scored conclusively into the numerical range consistent with a subject who is NOT attempting deception. Therefore, Mr. House's polygraph examination result must be reported as- **No Deception Indicated.**

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Polyscore and OSS3 algorithms were used for probability analysis and indicated results consistent with manual scoring. In post test, he disclosed no recollection of anything of relevant concern. Please contact me with any questions.

Best regards,

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Exhibit “G”

1 MORNING SESSION
2 JULY 14, 2015
3 THE COURT: We are here on the House
4 sentencing, if you want to call the case.
5 MS. SANCHEZ: Two cause numbers, both State of
6 Washington versus Marlon House, 14-1-00937-4 and
7 14-1-00938-2. We are here for sentencing. The
8 defendant pled guilty to an Amended Information under
9 both cause numbers, one count of Rape of a Child First
10 Degree under each cause number. I believe we are
11 prepared for sentencing.
12 THE COURT: Thank you. Let me go off the
13 record for a second.
14 (Pause in proceedings.)
15 THE COURT: Mr. Quickly, are you and Mr. House
16 prepared for sentencing?
17 MR. QUIGLEY: We are. Couple matters
18 preliminarily. I submitted to the Court a psychosexual
19 evaluation performed by Michael Comte, a polygraph
20 examination, and numerous letters from family members,
21 most of whom are present in court today. I want to
22 verify the Court received those, had a chance to review
23 those?
24 THE COURT: The Court did receive the
25 psychosexual evaluation. It was attached to the State's

1 sentencing memorandum, and I believe -- I am just going
2 to verify what was attached to the presentence
3 investigation report. A number of letters were attached
4 to the presentence investigation report, or at least one
5 letter from one of the mothers of one of the victims.
6 There was a second victim impact statement filed. I did
7 review the letters that were on file, Mr. Quigley, on
8 behalf of your client. I have seen the psychosexual,
9 PSI, the letters. I did not have the Olympic Polygraph
10 Report. I will review that during the course of this
11 proceeding.
12 Are you ready for sentencing?
13 MR. QUIGLEY: Yes, we have received a copy of
14 the presentence investigation performed by Sally Saxton.
15 I was present for this interview. In general, I don't
16 have any major objection to the content. I would point
17 out, however, that on page 14 --
18 THE COURT: Of Ms. Saxton's report?
19 MR. QUIGLEY: There are two. This one is Cause
20 Number ending in 938-2.
21 THE COURT: All right.
22 MR. QUIGLEY: Ms. Saxton indicates that
23 Mr. House told her he only met this particular victim,
24 L.M., one time only. She therefore indicates in her
25 opinion he is not even eligible for SSOSA on this cause

1 number.
2 A couple things on that. You know, I don't
3 recall him saying that. I think he was somewhat vague
4 in answering the allegations that were put to him by
5 Ms. Saxton. She's not here to defend herself. I can
6 tell the Court the circumstances of him admitting these
7 things in front of a woman he's never met before are
8 difficult at best. It is clear from the totality of the
9 record he met this victim numerous times and had
10 established a relationship with her. We get that from
11 the police report, polygraph, what he told Mr. Comte,
12 quite frankly the victim's own mother, her statement.
13 There is no issue really that he had more than one
14 contact with this victim. This is not a singular
15 contact. In my view, he's clearly eligible for SSOSA on
16 that issue. I wanted to point that out.
17 THE COURT: That objection is noted on the
18 matter ending in 38-2, what about the matter ending in
19 37-4, which is the second presentence investigation
20 report concerning the second victim.
21 MR. QUIGLEY: No additions or corrections that
22 are significant. There is some minor stuff, but it
23 doesn't bear me going through it on the record.
24 THE COURT: All right. Thank you. I was just
25 looking. I guess the record should reflect the letter

1 that is attached to the PSI concerns the second PSI
2 report ending in 37-4.
3 All right. What I anticipated this morning is
4 hearing the State's recommendation. Mr. Quigley, you
5 indicated you were going to present some testimony,
6 then, of course, the State would be allowed
7 cross-examination. I would proceed in that fashion.
8 Ms. Sanchez, is that going to work for the
9 State?
10 MS. SANCHEZ: That's fine. If you want me to
11 indicate what my recommendation is first. I would like
12 an opportunity after Mr. Comte has testified and defense
13 counsel argues for -- because this is not agreed
14 obviously, makes their argument for SSOSA, I would like
15 to have an argument against that as well, once the Court
16 has all of the information rather than me doing it just
17 up front.
18 THE COURT: The other alternative, Mr. Quigley,
19 I will turn to you to see what you want to do, is, of
20 course, you can go ahead and put on your live testimony
21 now and release your witness after the State has had
22 examination, then I can hear each of your
23 recommendations. I don't know if any of the victims are
24 here, and I will hear from your client. Would that
25 order be preferred?

1 MR. QUIGLEY: I think that is preferred for a
2 variety of reasons, one of which is the convenience and
3 cost of Mr. Comte's appearance. I think, essentially,
4 that what the Court will have, everybody will have all
5 the information in front of it, and the Court can hear
6 argument.
7 THE COURT: Does that work?
8 MS. SANCHEZ: That's fine.
9 THE COURT: Unusual procedure, Mr. Quigley, we
10 will go ahead and start with your witness testimony for
11 sentencing first.
12 MR. QUIGLEY: Defense would call to the witness
13 stand, Michael Comte.
14 MICHAEL COMTE, called as a witness on behalf of the
15 Defendant, after first being duly
16 sworn, was examined and testified as
17 follows:
18 THE COURT: Once you are comfortable, the
19 microphone moves around. State your full name for the
20 record and spell your last name.
21 THE WITNESS: Michael Allen Comte, C-O-M-T-E.
22 THE COURT: Go ahead, Mr. Quigley.
23 DIRECT EXAMINATION
24 BY MR. QUIGLEY:
25 Q Good morning, Mr. Comte. What is your occupation?

1 A I am a psychotherapist in private practice in Tacoma.
2 Q How long have you done that type of work?
3 A Oh, let's see. I went into private practice part-time
4 in '82, full-time in 1983. Prior to that, I was in a
5 similar role, but employed by the State at the Sex
6 Offender Treatment Program at Western State Hospital.
7 MR. QUIGLEY: I think, Your Honor, the Court is
8 familiar with Mr. Comte's background and qualifications.
9 THE COURT: I am.
10 MR. QUIGLEY: Unless the Court wants me to go
11 through them, I will dispense with them.
12 THE COURT: I am well aware. Mr. Comte came
13 from Western State Hospital, served under
14 Marlene Saylor, went into private practice years ago.
15 THE WITNESS: Years ago.
16 BY MR. QUIGLEY:
17 Q Did you have an opportunity to evaluate my client,
18 Marlon House?
19 A Yes, I did.
20 Q In undertaking that evaluation, what documents did you
21 review preliminarily?
22 A You forwarded the investigative reports. You forwarded
23 me a copy of the sexual history polygraph authored by
24 Mr. Richard Smith. That, I believe, is the extent of
25 the discovery.

1 Q I am going to hand you, just so it is clear what you are
2 referring to, what I have marked as Defense Exhibit 1,
3 which I will represent to you is a copy of your -- an
4 accurate copy of your report. Can you take a minute to
5 quickly look at it and verify that is your report in
6 this case?
7 A Yes.
8 Q I am going to have you refer to that during the course
9 of the testimony. I know you brought your own copy. I
10 want to make sure we are referring to a complete and
11 accurate copy.
12 Mr. Comte, you initially met with Mr. House on
13 what date?
14 A On January 18th of this year.
15 Q During the course of your initial evaluation or
16 interview of my client, what do you typically do in that
17 session?
18 A I try to establish rapport with the defendant, chitchat
19 for a minute, then explain to him what the steps -- what
20 steps are involved in the assessment process and the
21 significance of the information, and what my inquiry
22 will consist of.
23 Q At the first interview, do you try to obtain the
24 defendant's version of what has occurred?
25 A Yes.

1 Q Did you do that with Mr. House?
2 A Well, not in the initial interview in the County jail
3 with him. The following day, I did.
4 Q On January 19th, you went back to the jail after the
5 initial, I would describe as sort of a meet-and-greet,
6 the rapport building session, you went back the next day
7 on the 19th to again meet with Mr. House in the jail?
8 A Yes, there is a typo on my report. Should read January
9 19, 2015, I met with him the second time. During the
10 first interview he was denying culpability, denying all
11 the allegations.
12 Q Is that common in your experience?
13 A Relatively. Probably I am guessing about 25 to 30
14 percent of the time the defendant will deny. They don't
15 understand at that point in the process that without
16 candor they are going to do themselves in. They will
17 not be eligible for SSOSA or any kind of probation
18 disposition. I conveyed that to him the following day.
19 I believe, if memory serves, you had some communication
20 with him, too. It was a very different presentation
21 from Mr. House the following day.
22 Q Why would a defendant, even after knowing candor is
23 important, be defensive and initially deny the
24 allegation?
25 A There are a number of factors. Guilt, shame, an

1 elementary understanding that information is going to be
2 conveyed to others, and the embarrassment of it all is
3 just more than they can cope with at that particular
4 point in time. They don't understand the consequences
5 of not being forthright with me.
6 Q Is there also a trust component in you eliciting this
7 very private, embarrassing information from defendants
8 in the jail setting?
9 A Very much so. That is the reason, of course, most of us
10 do what I do, go very gradually into the interview, and
11 the last step of that assessment is discussion of the
12 defendant's sexual history and the allegations.
13 Q So, would you describe the rapport building, the trust
14 building, the breaking down of the defenses, if you
15 will, as sort of a process?
16 A Correct.
17 Q Now, did Mr. House eventually describe to you what it is
18 he did?
19 A Yes, he did.
20 Q That is contained in your report?
21 A Correct.
22 Q And did he give reasons why he did these acts to these
23 two young girls?
24 A Yes, he did.
25 Q Were the reasons different for each alleged victim at

1 that time?
2 A Yes.
3 Q Let's take them one at a time. Regarding L.M., this
4 would be on the very bottom of page two just for your --
5 to refresh your recollection. Did he indicate what
6 motivated his sexual assault of L.M.?
7 A Yes.
8 Q What was that?
9 A His term was curiosity.
10 Q Did he elaborate on that?
11 A No, he did not.
12 Q The second victim, S.K., who again he admitted to you
13 sexually abusing, what was his motivation that he told
14 you for that conduct with S.K.?
15 A He described a vengeance motive for the behavior because
16 he believed the child's mother had been unfaithful with
17 him, dishonest with him. He was getting back at the
18 mother through the daughter.
19 Q Now, do you believe in your evaluation of Mr. House that
20 those were the true motivations for doing those things
21 or do you think he lacks insight into what really
22 motivated him?
23 A Well, vengeance may have been one aspect of the one
24 victim. Curiosity, in my opinion, is an often referred
25 to rationalization or justification for such behavior.

1 In my opinion -- I know Mr. House doesn't agree with
2 me -- the primary motivation was sexual arousal and
3 attraction to the victims.
4 Q Both victims?
5 A Yes.
6 Q Now, were you -- in the course of your normal
7 evaluations, do you conduct testing of individuals,
8 psychological testing?
9 A Yes.
10 Q Did you perform testing on Mr. House?
11 A Yes, I did.
12 Q Referring to Page 9 of your report, just to refresh your
13 recollection. First off, in your opinion, what is
14 Mr. House's intellectual ability?
15 A Oh, I view him in the average, at least the average
16 range of cognitive ability.
17 Q Now, you did give him the Shipley Institute of Living
18 scale test?
19 A Yes.
20 Q What is the purpose of that test?
21 A Two-fold. One, it provides me with a rough IQ
22 assessment. Secondly, it is sort of a screen out of an
23 operational active mental illness, because if the person
24 is mentally ill, they can't mobilize their intellectual
25 resources in order to respond appropriately to the

1 protocol.
2 Q Now, Mr. House did not answer all of the items that were
3 on the test; is that correct?
4 A Correct.
5 Q So this test was of limited value to you?
6 A Yes.
7 Q Your assessment -- at some point you ruled out mental
8 illness, and you opined he is of average intellect?
9 A Correct.
10 Q How did you come to that conclusion?
11 A Well, as is standard for me during the structured
12 clinical interview, I discussed with him what are
13 ordinarily symptoms of an active mental illness,
14 hallucinatory activity and delusional thinking. I am
15 processing and evaluating his presentation throughout
16 the interviews to determine if he can stay on task, if
17 he is tangential, if his responses are making sense and
18 they are in line with the question asked.
19 Q In addition, it is true, isn't it, he doesn't have any
20 documented mental health history?
21 A Correct.
22 Q The next test that you gave Mr. House was an MMPI
23 personality profile test?
24 A Correct.
25 Q Could you describe the outcome of that test?

1 A Well, as I said in my evaluation, I feel the -- his
2 performance and the resulting interpretation was
3 influenced by what was extreme defensiveness at that
4 point in time. I think I made a comment, I believe I
5 did somewhere in the report, about it would be helpful
6 that if the Court granted SSOSA at some later date to
7 retake the evaluation because he would be less
8 defensive. I just feel his defensiveness affected test
9 results. It was a relatively benign profile. I would
10 expect that although if there is a dominating issue of
11 psychopathology that it would have broken through. It
12 would have become evident during the computer analyzed
13 interpretation.
14 Q He also took the Curtis Completion Form, which appears
15 to be a type of test where he fills in blanks, he writes
16 out answers?
17 A Yes.
18 Q He's presented with a series of half sentences and is
19 expected to complete the sentence?
20 A Yes.
21 Q He completed the testing?
22 A Correct.
23 Q In fact, wrote an entire paragraph regarding being true
24 to one's self and not letting loved ones down?
25 A Correct.

1 Q So, Mr. Comte, as a result of your evaluation -- by the
2 way, so how many times did you meet with Mr. House in
3 the jail?
4 A On three occasions.
5 Q So, as a result of your evaluation of him, including
6 testing, reviewing of documents, did you come up with a
7 working diagnosis for Mr. House regarding sexual
8 deviancy? Just to refresh your memory, look to Page 9
9 of your report, very bottom of the page.
10 A Well, he did not satisfy the DSM-5 definition of
11 pedophilia. That was, in my opinion was a ruled out
12 diagnosis. He was hard to diagnose because he had
13 elements of multiple diagnoses, episodic depression,
14 narcissim and generalized anxiety. He didn't fit nicely
15 into one diagnostic category.
16 Q In making a diagnosis that you ruled out pedophilia, did
17 you take into consideration the polygraph that was
18 administered by Richard Smith, and I provided you a copy
19 of?
20 A Yes.
21 Q Handing you a copy of that, which has been marked
22 Defense Exhibit No. 2. In that polygraph -- which by
23 the way, Mr. House was found not deceptive -- were there
24 any other what I would describe as child victims?
25 A No.

1 Q Other than the two that he has admitted to in this case?
2 A No, he was specifically asked that question. In fact,
3 that was the focus of the polygraph relevant questions.
4 Q On the other hand, did Mr. House indicate other sexual
5 activities that he had had during his lifetime?
6 A Yes.
7 Q Did he indicate how many sexual partners he had?
8 A He guesstimated approximately 100.
9 Q Were these sexual partners all women?
10 A Yes.
11 Q Were all these sexual contacts, at the time they were
12 made, legal?
13 A According to the defendant, yes, they were of age. He
14 denies coercing sexual activity.
15 Q No indication of any forced sexual activity on any of
16 these peer-aged or legal-aged women during the course of
17 his lifetime?
18 A Correct.
19 Q Now, you indicated that regarding ruling out pedophilia,
20 he still could be attracted to prepubescent children?
21 A Yes.
22 Q Could you explain how that dynamic exists, that he is
23 not diagnosed with pedophilia but could, on the other
24 hand, be attracted, I think you say, transitorily, to
25 prepubescent children?

1 A The definition of pedophilia in the DSM 5 requires a
2 sustained period, I believe it is six months of focus on
3 prepubescent children, that may -- on a fantasy level
4 that may be actual acting out. He may or may not
5 satisfy that criteria. If at a later stage when he goes
6 through treatment, I think there is going to be a very
7 different presentation from this man once his
8 defensiveness is dismantled by the treatment providers
9 and himself, and he decides to be fully honest about it.
10 We may discover -- I would be surprised if there are
11 other victims given the results of the polygraph. We
12 may discover that contacts with one of the victims
13 occurred over an extensive period of time and many
14 episodes. It is unclear from the police report what the
15 frequency is and over what timeframe the abuse occurred.
16 If that information comes out later that there was a
17 period of three or four months, and that was his primary
18 focus and his arousal was significant then, he would
19 move much closer to the diagnosis.
20 The definition of pedophilia is precise and
21 narrow. There are many men who act on that, on
22 transitory attraction and arousal and on the immediate
23 impulse. The reason is they are attracted to the
24 situation and the child then. In many cases they are
25 disinhibited as a result of alcohol or drug abuse at

1 that particular time, which gives them permission to act
2 on their deviant impulses.
3 Q So even though at this juncture you can't hang a
4 diagnosis of pedophilia on Mr. House, you are still
5 making the opinion he has deviant sexual sociology that
6 can be dealt with in treatment and needs to be dealt
7 with in treatment to prevent future acts similar to
8 these?
9 A My focus, while conducting an evaluation, is always on
10 the future, how can we affect a defendant's thinking and
11 hopefully prevent a recurrence.
12 Q So, given all that, in your opinion, is Mr. House
13 amenable to treatment?
14 A Yes.
15 Q Did he indicate to you that he was willing to undergo
16 treatment?
17 A Yes.
18 Q Now, in your summary on Page 10, you talk about risk
19 assessment. You make the opinion on the second to last
20 paragraph, very last sentence, the couple different
21 tests you -- what am I trying to say? You consult
22 different databases and you concluded that, based upon
23 those, he is at low risk for future sexual offending.
24 Can you explain that?
25 A Well, when you are examining a static or unchangeable

1 risk factor, there are certain key characteristics that
2 you focus on because there is a lot of research validity
3 supporting them. That is the adage that I have been
4 using which is: The greater number of offenses, the
5 greater the number of victims, the greater the chance of
6 re-offense. That also goes for if there is prior
7 convictions, prior accusations of sexual misconduct,
8 prior convictions, accusations, convictions, certain
9 elements of the crime itself, whether the victim was
10 known to the perpetrator or was a stranger. The more
11 disconnected, the more distant the victim is from the
12 perpetrator, the greater the risk the perpetrator poses
13 of re-offense. Mr. House didn't seem to have any of the
14 static risk factors.
15 Looking at dynamic risk factors using the
16 Stable 2007, which is the most often used dynamic risk
17 protocol, there were some features that came out of
18 there which I thought his limited capacity for
19 relationship stability, he told me that he had not been
20 in a long-term, committed relationship that was not
21 interrupted. There was one relationship with the
22 mother, I think, of his oldest son that had been going
23 on for years, but not consistent. They'd end the
24 relationship for a time, then get re-involved. That was
25 one factor. That is a significant factor.

1 One of the criteria is hostility toward women.
2 I thought Mr. House had that particular characteristic
3 in abundance. That, I believe, was a driving force in
4 the history of promiscuity, a lack of concern for
5 mothers, which really goes with the territory of
6 defendants who abuse children by definition have a lack
7 of concern at the time they are offending. I will say
8 Mr. House articulated considerable guilt and remorse for
9 his behavior. I thought he was in the early stages of
10 understanding this vengeance motive was just utter
11 nonsense and an excuse to do what he wanted to do. Very
12 real in his mind in terms of motivating his interactions
13 with women.
14 What appeared to me to be sexual preoccupation,
15 which is another criteria on the table, sexual
16 preoccupation in the sense of the word, his history of
17 promiscuity. You add that up and he is at moderate
18 risk. You combine the two protocols, and you come up
19 with low risk.
20 Q Of course, no one has a crystal ball, of course. This
21 is based upon probability and studies that are well
22 documented?
23 A Yes. There are a number of issues. One, he does not
24 satisfy the criteria for antisocial personality
25 disorders. As egregious as his behavior was, no

1 evidence he is a sociopath. He is giving various
2 accounts of alcohol and drug use. I don't have any
3 evidence he is chemically dependent. He doesn't have a
4 significant prior arrest history. Those are critical
5 factors also.
6 Q I showed you a copy of the letter Mr. House wrote
7 directly to the judge wherein he talks about use of
8 drugs and alcohol as sort of a precursor for these two
9 different, well, the variety of contacts he had with the
10 two different victims. Do you recall reading that?
11 A Yes.
12 Q They differ somewhat from what he told you in his
13 interview where he said he stopped drinking regularly at
14 age 22. Is it possible that his use of drugs and
15 alcohol, even if sporadically, is a factor in the
16 commission of these crimes?
17 A Well, it could have been a factor in an episode,
18 incident. Difficult to imagine given when he told me
19 about his use of alcohol that it was an ongoing feature,
20 assuming there were multiple instances of assaulting one
21 of the victims. I am not quite sure what to make of
22 that.
23 Q In your experience, is drug and alcohol -- you have
24 touched on this. Is drug and alcohol a disinhibitor?
25 A Yes.

1 Q Can you explain what that means?
2 A Half the time offender's are under the influence. It is
3 not the cause of the attraction. The attraction already
4 exists. Then we also have a lot of attractions to
5 different things. We don't give into those impulses if
6 they are wrongful behavior. Alcohol tends to compromise
7 that self-control and allow an individual to do what is
8 in their head and what is desirable without spending any
9 time concerning themselves about the consequences of the
10 behavior for themselves or the victim.
11 Q I want to ask you, you touched on this as well about
12 Mr. House's attitudes towards women and sexuality. In
13 evaluating him and talking about his background,
14 upbringing, what factors do you believe led or leads to
15 these attitudes.
16 A I believe Mr. House was clear in his own mind and in his
17 communication to me what contributed to that. He felt
18 abandoned by his mother. She had her own issues she was
19 dealing with in her life and was not in a position to
20 parent. I believe she had a recognition of that and
21 that was the reason why she requested grandparents raise
22 him. He missed her terribly. He had sporadic contact
23 with her through the years, just enough to remind him
24 how much he loved his mother and how much -- how
25 unavailable she was to him. I think that was a

1 significant factor in his life. He talked about some of
2 the distrust, distrust he had in relationships with
3 women all along. I think the initial relationship with
4 his mother colored his interactions with women after
5 that. He was looking for betrayal, he was looking for
6 distrust, and he found it.
7 Q Can those attitudes be modified by treatment?
8 A Oh, yes. In my last interview with Mr. House, I thought
9 he was beginning to undergo a bit of a transformation
10 and recognize the ludicrousness for that justification
11 for his behavior. When he was accused of sexually
12 molesting young girls, it had nothing to do with the
13 dynamic of what women are all about. I think that is
14 not a formidable obstacle in treatment, quite frankly.
15 I think cognitive dissonance, the thinking error can be
16 easily modified.
17 Q What is your recommendation regarding SSOSA in this
18 case?
19 A Well, I am recommending he have an opportunity to
20 demonstrate that he is sincere about his willingness to
21 want to address his deviant thinking and behavior by
22 altering the way he thinks and behaves through
23 participation in sex offender counseling. Part of his
24 making amends for what he has done is to work, support
25 his six children, and live an exemplary life which will

1 demonstrate to him and other people that he's capable of
2 controlling himself and not hurting anyone else in the
3 future. I think he has that potential.
4 Q You have laid out in your report on Page 11 various
5 conditions that you would recommend be imposed by the
6 Court if he was to be granted SSOSA.
7 A Yes.
8 Q Could you speak to, if you know, the rates of recidivism
9 of persons who engage in treatment in the community on
10 SSOSA versus those who go to prison and are released
11 back into the community?
12 A There are a number of factors. We don't have a lot of
13 recent research on this. We are relying on a plethora
14 of research that came out in the 1990s and early part of
15 the 2000s, which suggested that if you made it through
16 SSOSA -- of course, a significant percentage of men
17 don't because they get violated not for re-offending,
18 but for rule violations. Those who make it have an
19 extremely low, around eight percent, recidivism rate
20 versus those who go to prison, even if they participate
21 in treatment and are released, which you are looking at
22 about 20 to 25 percent recidivism.
23 Q Mr. House has a variety of challenges, but he also has
24 some strengths, one of which is, as you have indicated,
25 in your opinion, no psychopathy, sort of a benign

1 personality profile?
2 A Correct.
3 Q How does that assist him in being successful in SSOSA?
4 A Antisocial personality, a person with that diagnosis is
5 compelled to break rules, challenge authority, get over
6 on people. He doesn't seem to have those elements.
7 Again, he has the capacity to express guilt and remorse
8 for his behavior. In my opinion he feels that, he
9 experiences that. Even his rationalization and
10 justifications, excuses for his behavior seem to me to
11 be an attempt to convey to the Court and everybody else
12 involved in his case that I am not the person that my
13 behavior suggests I am; I am really better than that; I
14 am different than that. You know what, he is right.
15 That does not summarize his lifetime adjustment. That
16 is not representative of who he is as a person. It is a
17 deviation from who he is as a person. One of the keys
18 is to keep him in control of himself so the deviation
19 doesn't rear its ugly head again and somebody else gets
20 hurt.
21 Q Mr. House clearly has -- well, let me ask you this: The
22 relationship with his mother was clearly non-existent or
23 very, very strained when he was younger due to her
24 addiction and other issues as well. How is his
25 relationship with her currently?

1 A According to Mr. House, he has a close and loving
2 relationship with his mother. According to her, they
3 have a close and loving relationship together.
4 Q You interviewed his mother in preparation for your
5 assessment of Mr. House as well?
6 A Correct, by telephone.
7 Q She is present in the courtroom today?
8 A I think so. We have never met.
9 Q She has indicated to you she would be able to provide
10 Mr. House a place to live where children are not
11 present. She's the only person that lives there?
12 A Correct.
13 Q Is that a strength?
14 A Very much so.
15 Q How is that important in a person's potential success in
16 SSOSA?
17 A Well, you know, I am not for sure because I am really
18 not permitted to do that, to provide all the details to
19 a mother, loved one, or family member. At that stage in
20 the process, I am gathering information. I am not
21 permitted to give information. I only give information
22 to you. We need to satisfy ourselves she's fully aware
23 of the allegations and what the children said. Of
24 course, the children have less reason to lie or
25 fabricate because they are children and they are the

1 victims. She must be fully apprised.
2 I think she has enough information now that
3 she's aware that she needs to be alert. She's a trained
4 professional. She's a social worker. When she got
5 control over her life and went through recovery, she got
6 her education. She has been working, I am not quite
7 sure how long, as a social worker with Salvation Army.
8 She's aware, aware of human behavior in general and she
9 knows her son. She's been clean since his age 21, so
10 over the last eight years. I think she's a resource. I
11 am pleasantly surprised to see a substantial support
12 system in the courtroom, including mother and I assume
13 other relatives and friends.
14 Q That was my next question. Going beyond his mother who
15 would provide a place for him to live, he has an
16 extended network of individuals who support him, care
17 about him, are looking after him. They have written
18 letters to the Court. They have been present for
19 numerous court hearings in this process. Is that a
20 strength?
21 A Very much a strength.
22 Q Why is that important to a person's potential success in
23 SSOSA?
24 A Well, there is eyes on him from people who he has been
25 humbled in front of which will hopefully lead him along

1 the path to true humility and recognition of what he has
2 done. They are going to be there for him. They are
3 people he can turn to and get support from when he
4 struggles to readapt, readjust to the community. That
5 is one piece. The other piece is fortunately the man
6 has marketable work skills. He is going to be able to
7 support his six children and himself.
8 Q On that issue, Mr. House has been, sounds like, employed
9 most of his life, variety of jobs, include some highly
10 technical jobs such as underwater welding. Is that an
11 important factor? Is that a strength in a person's
12 potential success in SSOSA?
13 A Well, quite frankly, the bottom line here is he has to
14 be able to pay the cost of his treatment. Without that,
15 if you are poor, you are not going to get through SSOSA.
16 As sad as that is to relate, that's the reality of the
17 situation. He is going to have the means to do that.
18 That is crucially important. I lost track of your
19 question.
20 Q No, you have answered it.
21 That is all the questions I have. Thank you
22 very much, Mr. Comte.
23 THE COURT: Ms. Sanchez may have some
24 questions.
25

1 CROSS-EXAMINATION
2 BY MS. SANCHEZ:
3 Q Good morning, Mr. Comte.
4 A Good morning.
5 Q You have done many, many of these psychosexual
6 evaluations over the course of your career?
7 A Yes, about 7,800.
8 Q It is true, more often than not, you do find the people
9 you are evaluating to be amenable to SSOSA, correct?
10 A Yes.
11 Q You would agree that SSOSA is a rigorous program, right?
12 A Oh, yes.
13 Q Lots of requirements?
14 A Correct.
15 Q Requires a lot of commitment on the part of the
16 offender, the defendant who is participating in the
17 program?
18 A Very much so.
19 Q Wouldn't you agree, having done 7,800 of these, that
20 you, as the person evaluating the offender or the
21 defendant, want to make sure you get as much information
22 as possible from the defendant to include his version of
23 events, right?
24 A Yes.
25 Q Actually the statute for SSOSA requires that an

1 evaluation include the offender's version of events,
2 right?
3 A Correct.
4 Q In reviewing your report, you actually did not get from
5 this defendant, Mr. House, his version of the events,
6 what happened, particularly with the first victim, L.M.,
7 correct?
8 A You mean in the initial interview?
9 Q At any point. I could not find anywhere in your report
10 where you get his version of what happened with L.M.
11 A Well, on Page 8, I discussed he admitted molesting L.M.,
12 quote, "out of curiosity." He said he is guilty of what
13 she alleged.
14 Q Okay. But that's not getting from him his version of
15 events, is it?
16 A Well, let me see if he gave more precise -- I am not
17 sure how to answer it. I read to him what the child
18 said. He said -- with that particular victim he said,
19 "I am guilty of what she alleged."
20 Q Well, so then, in other words, I am correct, you did not
21 ask him to tell you in his own words what happened?
22 A No.
23 Q When he said that he did this to L.M., what it is she is
24 alleging, "out of curiosity" to use his words, you
25 didn't ask him to explain his curiosity, did you?

1 A No, because that statement was followed with the
2 statement that it was not sexually motivated behavior.
3 Q Okay. You didn't ask him to explain what he was curious
4 about, correct?
5 A No.
6 Q Now, in reading your report seems to me it is fair to
7 describe the defendant as somewhat manipulative,
8 correct?
9 A I would agree with that.
10 Q For instance on Page 6 of your report, you noted that
11 the defendant admitted to an evolving pattern of
12 exploiting women his age during early adolescence,
13 correct?
14 A Yes.
15 Q He is a vengeful person and uses sex as a tool for that,
16 correct?
17 A He certainly did.
18 Q You also mention in doing the testing on him to find out
19 if he met any diagnosis, he has some criteria for
20 narcissim, right?
21 A Correct.
22 Q Which includes a lack of empathy for others, correct?
23 A Yes.
24 Q You would agree, wouldn't you, the SSOSA program is not
25 appropriate for all offenders who sexually abuse

1 children, correct?
2 A Correct.
3 Q That in trying to determine if it is appropriate,
4 whether they are amenable to treatment, there are
5 certain things that are important, for example, their
6 ability to be honest about what they did, right?
7 A Yes.
8 Q And their ability to be honest about their motivations
9 for doing so, correct?
10 A Correct.
11 Q It sounds like, from reading your report and also what
12 you have said here today during direct, that you
13 actually have some doubts about the defendant's ability
14 to be honest about both his crimes and his motivations,
15 right?
16 A Well, recognizing the transparency, what we are hoping
17 for is a process that goes on for many months usually.
18 I felt he was on the road. I don't feel he was
19 altogether candid with me at the time.
20 Q Correct, but in your report you put, for example, Page 8
21 where we are talking about his claim, the second
22 paragraph before the bottom, his claim he is not aroused
23 by a prepubescent female form is difficult to accept
24 given his behavior?
25 A Yes.

1 Q Is it your belief he is not being honest with you when
2 he tells you his actions were not sexually motivated and
3 that they actually are sexually motivated, is that what
4 you are telling us?
5 A No, I am telling you what he believes or what he
6 believed to be true at the time I interviewed him,
7 that's not reality in my opinion. The reality is he
8 engaged in that behavior because he was aroused by the
9 child in the behavior. He doesn't have that insight
10 yet. That's what treatment is all about.
11 Q Sure, but don't we want to flesh out ahead of time
12 before we put someone in the program and release them
13 into the community whether they are going to be able to
14 do that?
15 A I feel he's going to be capable of doing that.
16 Q He wasn't honest with you in his interview?
17 A No, that wasn't the level of honesty I would like to see
18 in every defendant.
19 Q In fact, the first time you met with him he denied the
20 allegations altogether, correct?
21 A Correct.
22 Q The second time you met with him he actually wasn't even
23 honest then. Instead he said that he still didn't want
24 to admit guilt, but he wanted to take advantage of the
25 plea bargain if one were presented?

1 A Yes.
2 Q It was the third interview when he finally admitted to
3 any of these actions, correct?
4 A Correct.
5 Q You say you believe he was aroused by what he was doing,
6 by the child form, these victims were eight and nine
7 years old at the time?
8 A Yes.
9 Q Yet there is nothing that he said in his one interview
10 where he was at all forthcoming to support that, right?
11 Because he claimed it was vengeance, and he claimed it
12 was curiosity, which you didn't flesh out. There is
13 nothing he said that would tell you he is attracted to
14 children?
15 A The behavior itself tells me he is attracted to
16 children, the fact he did it.
17 Q Some people who abuse children might not be sexually
18 motivated, right?
19 A I am sure that is possible. I haven't met one.
20 Q Nothing he said --
21 A Possible.
22 Q -- tells you that he is attracted to children?
23 A No, he does not have that insight.
24 Q The polygraph which has been referenced, no other child
25 victims, it would appear, correct?

1 A Correct.
2 Q He also, if the polygraph is correct, doesn't engage in
3 perusing child pornography or anything like that?
4 A Correct.
5 Q So there is nothing, other than these offenses
6 themselves, that leads you to believe he is attracted to
7 the child's form, correct?
8 A That's plenty sufficient for me.
9 Q But there is nothing else than the crime. Correct?
10 A Correct.
11 Q He does not meet the DSM-5 criteria for a diagnosis of
12 pedophilia?
13 A Correct.
14 Q I want to talk for a minute about the risk assessment
15 part Mr. Quigley got into. You opined that he is at a
16 low risk for future sexual offending. One of the things
17 you noted in here, he is admitting to two child victims.
18 You are aware his victimization of them occurred at two
19 separate times, correct?
20 A Yes.
21 Q Approximately two or so years apart?
22 A Yes.
23 Q You noted both of whom were known to him?
24 A Yes.
25 Q Not a common situation in which the victim and offender

1 are like family members, right?
2 A What?
3 Q Not a situation which is common that he and the victims
4 were family members, right?
5 A The problem with the word "common," are you saying it is
6 more common it is an incestuous situation?
7 Q I think it is pretty well established victimization
8 occurs when victim and offender are good family friends
9 or family members simply because the opportunity to
10 access is there?
11 A Correct.
12 Q And they were not family members in this situation?
13 A Correct.
14 Q In fact, both relationships could be described as
15 temporary, correct?
16 A Yes.
17 Q You testified on direct as to L.M. that it is not clear
18 how many times he came into contact with her. Of
19 course, you didn't ask him that, right?
20 A I think, if memory serves, he volunteered something like
21 three incidents. I may be getting the victims mixed up.
22 I thought he said three incidents he clearly recalled.
23 Q Is that as to L.M. or as to S.K.? The only thing I
24 could find as to L.M. is where he said it was curiosity
25 and he did what she said. Did you or did you not ask

1 him how many times he came into contact with L.M.?
2 A If she volunteered that information while I was reading
3 what she accused him of, if there was a reference in
4 there and he was agreeing, whatever she said, he was
5 agreeing to.
6 Q You never got from him directly how often he was around
7 L.M. or how many contacts he had with her?
8 A No.
9 Q Are you aware from reading the reports, again because
10 you didn't ask him, are you aware of how he came into
11 contact with L.M.?
12 A I cannot recall.
13 Q With regard to S.K., you are aware she was the child of
14 a woman he dated, correct?
15 A Correct.
16 Q For only a few months, correct?
17 A Correct.
18 Q You wrote in your report and you testified today in
19 response to Mr. Quigley's questions, the defendant did
20 or has expressed remorse, guilt for what he did.
21 Correct?
22 A Yes.
23 Q You don't put in your report, you haven't said today, a
24 statement by him or any words he used that would tell us
25 he feels remorse or guilt. Correct?

1 A What he said is I feel guilty for what I did, the
2 children didn't deserve that, statements to that effect.
3 Q That doesn't appear in your report that the children
4 don't deserve what he did?
5 A No, I just put the statement he feels guilt and remorse.
6 I didn't provide the supporting information for that.
7 Q Just the general statement he feels guilt and remorse,
8 correct?
9 A Yes.
10 Q You have testified that you did not get from the
11 defendant his version of what happened with L.M.,
12 correct?
13 A Well, I didn't get the details from him. I didn't ask
14 him to describe precisely what he did, other than his
15 agreement with what the victim said he did.
16 Q Right, so this Court, in determining whether or not to
17 grant the defendant a SSOSA, does not have his version
18 from you in the report of what happened with L.M.,
19 correct?
20 A Well, depends on how the Court interprets it. If I read
21 to him what a victim said he did and he said, yes, that
22 is correct, is that an admission? In my mind it is.
23 The Court may have a different definition of that.
24 Q I am not talking about an admission. I am talking about
25 his version of events. What I am saying is this Court

1 does not have his version of events from your report, or
2 from your testimony today, right?
3 A Okay. I'll go with that.
4 Q Okay. You would agree, wouldn't you, if a court is
5 going to consider allowing something like SSOSA, all
6 information, including something like the defendant's
7 version of events, really should be known, don't you
8 think?
9 A Oh, yes, every bit of information possible should be
10 presented to the Court.
11 Q Now, as to S.K., you wrote that although he seemed to be
12 making an effort to be forthright with you during the
13 last interview, which, as we discussed, the third
14 interview is the only time he said anything. He claimed
15 there were only three assaults on S.K. Correct?
16 A Correct.
17 Q However, he also acknowledged sexually touching her,
18 correct?
19 A Yes.
20 Q Now, she described, as you know from reading the
21 reports, more than just three times. It happened much
22 more frequently than that?
23 A That was my impression, yes.
24 Q It is possible, of course, he was not being forthcoming
25 with you who was evaluating him for his amenability for

1 treatment when he was speaking to you, right?
2 A Would you repeat the question?
3 Q He wasn't being completely honest with you when he was
4 speaking with you, who he knows is evaluating him for
5 his amenability for treatment?
6 A Correct.
7 Q He wasn't being completely honest?
8 A I believe that, yes.
9 Q Honesty is important if we are talking about doing a
10 treatment program, right?
11 A Yes.
12 Q Now, I know somewhere in your report here you talk about
13 there is no indication of, you know, force being used,
14 coercing sexual contact with anyone. But if the
15 defendant was admitting to L.M.'s version of events, her
16 version of events is the first time it happened, he
17 exposed himself to her, he chased her, caught her,
18 pinned her down and then pulled her pants down to rub
19 his penis against her backside. Wouldn't you agree that
20 is a little bit forceful?
21 A I would agree that is a lot forceful. I think reading
22 that information to him caused him to say, "I didn't
23 exercise force. I wasn't coercing."
24 Q When you read to him that's what she said happened, he
25 denied that was forceful?

1 A He denied that -- no, he didn't deny that was forceful.
2 He denied actually engaging in that part of the
3 behavior.
4 Q I am confused. You have said that you read to him what
5 L.M. said and he agreed that he did that. Now you are
6 saying he denied that aspect?
7 A Yes.
8 Q That's not in your report, is it, that he denied that
9 aspect? What you say is he admitted to doing what she
10 claimed?
11 A Yes, then later in the report I talk about he denied
12 being coercive in any sexual encounter.
13 Q Okay. But he did not say, "I specifically deny doing
14 that to her." Otherwise you would have put that in your
15 report, right?
16 A I can't recall if he specifically denied coercing sexual
17 con -- well, he did deny coercing sexual contact with
18 her. I thought I was adequately addressing it when I
19 put that in the report.
20 Q Well, wouldn't you agree if he is going to deny that
21 aspect of what she claimed, in the paragraphs where you
22 put that he admits he did what she alleged, you might
23 want to add "except for the part where he chased her and
24 pinned her down"?
25 A In retrospect you are right. I wish I would have done

1 that.
2 Q Mr. Quigley asked you about things that one needs if
3 they are going to succeed in SSOSA to include being
4 employed, having a place to live, and family support,
5 obviously. You said one of the things about having an
6 extensive support system is it provides eyes on him;
7 that was your phrase.
8 A Yes.
9 Q People are watching him to make sure he does what he is
10 supposed to do, that type of thing?
11 A Yes.
12 Q Having done this as long as you have, wouldn't you also
13 agree that sometimes, actually, family members of
14 offenders can cover for offenders?
15 A Yes.
16 Q When they in fact do something wrong or violate a
17 condition, they may cover it up for that person as
18 opposed to reporting it?
19 A Yes.
20 MS. SANCHEZ: I don't think I have any further
21 questions.
22 THE COURT: Mr. Quigley, redirect?
23 MR. QUIGLEY: I don't have any questions based
24 upon the cross-examination.
25 THE COURT: All right, Mr. Quigley, can we

1 excuse your witness? You won't need him any further?
2 MR. QUIGLEY: Yes, we can excuse him. No, we
3 don't need him any further.
4 (Witness excused.)
5 THE COURT: Open that file back up. Those
6 little orange tags belong to me.
7 THE WITNESS: Yes, Your Honor.
8 THE COURT: Ms. Sanchez, do you need Mr. Comte
9 any further?
10 MS. SANCHEZ: No.
11 THE COURT: You are excused. Thank you for
12 coming. I have Defendant's Exhibits 1 and 2. I would
13 note a correction. I Did find the polygraph attached,
14 Ms. Sanchez, to the State's sentencing memorandum. I
15 pulled it off to read it at a separate time. It was in
16 all the materials.
17 All right. I think what we need to do now is
18 go back to the normal order that we would follow for
19 sentencing, which is to hear from the State, if any of
20 the victims are present or their family member who might
21 wish to address the Court. Then I will hear from the
22 defense and the defendant. Then the Court will be
23 prepared for sentencing. At this point, I don't know if
24 we need to take a break, Ms. Sanchez, Mr. Quigley,
25 before we proceed further and to give my judicial

1 assistant a chance to talk with the civil matter that is
2 set for trial today.
3 MR. QUIGLEY: That would be fine. Actually, I
4 have a matter in CD1 that I should at least poke my head
5 in and check on.
6 THE COURT: We will take a ten-minute break.
7 What I would ask is that when we resume, Ms. Sanchez,
8 for the Court to hear the State's recommendation after
9 the break. Then Ms. Warren, if you would get the
10 petitioner, we will chat with my judicial assistant
11 during the break to see where you guys are. We will go
12 ahead and take hopefully a 15-minute recess.
13 (Recess taken.)
14 THE COURT: Ms. Sanchez, the Court is prepared
15 to hear from the State on their recommendation for
16 sentencing.
17 MS. SANCHEZ: For the Court's information, the
18 victims and family members are not present. They are
19 across the country and couldn't be here, which is why
20 they submitted the statements.
21 The State's recommendation in this case for
22 sentencing, it is as to both files to be served
23 concurrently, it is for a standard range sentence. The
24 defendant has an offender score of 3. No prior criminal
25 history. Each one of these count against each other.

1 The standard range is 120 months up to 160 up to life,
2 release subject to the Indeterminant Review Board. The
3 State is recommending the high end up to life, dependent
4 on ISRB. Lifetime community custody must follow.
5 Served concurrently. Legal financial obligations,
6 standard $500 crime victim penalty assessment, $200
7 court cost, $100 DNA sample fee, $500 to DAC. There is
8 restitution submitted already as to one cause number.
9 Nothing as to the other. We have that amount in the
10 paperwork. There is also extradition cost. There is a
11 combined cost for both cause numbers. I ask that the
12 Court order it on both and run it concurrent. It is
13 $2,933.44. The State would also request a no contact
14 order as to both victims, L.M. and S.K., for life.
15 He has already obtained the psychosexual
16 evaluation. Upon his release, to follow-up with sex
17 offender treatment, have law abiding behavior, follow
18 any conditions his community corrections officer deems
19 are appropriate, as well as the conditions in the PSI
20 and the Appendix H. No contact with minors. He must
21 register as a sex offender as required by statute,
22 complete HIV testing. I believe that is all. Forfeit
23 items in property. No contact with minors. I think
24 that is the entirety of the State's recommendation.
25 Your Honor, if I could, obviously this Court

1 knows defense is going to be requesting SSOSA. I would
2 like to set forth the reasons why I think a standard
3 range sentence is appropriate and a SSOSA is not at this
4 time.
5 The Court has heard from Mr. Comte and read his
6 report. The Court has received the PSI done by CCO
7 Sally Saxton. Ms. Saxton does include in her PSI she
8 believes the defendant does not meet the eligibility
9 requirements, at least because of the requirement for an
10 established relationship. In her interview with him,
11 she wrote the defendant said he only met L.M. one time.
12 In the reports, the police reports, law enforcement
13 spoke to the defendant's mom. She reported she knows of
14 three times that he had contact with L.M. Regardless, I
15 think Ms. Saxton does have -- has a point here. I think
16 it is a gray area that the Court can use its discretion
17 on.
18 Even if it was only a few times, the
19 relationship cannot be -- the sole connection cannot be
20 the crime. There has to be something else that connects
21 these two people. With L.M., unfortunately, as I
22 indicated in my cross-examine of Mr. Comte, we don't
23 know what the defendant would have to say about his
24 contact with L.M. or how often he saw her or how he
25 viewed her. We don't have any of that information

1 because Mr. Comte didn't elicit it. That is a huge
2 piece that is missing, information this Court should
3 have. L.M. and the defendant were not family. In fact,
4 the connection was that that victim, L.M., was the
5 daughter of a man who the defendant's mother was dating
6 or was a caretaker for. As the Court can see, very kind
7 of removed relationship where he would only have contact
8 with her incidentally for reasons if they were in the
9 same house together at any point in time. They didn't
10 live together. He happened to be around her a few to a
11 handful of times. It would be on these occasions he
12 sexually assaulted her.
13 I do see Ms. Saxton's point. I think it is a
14 concern, especially as to L.M., whether or not he has
15 this connection with L.M. beyond just the commission of
16 the crime.
17 S.K., there is a little bit more of a
18 connection there. The defendant was in a relationship
19 with S.K.'s mother for about three to four months, June
20 of 2012 to the end of 2012. Presumably was around her
21 quite a bit more.
22 If the Court finds him eligible, which I think
23 is questionable, I think as to L.M., probably he isn't.
24 The Court then needs to determine is it an appropriate
25 sentence.

1 One of the big concerns here is the defendant's
2 amenability to treatment. Obviously if a defendant is
3 amenable to sex offender treatment, we want them to get
4 treatment. We want that to be something that occurs,
5 but punishment is also appropriate when someone
6 victimizes a child sexually. SSOSA is more than just
7 getting treatment. An offender can obtain treatment in
8 prison. They can obtain treatment when they are
9 released. It also is to benefit the community. It
10 can't be a sentence that is too lenient under the
11 circumstances. The Court should consider if there are
12 additional victims, which there does not appear to be
13 beyond these two. If there is a risk to the community
14 and to these victims and other victims that are like or
15 other children that are like these victims, the Court
16 should consider the victim's opinion.
17 The victim's opinions, of course, are opposed
18 to SSOSA. The Court is required by statute to give
19 weight to the victim's opinion. I am not going to go
20 through and read their written statements. Ms. Saxton
21 spoke to them. The Court has the written statements.
22 They do not believe this is sufficient punishment or the
23 defendant should get SSOSA in light of what he did to
24 them.
25 From the State's perspective, there are lots of

1 reasons why a SSOSA sentence is not appropriate and why
2 the defendant is not, in fact, amenable to treatment.
3 It wouldn't benefit the community or anybody
4 else for him to receive a SSOSA sentence. In speaking
5 about the victims, L.M. and S.K., these are two girls,
6 L.M. was eight in 2010, the defendant was 23 to 24 years
7 old at the time. S.K. was nine when she was victimized
8 in 2012. The defendant was about 26 or so at that time.
9 L.M. was the first victim and obviously barely known to
10 the defendant. S.K. was the second victim. Completely
11 unrelated to each other. These are two completely
12 different people, different realm in the defendant's
13 life who he chose to victimize. S.K. had the misfortune
14 to take the brunt of the defendant's vengeance with her
15 mother with whom he had a brief relationship of a few
16 months.
17 I think that is an issue here. These are not
18 family members. While that is certainly no less
19 egregious and awful, these are not situations where we
20 typically see an uncle or even a stepfather who is
21 taking advantage of these opportunities. These are
22 victims who didn't know the defendant from anybody.
23 Unfortunately, their sole contact with him was when he
24 was victimizing them.
25 It doesn't appear from my perspective the

1 defendant is amenable to treatment because he actually
2 hasn't shown remorse or guilt for the impact and the
3 damage he's done.
4 Mr. Comte testified, he put in his report the
5 defendant articulates great remorse for what he has
6 done. He couldn't really say what it is the defendant
7 has done or said to support that. We have no statement
8 beyond the defendant said he felt guilty.
9 I do note in Mr. Comte's report on page eight,
10 there is a paragraph where he said the defendant
11 articulated -- again, doesn't say what that is --
12 considerable guilt or remorse for exploiting S.K. in
13 that fashion. He has, quote, some recognition that he,
14 quote, could have adversely affected her life, perhaps
15 for the rest of her life. S.K. is the victim who
16 contracted a sexually transmitted disease, I think it is
17 likely from the defendant.
18 There is no mention of L.M. in him feeling
19 remorse for what he did to her. It was only S.K.
20 detailed in Mr. Comte's report. I think him saying he
21 has some recognition that he could have adversely
22 affected her life is telling. These are the quotes that
23 Comte -- Mr. Comte wrote from the defendant, "could
24 have." Could have? I think it is -- I think it is
25 known that he did. It is not that he could have caused

her damage and adversely affected her life. He did. He didn't acknowledge that. I think that is a concern. I think what we have here is the defendant's sorry that he got caught. There can be no doubt that the defendant is manipulative. From the State's perspective, he is now trying to manipulate the system to get out of jail basically. Obviously this Court knows SSOSA is rigorous. Has a lot of requirements. I don't think the defendant's looking beyond the immediacy of the benefit of getting out of the Pierce County Jail, and he's saying I will do whatever is necessary. I can do all of that, I can do what I have to do, I can be on supervision, because what he is seeing is the immediate benefit of being released. He doesn't want to be sentenced to 120 to 160 months to life so he is saying some of the things he thinks he needs to say, but not all of them.

Concerning his initial meeting with Mr. Comte, he denied the allegations altogether. Mr. Comte said that does happen. He did say it is actually not typical that they deny outright altogether.

Second meeting the defendant also showed his manipulative behavior by saying he is going to admit to the allegations even though he didn't do them because he wanted to take advantage of any plea offer that might be

1 extended. Wasn't until the third interview he started
2 sharing any information, even then it was very little.
3 We have nowhere what the defendant might have
4 to say about what happened with L.M., why he did what he
5 did to her, because Mr. Comte did not elicit that
6 information.
7 Some of the information the defendant gave is
8 contradictory. I am not going to go over all of what
9 Ms. Saxton wrote in her PSI. It would take awhile. It
10 would detail it well. She points out some of the
11 contradictions between the defendant's polygraph, the
12 interview with Mr. Comte, and his interview with her,
13 herself.
14 In my questions with Mr. Comte, I asked him, it
15 is important, isn't it, if someone is going to do a
16 SSOSA that it be known to the Court, be known to
17 everyone why a defendant chose what motivated him to
18 sexually abuse a child. Mr. Comte agreed that is
19 important. I think that is probably true. If someone
20 is going to receive a SSOSA sentence, the focus of which
21 is treatment, the reason why they did this,
22 acknowledging to themselves and the person evaluating
23 them why they did it is important. All we know is that
24 he victimized L.M. in a fashion that he hasn't said what
25 he did, and in his own words "because he was curious."

1 He is a 23- to 24-year-old with admittedly a number of
2 sexual partners already under his belt. He told
3 Mr. Comte and the polygrapher he had at least 100. He
4 told Ms. Saxton he had 200 sexual partners. He's been
5 promiscuous since adolescence.
6 What was he curious about? We don't know
7 because Mr. Comte didn't ask him. We don't have that
8 information. We don't know what his motivation was for
9 victimizing L.M. who is the victim, between the two of
10 them, he had very little connection to. We don't know
11 why he chose to victimize this eight-year-old girl.
12 I think that is telling and is one of the big
13 reasons he is not amenable to SSOSA, not amenable to
14 treatment. Really, I think the Court should question
15 the helpfulness of Mr. Comte's report and his opinion
16 that he reached -- he concluded the defendant is
17 amenable to treatment -- because we don't have all of
18 the information. This Court does not have all of the
19 information Mr. Comte himself said the Court should
20 have. He said the Court should have all possible, all
21 relevant information. We don't have the defendant's own
22 words of what he did to L.M. Mr. Comte admitted on the
23 stand, yes, there was this part that seems very forceful
24 where he chased L.M. and pinned her down and rubbed his
25 penis against her back side. In the report, Mr. Comte

1 said the defendant admits to everything she said but
2 apparently he might have denied that part. You know
3 what? It is not clear. I read that report. It is
4 nowhere clear he specifically denied that part. You
5 know what, if he did deny that part and L.M. is saying
6 this is how this happened, the defendant is saying I
7 didn't do that part. Mr. Comte should have -- in order
8 for this Court to have all the information or for the
9 defendant to receive this benefit -- said, well, what
10 did happen then? How did you come to victimize L.M.?
11 How did it start? We don't know. We don't have any of
12 this information.
13 I think it is really something the Court should
14 have the knowledge of where the defendant stands on this
15 to give him a SSOSA. Again, no explanation about what
16 he means by "curiosity." It is a piece of information
17 that is relevant. It is something we should know. We
18 just don't.
19 The defendant's explanation for victimizing
20 S.K. is, in the very least, disturbing, vengeance. I
21 don't see that as being a motive that is amenable to
22 treatment. I am sure lots of people can benefit from
23 various kinds of treatment. Hopefully the defendant can
24 find something that will help him out with the reasons
25 he committed this offense and other issues he has.

1 I think if someone victimizes a little girl, a
2 nine-year-old girl sexually out of vengeance, they are
3 not amenable to treatment, even though Mr. Comte says I
4 think so. I think that is a ludicrous reason that isn't
5 true. It is just what the defendant is putting forth.
6 If the defendant wants the benefit of SSOSA,
7 then he should say what his true motivation is. If he
8 is attracted to little girls, he needs to say that. We
9 don't have anything to support that is what the case is
10 and if he would therefore benefit from SSOSA.
11 He was angry, apparently. He chose to
12 victimize this little girl in the way he felt apparently
13 he had been victimized by her mother. That is not
14 something SSOSA is appropriate for.
15 I think what all this comes down to, the
16 interview with Mr. Comte, the interview with Ms. Saxton,
17 the defendant is engaging in manipulative behavior,
18 attempting to say what he thinks some people want to
19 hear. He is not being consistent. He is not admitting
20 to everything that he did. He only admitted to some
21 things that he did with S.K. to Mr. Comte. In his
22 interview with Ms. Saxton, he minimizes that it is like
23 two times and an oral sex thing. This is concerning.
24 Someone who wants the benefit of a SSOSA, who truly
25 wants to fix what is wrong with them, needs to

1 acknowledge what they did and why.
2 Mr. Comte said, and I expect defense may argue
3 the defendant is doing nothing different than what many
4 offenders do, he is ashamed so he minimizes and is maybe
5 dishonest. You know what? Not all offenders who want
6 SSOSA are dishonest or minimize. They put it all out
7 there because they know the Court needs to know that.
8 The extent to which we have lack of information,
9 especially as to what happened with L.M. and why, the
10 extent the defendant has gone to to not be forthcoming
11 with what he did, the reasons why he did it, makes it
12 concerning that he would get a SSOSA because these are
13 things that he is going to need to do.
14 I know Mr. Quigley said at the outset he had
15 difficulty talking to Ms. Saxton about what he did, a
16 woman he doesn't know. Well, there is a lot more
17 discomfort coming if he gets a SSOSA. He is going to
18 have to be in group treatment, talk to a lot of people
19 he doesn't know about these uncomfortable things. So
20 far he hasn't demonstrated at all, in three meetings
21 with Mr. Comte, the one meeting with Ms. Saxton,
22 anything that would show he is willing to be forthcoming
23 and he is willing to be open to treatment.
24 Your Honor, with all that being said, my memo
25 that I filed yesterday, I don't have anything else to

1 add. I just don't think it is appropriate in this case
2 for this defendant with these two victims for him to
3 receive a SSOSA sentence. I would ask that the Court
4 sentence him to standard range, 160 to life.
5 THE COURT: All right. Thank you.
6 Mr. Quigley?
7 MR. QUIGLEY: Your Honor, we are asking the
8 Court to grant Mr. House's SSOSA sentence and suspend
9 the balance of the prison time that he is looking at of
10 160 months.
11 I guess the threshold issue is, is he eligible.
12 The State seems to be suggesting that he is not because
13 of Ms. Saxton's assessment that his relationship with
14 L.M. consisted of one contact. That is simply not true.
15 It is simply not what all the evidence we have available
16 bears out. He knew L.M. through his mother. This was a
17 daughter of a person that his mother either had a
18 relationship with, was a caretaker for. That is how he
19 got to know this person. He is living there. He got to
20 know this person through that relationship with his
21 mother. His mother's relationship with this person's
22 father. Certainly not a family relationship. I am not
23 suggesting that. I am suggesting it is a relationship
24 that came about as a result of other relationships. He
25 didn't pick her up at a grocery store or library.

1 That's how he came to know her is through other family
2 members. So, I would ask the Court to find he is
3 eligible for this based upon that.
4 The Court clearly has to evaluate the factors
5 of -- that are elicited in the statute regarding whether
6 a SSOSA should be granted. I guess the first one that
7 is mentioned in the statute, whether the sentence would
8 benefit the community. I think this comes down to, you
9 know, what are we looking at down the road. I asked
10 Mr. Comte about recidivism rates. It is well known
11 treatment in the community is more successful, lower
12 recidivism rates than treatment given in prison.
13 Obviously the Court has to balance that with public
14 safety. That is understood.
15 It is likely at some point that Mr. House, who
16 is 30, is going to get out of prison. If you send him
17 to prison, it is an indeterminant sex offense. He will
18 have to satisfy the board he's safe to be at large. He
19 will have to engage in treatment in the institution to
20 do that. There is some safety net there. The fact of
21 the matter is we know that statistically, in the long
22 run, our community is safer if Mr. House can navigate
23 the various mine fields of SSOSA. There are many, as
24 the Court well knows.
25 He has this large extended group of people that

1 is more than these people. These are the people that
2 are here today to be the eyes and ears. I do take
3 exception to the suggestion that these people will cover
4 up for him. I would note that some of these members,
5 people are members of his church, pastors. These are
6 people in the community who have a lot of integrity and
7 I don't think would basically cover up any bad things
8 they see. These people that know Mr. House are sort of
9 the first line of defense. I do think this would
10 benefit the community. It would benefit Mr. House.
11 That is not what the statute says. It says
12 does this benefit the community, and I think it does.
13 Next issue, is the sentence too lenient. The
14 State takes the position that it is too lenient. He's
15 getting a free pass. This is a lifetime registration,
16 lifetime community custody. This is the scarlet letter
17 of our times, going around through life with a Class A
18 sex offense attached to your name. There is many, many
19 problems Mr. House faces as he goes through life, with
20 just that alone, not the least of which he has been in
21 custody now for quite some time. He has been punished
22 to that degree. I don't think this sentence is too
23 lenient.
24 The next factor is whether the offender has
25 victims in addition to the victims of these present

1 offenses. We know he does not, based upon his
2 polygraph.
3 The next issue is whether he is amenable to
4 treatment. Perhaps this is a large issue, if not the
5 biggest issue.
6 You know, Ms. Sanchez spent a lot of time
7 talking about his honesty, amenability, what he told
8 various people. She put in her brief, points out it is
9 anticipated the defense will argue that this is a
10 process. Yes, I will argue that. The reason is because
11 that's the truth. This is a process. It is not a
12 one-size-fits-all box. Every person is different.
13 Every person comes to the realization that what they did
14 was wrong, why they did it, at a different timeframe.
15 Some people, as Ms. Sanchez suggests, come to that
16 realization very quickly. Some, it takes longer. I
17 think Mr. House has arrived at that realization.
18 Mr. Comte testified to that, that, yes, the first two
19 meetings, first one he denied all allegations, second
20 one he said I'll accept and admit them only because I
21 want this deal. The third one, he basically sat down
22 with Mr. Comte and admitted these.
23 Now, sort of a scarlet letter to a certain
24 extent -- what am I trying to say -- red herring about
25 this whole issue about what happened with L.M. He

1 adopted in total the allegations that he was presented
2 with by Mr. Comte. Basically said, yes, that's true.
3 Did he go through and state in his own words exactly
4 what he did wrong? No. He didn't need to. He heard
5 what he did and told Mr. Comte, that's what I did. I
6 don't know what more he could do. You know, he has
7 accepted responsibility. He has admitted what he did.
8 It has taken a process. I think that process is
9 ongoing.
10 The next issue is, why he did these things.
11 Again, I agree with Mr. Comte. I think he lacks
12 currently insight in total as to why he did these
13 things. He wrote you a letter, Your Honor. He also
14 indicated to Mr. Comte a similar statement, that one of
15 these was motivated by vengeance, one of these was
16 motivated by curiosity. I think neither fully explain
17 why this happened. Mr. Comte believes, I think in
18 general, knowing what we all know about sex offenses, we
19 probably have the view that these events were caused by
20 an attraction, sexual attraction to children. It is
21 going to take -- again, this appears to be transitory,
22 as Mr. Comte puts it. Appears to be fleeting. Appears
23 to be something he hasn't acted on very often in his
24 life. We know that from the polygraph. It does appear
25 to be, you know, precipitated by an attraction. Again,

1 is that dishonest or is that a lack of insight into why
2 you do things? I would suggest it is the latter. I
3 don't think it is an honesty issue. I think it is a
4 treatment issue. Mr. Comte pointed that out. These are
5 things that are covered in treatment.
6 It can't be ignored about Mr. House's
7 background. The fact -- you know, his mom has done a
8 fantastic job of turning her life around. She should be
9 very proud of where she is at in life. The fact of the
10 matter is during his formative years, she wasn't there
11 for him because of her own addictions. That affected
12 how Mr. House views the world, views women, views
13 sexuality in a very negative way. That needs to be
14 changed at some point. The only way to change that is
15 through treatment.
16 So, I think he is amenable to treatment.
17 Mr. Comte says he is. He says he is. His words to you,
18 his words to Mr. Comte says he is. He has a large group
19 of people here to support him in that process.
20 The next issue is what risk the offender would
21 present to the community, to the victim or persons of
22 similar age. Of course, this is the issue that the
23 Court really has to wrestle with to a certain extent
24 because we understand that if you allow SSOSA, you are
25 letting a person who is perceived as a very dangerous

1 person out into the community. That has public safety
2 ramifications.
3 As to the two victims, as Ms. Sanchez points
4 out, they live out of state. They are no longer in this
5 area.
6 I can only suggest to the Court that regarding
7 other potential victims, I am -- I ask the Court to look
8 at the polygraph, look backwards, look forward, again, I
9 suggest the people that are present in the courtroom
10 will be great assistance to public safety.
11 The victims' opinion of what punishment is, is
12 appropriate. Well, obviously they understandably are
13 opposing SSOSA and want Mr. House to go to prison. That
14 should be considered. I understand that. I am not here
15 to say that is wrong or inappropriate. I do think it is
16 probably with a lack of understanding about how SSOSA is
17 beneficial to the community. It is beneficial to the
18 offender, otherwise we wouldn't have it. The Court well
19 knows it has been in the position of being taken away by
20 the legislature at several junctures in the last ten, 15
21 years. One of the biggest proponents has been the
22 Prosecutor's Office. There are a variety of reasons for
23 that. I am not suggesting they need to be in favor of
24 every SSOSA case. I am suggesting we have it for a
25 reason. It is for cases like this.

1 I'll point out the obvious things, Your Honor,
2 he does have some strengths. He has a supportive mother
3 who is going to provide a place for him to live without
4 children being present. Large community support.
5 Mr. House has marketable job skills. He has been
6 employed frequently in the past. There will be many
7 rules in place if you grant a SSOSA, which his mother
8 will be advised of and his extended support system will
9 be advised of as well.
10 You know, I know, I appreciate you doing this a
11 couple weeks after when his grandfather, who traveled
12 from the south eastern part of the country, was allowed
13 to address the Court because we continued this matter.
14 I remember what he said. He said we need help. We, as
15 a family, need help. We don't know how we got here. We
16 don't know how our loved one got to this point, but we
17 need help. This family needs help. I would ask the
18 Court to give them that opportunity, that assistance, so
19 that Mr. House can get the treatment he needs so, quite
20 frankly, down the road he is going to be a safer member
21 of our community because he is going to be a member of
22 our community at some point. I think the SSOSA program
23 is the best opportunity for the community to be safe.
24 Thank you.
25 THE COURT: Thank you, Mr. House. The Court is

1 prepared to sentence you. Mr. Quigley has indicated you
2 have written me a letter. I still don't have it,
3 Mr. Quigley.
4 MR. QUIGLEY: It was filed. Actually, I
5 received it from your department.
6 JUDICIAL ASSISTANT: We had quite a few
7 materials that were received well in advance of
8 sentencing, Your Honor.
9 THE COURT: I have a number of letters. Let me
10 just look at it. I may have reviewed it.
11 MR. QUIGLEY: You might have, Your Honor. This
12 is my copy. I have a few things that are highlighted.
13 THE COURT: Let me see if I have a copy of that
14 and I looked at it. I wasn't certain if it was
15 something that had been filed or something that was new.
16 MR. QUIGLEY: Filed awhile ago.
17 THE COURT: This is the May 7, 2015.
18 Ms. Sanchez, you have a copy of that as well?
19 MS. SANCHEZ: Defendant's letter. Yes.
20 THE COURT: I did, Mr. Quigley. I assumed
21 there might have been something newer. I did review
22 this. Mr. House wrote this and it was filed in May.
23 All right. I want to make certain there wasn't anything
24 further.
25 MR. QUIGLEY: On that issue, you know, cuts

1 both ways. I wouldn't have advised Mr. House to do this
2 necessarily. I didn't. However, I do think it speaks
3 to his sincerity on these issues. He did undertake,
4 again without my advice, to write you a direct letter
5 that was filed indicating why he believed that he is
6 appropriate for a SSOSA and why he would ask you to
7 grant that. Thank you.
8 THE COURT: Thank you, Mr. Quigley.
9 I did allow Mr. Starks to speak when he was
10 here from Mississippi back on June 25th. I saved the
11 notes and the comments that he made at that time,
12 because it was unlikely that he would be back for
13 today's sentencing.
14 All right, Mr. House, the Court is prepared to
15 sentence you. You have a right at sentencing to make a
16 statement. You also have the right to remain silent.
17 We have had a lot of argument from both attorneys. This
18 is your opportunity, if you have anything you would like
19 me to know, you would like to say before I sentence you
20 this morning.
21 THE DEFENDANT: Do I stand up?
22 THE COURT: Just speak so I can hear you. You
23 can remain seated. That's fine.
24 THE DEFENDANT: I am not here to make any
25 excuses for my actions. I take full responsibility for

1 everything that I am here for today. I want the Court
2 to know that for me, it would be the easy way to go
3 spend the next ten to 13 years in the penitentiary and
4 just hide, hide my face from all this because who wants
5 to face the rest of this world with this type of thing
6 next to your name.
7 I pray every night that my victims truly
8 forgive me. That means more to me than anything in this
9 world to know -- I would never know. I ask God to place
10 forgiveness on their heart. That's the only way I can
11 feel like I can get forgiveness from my victims in this
12 situation. They shouldn't have to feel like they are
13 responsible for my actions at all. I made my own
14 decision, and now I have to live with them.
15 The total effect of my actions, the ripple
16 effect, not only my victims directly, the shockwave of
17 their family, the people that support me, my mother, she
18 feels like what could she have done for this not to
19 happen. She shouldn't feel like that. My victims
20 shouldn't feel like what did they do wrong for what I
21 did. They didn't do anything wrong. Their parents feel
22 like they didn't protect them because it wasn't them.
23 It was me. I take full responsibility for all my
24 actions here today, Your Honor. I am not here to make no
25 excuses at all. I did what I did. It is no excuse for

1 it no matter what. No matter what I can say, no matter
2 what I come up with in my head, absolutely no excuse for
3 my behavior at all. Zero. Vengeance, curiosity, that
4 is no excuse at all. 15 months sitting in the jail has
5 been the best thing that happened to me because you have
6 a lot of time to accept responsibility and try your
7 best. I try my best to accept what I have done and do
8 my best to move forward because I put myself in a
9 position to be something that I've despised my whole
10 life, that is a failure as a parent. I have children I
11 love more than anything in this world. By my actions, I
12 put myself in the position of making them vulnerable to
13 the same things I was subject to as a child and that is
14 being without a parent.
15 If I go to prison, I am guaranteed three meals
16 a day and somewhere to lay my head. They are not
17 guaranteed those things. Me, feels like, what would be
18 the best thing to do, you don't have to face anybody,
19 you can sit in the dark hole for the next 13 or ten
20 years, explain nothing to nobody. Sit in your cell and
21 you don't have to face anybody for the things you have
22 done. That would be the easy way for me to spend this,
23 try to accept this punishment.
24 The hard part is facing, facing my
25 responsibilities for my actions, trying to never, never,

1 never let these things occur again. Look at the people
2 I hurt, as far as my mother, and one day, if the Court
3 allows me, to see my children again, try to explain to
4 them my actions and how they caused me to put myself in
5 a position where I am here today. No matter how I look
6 at it, if you give me the SSOSA program, I got life. If
7 you send me to prison today, I got life. No matter
8 what, I have to walk around with this for the rest of my
9 life until my dying day until they put me in a casket
10 and six feet in the ground, always be on my name.
11 Nothing I can do about it. Either way I have life,
12 that's the way I look at it. If I go to prison, life. A
13 SSOSA, I got life. I can't blame anybody but myself. I
14 am not putting this on anybody. Nobody put me in this
15 position but myself. I totally accept all the
16 responsibility for the actions, where it put me here
17 today. I just want the Court to know I am truly
18 remorseful for my actions more than anything in this
19 world. I never been so sorry for anything in my life.
20 Not sorry because I am sitting here, because I got
21 caught. I am not sorry for that. I got to sleep at
22 night. I got to go through life knowing I did these
23 things. More than anything in this world, I want
24 forgiveness to be placed on the part of my victim. I
25 pray every night to ask the Lord to forgive me for these

1 actions, too, so that one day maybe I won't have the
2 shame and guilt that I live with every day. Maybe one
3 day he'll bless me where I don't feel like I am
4 something you find in the bottom of a storm drain
5 somewhere in some big city, scum of the earth, maybe I
6 won't feel like that one day. Right now, that's how I
7 feel.
8 No way in the world I should have did anything
9 that I did. I truly am sorry. Sorry is used loosely.
10 I wish I could lay my heart and be judged by my heart so
11 you get a true understanding of how remorseful I am.
12 Sorry doesn't cut it. That is not enough. I don't know
13 what to say because I truly mean it from my inner most
14 being, I'm sorry. I am not that person. I don't know
15 where I went wrong. I steered off and went on the wrong
16 path. I did. No excuse for it. I am truly, truly
17 sorry for my actions. More than anything in this world.
18 That's it.
19 THE COURT: Thank you for the thoughtful
20 comments. I appreciate the comments that you made.
21 I did review the letter you wrote to the Court.
22 The Court did review the victim impact statements from
23 both the mothers of the victims in both cases, one in
24 each, all of the letters of support for you on your
25 behalf. Included in that, Mr. Quigley, was the letter

1 that your client had written to the Court. Like I said,
2 there was an abundance of material for this sentencing.
3 I did review the two PSI reports that were filed and
4 completed, Mr. Comte's evaluation, as well as the
5 Olympic Polygraph that was done back, I think it says
6 January. It was done earlier this year, Mr. Quigley.
7 MR. QUIGLEY: Yes.
8 THE COURT: The Court always thinks that it is
9 good that you have a support system with you in the
10 courtroom. Most of the time it is the defendant, his
11 attorney, the prosecutor and myself. I think that is
12 good news that you can know that despite how you feel
13 from your comments, both in your letter and to the Court
14 this morning, they have not discarded you or abandoned
15 you, they are willing to be supportive of you,
16 regardless of the Court's sentence.
17 When I took your pleas, I told you the Court is
18 not obligated to give you the SSOSA sentence. The first
19 thing the Court looks at is whether or not you are
20 eligible. That includes factors that everyone has
21 already stated a number of times. The record is clear
22 you have no prior sex offender convictions, no adult
23 violence in the last five years. The factor whether or
24 not there was substantial bodily harm to the victim or,
25 in this case the victims, and the established

1 relationship of the victim cannot be merely from the act
2 or solely based on the acts that have been committed and
3 to which you have pled guilty.
4 The dispute in the eligibility statute factors,
5 or requirements, focus on the relationships for both of
6 these victims. One was the daughter of an individual
7 that your mother was dating. The other is a woman with
8 whom you were involved emotionally. They seem to be
9 established relationships that you found yourself placed
10 in, whether or not there was any evidence, whether there
11 is any evidence of other relationships with these two
12 victims, the record is really vacant on that, both from
13 the victim's standpoint and from your statement of
14 events. There is no statement of the events.
15 More importantly, the legislature has set out
16 the factors that the Court considers. Whether or not
17 this will be beneficial to the community to have you
18 engage in treatment is presumptive that it would be
19 beneficial. The legislature has enacted this provision.
20 The Court is given a huge amount of discretion in
21 determining all of the factors.
22 Whether or not this sentence or the SSOSA would
23 be too lenient in light of the circumstances involved in
24 the case, without an official version of the statement,
25 of course, it is based on what the victims asserted that

1 you adopted. I went over those when I accepted your
2 guilty plea. Considering the circumstances of these two
3 victims, L.M. was eight at the time and you were 23. It
4 appears to have occurred over a two year period, from
5 2008 to 2010. In adopting those statements from L.M.
6 and included in the guilty plea form, the circumstances
7 suggest this occurred over a significant period of time.
8 With regard to S.K., the period of time was
9 shorter, from June 2012 to September 2012. S.K. at the
10 time was nine. You were 26. The Court is not in a
11 legislative position to determine that it is too lenient
12 in light of the circumstances, but it suggests there was
13 an extended period of abuse of these two individuals.
14 Whether there are additional victims is
15 unknown. The questions that were asked in the polygraph
16 suggest no. The questions were also phrased to take
17 victims out of the age group for which these two victims
18 find themselves, ages eight and nine. The question in
19 the polygraph focused on different age group.
20 Whether or not you are amenable to treatment.
21 There has been a lot of discussion on whether or not you
22 are amenable to treatment. The Court has great respect
23 for Mr. Comte and the work he does. He believes you are
24 amenable to treatment, despite a number of concerns this
25 Court has. I am going to come back to those concerns

1 after I go through the last two factors.
2 One is the risk to the community. The risk to
3 the community for you to find yourself an additional
4 potential victim is huge. These were very, very young
5 girls. They were not family members, as noted, but
6 individuals that you found yourself placed with and took
7 advantage of that situation.
8 The risk to the community certainly is great,
9 both for future offense potential, although addressed by
10 Mr. Comte, but also the risk to the community if there
11 is no treatment. I think both of those are contemplated
12 in the legislature's directive.
13 Finally, the Court is required to give great
14 weight to the victims's desires. They did not support a
15 SSOSA sentence, which is understandable, from their
16 perspective given the statements that they have made and
17 which -- to which you have adopted the actions for those
18 strike offenses.
19 There is no doubt honesty is difficult for sex
20 offenders. But beyond the honesty factor that may be
21 treatable is the ability to have candor, acknowledge the
22 behavior in which you conducted yourself is deviant.
23 There is no acknowledgement of that. Rather, both the
24 PSI writer and Mr. Comte suggest that you are a
25 manipulator and took advantage of the victims in their

1 homes on multiple occasions.
2 There is no antisocial behavior disorder that
3 was diagnosed, no personality disorder or diagnosis. It
4 is common to be defensive. It is common to feel shame
5 and remorse and regret and embarrassment to have the
6 courtroom filled with a group of people who believe in
7 you, and have the exposure of what has happened be fully
8 revealed, even though at this time the Court is not
9 going over the specific statements of the abuse for each
10 of the two victims.
11 The Court is concerned with Mr. Comte's report.
12 The lack of understanding, despite the request for
13 forgiveness, really plays into the amenability for
14 treatment component and whether or not there is any
15 understanding or ability to have understanding for how
16 your conduct has affected these victims. I think it
17 goes back to the basis for the action, the curiosity
18 statements, vengeance statements, using sex as a tool
19 and having no real insight into the impact this conduct
20 had on L.M. over a period of two years, and for S.K.
21 over a period of three months.
22 It makes it concerning for the Court to
23 consider a SSOSA sentence. Having gone through the
24 factors, the Court declines to exercise its discretion
25 in granting a SSOSA for the reasons indicated.

1 On the matter ending in 38-2, Ms. Sanchez, 160
2 months to life. On the matter in 37-4 to run concurrent
3 rather than consecutive, 160 months to life. Lifetime
4 community custody supervision. The mandatory legal
5 financial obligations can be paid over time, including
6 the extradition which the Court will include. The Court
7 will waive the non-mandatory recoupment to Department of
8 Assigned Counsel. Doesn't mean you didn't get full
9 service from Mr. Quigley. It just gives you break on
10 money forwarded. No contact with the two victims for
11 life. No contact with any minors, that is direct,
12 indirect, through an intermediary or otherwise. That
13 does include your children, who are minors. A
14 psychosexual evaluation has been completed. Upon
15 release, the Court requires treatment.
16 The Court doesn't doubt you are sincere in your
17 remorse. What the Court has concerns about is your
18 ability to follow through to really address the issues
19 here. If you are sincere, then you will take advantage
20 of the programs at the department and engage in
21 treatment so that when you are released the treatment
22 component will be less onerous once you are under the
23 community custody supervision.
24 Law abiding behavior, requirement to register
25 for life as a sex offender. HIV and DNA testing. When

1 you are on community custody supervision, there are a
2 number of requirements that you are required to
3 complete. I have gone over most of them, except for the
4 requirement that you are prohibited from having any job
5 or residence that involves contact with or supervision
6 or position of trust over minor children. Your
7 community corrections officer will have to approve all
8 employment, living arrangements and relationships in
9 which you become involved. The no contact with minor
10 children is, as I indicated, direct, indirect or
11 otherwise. No materials on the internet, no
12 pornographic materials, and you are prohibited from
13 congregating or socializing or going to places where
14 children are or hang out such as fast food outlets,
15 library, theater, shopping malls, playgrounds and parks,
16 unless approved by this Court, your treatment provider
17 upon your release, or your community corrections
18 officer. I am including all of the conditions in
19 Appendix H as well as all of the conditions in
20 Mr. Comte's evaluation for treatment once you are
21 released. Also direct treatment in Department of
22 Corrections because of the types of programs that they
23 have available. Your right to vote is removed. Your
24 right to own or possess a firearm is removed. The other
25 conditions are that you are not to consume alcohol or

1 any illegal substances, once you are on supervision.
2 Do you have any questions about anything I have
3 gone over so far?
4 THE DEFENDANT: No, ma'am.
5 THE COURT: Finally, when I sign the Judgment
6 and Sentence, you will have one felony strike on your
7 criminal history. Because this is a sex offense, two
8 strikes, life in prison without the possibility of
9 parole. These do not count as two separate strikes, but
10 as one because the sentence will be served concurrently.
11 I want to make certain the documents are filed,
12 Ms. Sanchez, filed the psychosexual evaluation dated
13 February 14th, the Olympic Polygraph report. I am going
14 to have Andy verify that made it to the court file,
15 Ms. Sanchez, otherwise we will file the two copies, and
16 both PSI reports that were submitted by Ms. Saxton.
17 JUDICIAL ASSISTANT: I do not show them in LINX
18 under either case.
19 THE COURT: All right. We will file them.
20 We found them in LINX and we don't need to file
21 them. Is this the State's sentencing memorandum for
22 filing?
23 MS. SANCHEZ: We need the updated voter
24 appendix.
25 THE COURT: Indicated payment on LFOs to begin

1 after Mr. House is released.
2 MR. QUIGLEY: Thank you.
3 THE COURT: I have interlineated the reasons
4 why I waived the Department of Assigned Counsel
5 recoupment. This is the cause number ending in 38-2.
6 These are the rest of the papers.
7 There is the no contact for the second victim.
8 If you want to get that served.
9 MS. SANCHEZ: I do.
10 THE COURT: Mr. Quigley, is your client going
11 to waive on the restitution hearing for the matter
12 ending in 37-4?
13 MR. QUIGLEY: Yes, I think he initialled that
14 part.
15 MS. SANCHEZ: I am now serving the defendant
16 with two lifetime No Contact Orders, one as to S.K. and
17 one as to L.M.
18 MR. QUIGLEY: Received.
19 THE COURT: I have signed the Judgment and
20 Sentence. It will take a few minutes for it to be
21 separated. We are through on this?
22 MS. SANCHEZ: Yes.
23 THE COURT: Mr. Quigley, anything further?
24 Mr. House, you will get a copy of this in a moment.
25 Good luck to you. We will be at recess.

1 (Matter concluded.)

2 CERTIFICATE

3 CERTIFICATE RE: STATE OF WASHINGTON v. MARLON HOUSE

4 SUPERIOR COURT CAUSE NO. 14-1-00937-4

5

6 STATE OF WASHINGTON

7 COUNTY OF PIERCE

8 I, Angela McDougall, Official Shorthand

9 Reporter in and for the County of Pierce, State of

10 Washington, do hereby certify that the foregoing proceedings

11 were reported by me on said date(s) and reduced to

12 computer-aided transcript form.

13 I further certify that the foregoing transcript

14 of proceedings is a full, true and correct transcript of my

15 machine shorthand notes of the aforementioned matter.

16 Dated this 28th day of September, 2015.

17

18 _____

19 Angela McDougall, CSR, RMR

20

21

22

23

24

25

Exhibit “H”

PIERCE COUNTY DISTRICT COURT NO. ONE

Plaintiff,	)	Case No.:
v.	)	
Defendant	)	AFFIDAVIT

STATE OF WASHINGTON) SS

County of Pierce)

The undersigned, being duly sworn on oath, deposes and says:

I Nicholas Vallot Jr duly sweam that no private Investigator for Attorney Mark Quigley contacted me on behalf of Marlon House for that no one has contacted me on his legal issues.

Nicholas Vallot Jr 11/19

Affiant – sign in front of Notary

SUBSCRIBED AND SWORN to before me this 28th day of November, 2017

SAMANTHA ROSE JOSEPH
COMMISSION EXPIRES
NOTARY
PUBLIC
04-17-19
STATE OF WASHINGTON

NOTARY PUBLIC in the state of Washington, my commission expires 04-17-19

PIERCE COUNTY DISTRICT COURT NO. ONE

Plaintiff,	)	Case No.:
v.	)	
Defendant	)	AFFIDAVIT

STATE OF WASHINGTON) SS

County of Pierce)

The undersigned, being duly sworn on oath, deposes and says:

I Nicholas Vallot Jr duly swear that no private investigator for Attorney Mark Quigley contacted me on behalf of Marlon House for that no one has contacted me on his legal issues.

Nicholas Vallot Jr 11/19

Affiant – sign in front of Notary

SUBSCRIBED AND SWORN to before me this 28th day of November, 2017

SAMANTHA ROSE JOSEPH
COMMISSION EXPIRES
NOTARY
PUBLIC
04-17-19
STATE OF WASHINGTON

NOTARY PUBLIC in the state of Washington, my commission expires 04-17-19

PIERCE COUNTY DISTRICT COURT NO. ONE

Plaintiff,	)	Case No.:
v.	)	
Defendant	)	AFFIDAVIT

STATE OF WASHINGTON) SS

County of Pierce)

The undersigned, being duly sworn on oath, deposes and says:

I Myesha House was not contacted by Julie Amigo private Investigator for Attorney Mark Quigley on behalf of Marlon House.

Affiant – sign in front of Notary

SUBSCRIBED AND SWORN to before me this 29 day of November 2017

Myesha House Brenda K Bruce

NOTARY PUBLIC in the state of ~~Washington~~ Louisiana, my commission expires at death

#016744

PIERCE COUNTY DISTRICT COURT NO. ONE

Plaintiff,	) Case No.:	
v.	)	
Defendant	)	AFFIDAVIT

STATE OF WASHINGTON) SS

County of Pierce)

The undersigned, being duly sworn on oath, deposes and says:

I Scottie Gay was not contacted by Julie Amigo private Investigator for Attorney Mark Quigley on behalf of Marlon House.

Affiant – sign in front of Notary

SUBSCRIBED AND SWORN to before me this 29 day of November 2017

Scottie Gay

Brenda K Bruce

NOTARY PUBLIC in the state of ~~Washington~~ Louisiana, my commission expires at death

#016744

PIERCE COUNTY DISTRICT COURT NO. ONE

Plaintiff,	) Case No.:	
v.	)	
Defendant	)	AFFIDAVIT

STATE OF WASHINGTON) SS

County of Pierce)

The undersigned, being duly sworn on oath, deposes and says:

I Sundra Gay was not contacted by Julie Amigo private Investigator for Attorney Mark Quigley on behalf of Marlon House.

Affiant – sign in front of Notary

SUBSCRIBED AND SWORN to before me this 29 day of November 2017

Sundra Gay

Brenda K Bruce

NOTARY PUBLIC in the state of Washington, my commission expires at death

Louisiana

#016744

Exhibit “I”

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Glenn Glover
Sent: Thur 5/8/2014 2:16:46 PM
Importance: Normal
Subject: RE: MARLON HOUSE
MAIL_RECEIVED: Thur 5/8/2014 2:16:46 PM

I agree ☺

Glenn D. Glover

Investigation Specialist

(253)798-6978

Pierce County Dept. of Assigned Counsel

From: Mark Quigley
Sent: Thursday, May 08, 2014 2:11 PM
To: Glenn Glover
Subject: RE: MARLON HOUSE

I wish I had the option of refusing to do child rape cases, what a bunch of wimps

From: Glenn Glover
Sent: Thursday, May 08, 2014 2:05 PM
To: Mark Quigley
Subject: RE: MARLON HOUSE

Ok, "G"

Glenn D. Glover

Investigation Specialist

(253)798-6978

Pierce County Dept. of Assigned Counsel

From: Mark Quigley
Sent: Thursday, May 08, 2014 1:53 PM
To: Glenn Glover

Subject: RE: MARLON HOUSE

That's fine

From: Glenn Glover
Sent: Thursday, May 08, 2014 10:45 AM
To: Mark Quigley
Subject: MARLON HOUSE

Mark,

I reviewing the charging doc's on the above listed case, I probably need to assign this to Julie Armijo. Not many of the male Investigator's will take a Child Rape case. I hope that's ok, "G"

Glenn D. Glover

Investigation Specialist

(253)798-6978

Pierce County Dept. of Assigned Counsel

Exhibit “J”

INVESTIGATIVE REPORT

Wednesday, 05/23/2018

My name is Shane Harrington, PhD. I am a licensed private investigator in the State of Washington. I coordinate and conduct criminal defense and post-conviction investigations with attorneys who work those cases. In Mr. Marlon House's case, I worked with attorney, Mr. Corey Evan Parker.

At Mr. Parker's direction, I sought to gather evidence to support or refute a statement made Mr. House's original defense attorney, Mr. Mark Quigley. Mr. Quigley stated in a Status Conference on August 22nd, 2014 in Pierce County Superior Court in Tacoma, WA, before the Honorable Vicki L. Hogan, "I have retained an investigator, Julie Armijo, who has made contact with every witness that Mr. House has advised me that he would like to subpoena for trial, and so that's been done. I have not interviewed the two alleged victims yet."

Initially, I attempted to contact Mrs. Julie Armijo with the hope of obtaining her investigative reports, confirming her contact with each of the witnesses. As an investigator myself, I knew that this was a relatively simple request, so I attempted contact via Mrs. Armijo's cell phone. Receiving no response, I then attempted to contact Mrs. Armijo via email (see below).

> (From pages 298-299)
> From: HARRINGTON INVESTIGATIONS: Dr. Shane Harrington (PhD, MBA)
> Sent: January 22, 2018 01:10 PM
> To: julie@armijoinvestigations.com
> Cc: HARRINGTON INVESTIGATIONS: Dr. Shane Harrington (PhD, MBA) <shane@harringtonpi.com>
> Subject: Case - Marlon House
>
> Hi Julie,
>
> My name is Shane Harrington and I am a licensed private investigator working with Mr. Marlon House's attorney, Mr. Corey Parker.
>
> I have been requested by Mr. Parker to follow up with you directly, per this case, and inquire about whether you had initiated contact with any witnesses and/or alleged victims in the investigation.
>
> And, if so, would you be willing to provide any specific documentation, supporting evidence, etc. about when this contact may have occurred?
>
> We are in the process of filing a PRP (Personal Restraint Petition) on behalf of Mr. House and this verification is highly relevant.
>
> Our specific purpose for contacting you is, as follows:
>
> On Friday, 08/22/2014, Mr. Mark Quigley (criminal defense attorney) stated in a Status Conference, "I have retained an investigator, Julie Armijo, who has made contact with every witness that Mr. House has advised me that he would like me to subpoena for trial, and so that's been done."

This statement by Mr. Quigley, before Judge Vicki Hogan (Pierce County Superior Court Cause # 14-1-00938-2), would imply that you were already successful in your attempt to locate and by this time, had initiated contact with each of the witnesses. Based upon your recollection and notes/billing documents/etc., was this accurate?

It also appears that during that particular Status Conference, Mr. House attempted to seek new Counsel, but his request to do so was denied. Were you still retained on the case, following 08/22/2014?

If you were successful in initiating contact with each of the witnesses, could you please describe how they were contacted? In-person, phone, text, email, etc.?

If you could please let me know ASAP, I would sincerely appreciate it. Thank you again. My contact information is below, if you have any questions and my cell phone is 206-307-1142.

I look forward to hearing from you and hope you are doing well.

Respectfully,

Shane

Dr. Shane Harrington (PhD, MBA)

HARRINGTON INVESTIGATIONS
Licensed Private Investigator
WA Agency 2066 | Principal 3828

(360) 918-7333 office
(206) 400-2750 fax
harringtonpi.com

With no response again, I attempted contact with Mrs. Armijo and Mr. Quigley via the Pierce County Assigned Counsel (PCAC) Office. The person I spoke with at the front desk, Ms. Alexis Isom stated that Mr. Quigley was unavailable, and Mrs. Armijo was an independent contractor and did not work from their office. She suggested that I attempt contact with her offsite.

(From page 293) Wednesday, 1/24/2015; 2:23 PM, Alexis Isom to Mark Quigley:

"Mark, I just wanted to give you a heads up. An investigator stopped in today regarding Marlons case. It looks as though he is appealing his case and has a new attorney on the case. There is also an investigator investigating some of the facts revolving around witness statements given previously.

The facts being investigated are that Julie Armeho the Investigator originally on this case stated that she made contact with all 4 witnesses and reported back to you of that as well. Now apparently, they have retrieved sworn affidavits from all four witnesses stating they were never contacted by any investigator in regards to this case. They are now wondering were the Witnesses deceiving them, or was there a misunderstanding in the original statements given. He is hoping to speak with you and left me his card I will leave in your mailbox, but in case it is lost I wanted to include his information in this email as well."

The message sent by Ms. Isom to Mr. Quigley was not entirely accurate; however, it was a close representation of what I was seeking. Which was a direct line of communication with Mr. Quigley and/or Mrs. Armijo. With no response from Mr. Quigley, I attempted to locate Mrs. Armijo's office. Since it was only a Private Mailbox and not an actual physical address, I attempted contact with Mrs. Armijo via her residence.

Although she peered through the window, Mrs. Armijo did not answer the door. There were cameras present and the residence was well lit. I left a business card at the door and attempted to leave the property. Mr. Morgan Armijo, her husband and fellow licensed private investigator, met me at the base of their driveway, as he was returning to the property. Still in his vehicle, Mr. Armijo rolled down the passenger side window and called me by name. This indicated that he knew who I was.

According to the email exchange noted below, Mrs. Armijo called for her husband to return to the property, claiming she did not know who I was. Once again, within two minutes of me leaving the door, he returned home and called me by name, clearly demonstrating that both Mr. and Mrs. Armijo knew exactly who I was and ultimately, the information I sought from them.

Instead of providing the information I requested, Mr. Armijo told me that I needed to follow up with the attorney, Mark Quigley, for the information I needed and leave them alone.

> (From page 298) Wednesday, 1/24/2018; 4:24 PM, Julie Armijo to Mark Quigley and Mary Kay High:
>
> "Please see the email below and attached voice message – I am still being contacted for information on Mr. House's cases. Being part of your defense team on these matters, I consider this privileged information and have not responded to Mr. Harrington. I wanted you to be aware of the requests for information."
>
> (From pages 183-184) Wednesday, 1/24/2018; 4:53 PM, Mark Quigley to Julie Armijo:
>
> "Julie, thanks for contacting me on this, I had ordered the file from the archives, I start trial tomorrow, will be in contact soon"
>
> (From page 183) Wednesday, 1/24/2018; 7:10 PM, Julie Armijo to Mark Quigley and Mary Kay High:
>
> "FYI – Mr. Harrington just came to my home. I did not answer the door. Ironically, Morgan had just left so I had him come back (because I saw a male I didn't know on the camera). Mr. Harrington asked him if I discuss my cases with him. Morgan said no and that he needed to contact the attorneys office."
>
> (From page 183) Wednesday, 1/24/2018; 7:32 PM, Mary Kay High to Julie Armijo:
>
> "Morgan did the right thing by directing him to contact the attorney. If they contact us and have a release from the client we cooperate. With a release from the client we continue to be bound by the rules of professional conduct."
>
> (From page 183) Wednesday, 1/24/2018; 7:34 PM, Julie Armijo to Mary Kay High:
>
> "Thank you! Just wanted you all to be in the loop with what had occurred."

Unaware of this internal communication, I went back to the PCAC and requested the information directly from them. Given their protocol for information requests, Mr. House's attorney, Corey Parker, became involved and

submitted the formal information request. PCAC Legal Assistant, Ms. Charmell Davidson, eventually responded with 308 additional pages of internal email communication, reports, etc. and that is what I have been and will be referring to, mostly, throughout my report.

> From: Charmell Davidson <ccolwel@co.pierce.wa.us>
> Sent: March 20, 2018 07:37 AM
> To: HARRINGTON INVESTIGATIONS: Dr. Shane Harrington (PhD, MBA) <shane@harringtonpi.com>; corey@coreyevanparkerlaw.com
> Cc: Anne Smith <asmith@co.pierce.wa.us>
> Subject: RE: State v. House 14-1-00937-4 - Follow-up Records Disclosure Request
>
> March 20, 2018
>
> Dear Mr. Parker:
>
> Per your Records Disclosure request, received on February 6, 2018, asking for the following:
>
> - Case file(s) concerning State v. Marlon House, Pierce County Superior Court Case Numbers: 14-1-00938-2 and 14-1-00937-4, including but not limited to all investigator notes, billing records, etc.
>
> On February 23, 2018, Assigned Counsel provided all the attorney/client file(s): State v. Marlon House; Pierce County Superior Court Cause Numbers: 14-1-00938-2 and 14-1-00937-4. After further communication regarding the possibility of investigation reports that were not included in the provided materials, we researched the county emails, department electronic files, and contacted the investigator(s), directly.
>
> In our search, we located 308 pages of emails (attached), that you may or may not have been provided with the previously released files. These emails have been reviewed for release by Assigned Counsel's Director, Michael Kawamura. Also, according to the investigator Julie Armijo, their investigation business only keeps investigation files for 3 years. Additionally, due to a hard drive crash, Ms. Armijo was unable to locate any electronic files. Ms. Armijo has provided an emailed list of interviewed individuals and dates (attached) for your reference.
>
> Assigned Counsel has exhausted all resources in the search of the requested investigation reports and interviews. As such, aside from the attached records and previously disclosed documents, Assigned Counsel has no further documents pursuant to this records request.
>
> Sincerely,
>
> Char Davidson, Legal Assistant
> On Behalf of
> Anne Smith
> Program Manager/Public Records Officer

Per this information request, as of 3/20/2018, "Assigned Counsel has exhausted all resources in the search of the requested investigation reports and interviews. As such, aside from the attached records and previously disclosed documents, Assigned Counsel has no further documents pursuant to this records request."

This response included the statement, "according to the investigator Julie Armijo, their investigation business only keeps investigation files for 3 years. Additionally, due to a hard drive crash, Ms. Armijo was unable to locate

any electronic files. Ms. Armijo has provided an emailed list of interviewed individuals and dates (attached) for your reference."

From: Julie Armijo <julie@armijoinvestigations.com>
Sent: February 9, 2018 09:51 AM
To: MQUIGLE@co.pierce.wa.us
Subject: Marlon House

Hi Mark,
Here is a list of completed interviews and date of interview (witnesses #1-3 had been contacted/attempted on 8/22/14):

1. Vicki Maggit 9/2/14
2. Breanne Mimms 9/2/14
3. Jessica Murphy 9/4/14
4. Darlene Brown 4/27/15
5. Virgie Brown 4/27/15
6. Doug Brown 4/27/15

Other witnesses contacted (from Mr. House's list), but was never able to reach/interview:

1. Kiah Woodlief 8/22/14
2. Nick Vallot 8/22/14

These are all the names we were provided to interview regarding this case. Most individuals I had to locate through my own means (client did not have contact information).

Julie Armijo
Mitigation Specialist Investigator
Armijo Investigations Inc.
253-820-4455
www.armijoinvestigations.com

CONFIDENTIALITY NOTICE: This email and the files transmitted with it may be protected by attorney client privilege or attorney work product doctrine. If you believe this was sent to you in error, do not read it. Notify sender and delete it immediately.

Their emailed response to our request, this, "emailed list of interviewed individuals and dates (attached) for your reference.", and our subsequent review of the records provided, revealed a multitude of problems that I began to explore. I had also interviewed and kept in contact with two of the individuals on this list. This included Mr. House's mother, Mrs. Vickie Palfrey (formerly, Ms. Vickie Maggitt) and Ms. Breanne Mimms, his lifelong partner and a mother of his children. Ms. Mimms also provided the following statement:

From: Bree Mimms <breamimms@gmail.com>
Sent: April 24, 2018 08:27 PM
To: HARRINGTON INVESTIGATIONS: Shane Harrington, PhD <shane@harringtonpi.com>
Subject: My statement

To whom it may concern,

My name is Breanne Mimms and I am writing this statement on the behalf of Marlon House.

> I have never spoken with Mark Quigley regarding Marlon's case. I attended every court date and he and I never spoke about what he would need to help Marlon's case. We never spoke about Marlon's outcome in this case.
>
> I did speak with Private Investigator Julie Armijo in September 2014. We met at Vickie Palfrey (Maggitt was married name before) place of residence at 42 Thunderbird PKWY SW Apt 104 Lakewood, WA 98498. Me, Vickie and Julie sat down at the dining room table and discussed who we would like to contact on Marlon's behalf. We gave her a list of 10 people who she should contact and speak with.
>
> Nicholas Vallot Jr, Nichole Vallot, Jessica Murphy, Kiah Woodlief, Sundra Gay, Scottie Gay, Myesha House, Darlene, Doug and Virgil Brown.
>
> Julie as we told her their names and phone numbers she wrote them down on paper with pen in hand. We didn't meet long maybe hour or hour and half at the latest. She was supposed to contact Vickie after she called or met with the individuals she was supposed to contact. I didn't speak to Mrs. Armijo after that day.
>
> I was told that Morgan Armijo took over Marlon's case and I have never spoken to him.
>
> Thank you for your time.
>
> Breanne Mimms

In my conversations with Ms. Mimms, she expressed concern that Mrs. Armijo may not have contacted all the witnesses on the list she provided. Ms. Mimms was also concerned that there was no record provided that contained any of the investigative reports from Mrs. Armijo's work on behalf of Mr. House. Although she recognized that she did not ask for those reports, herself, she is aware that Ms. Maggitt did request this information, but did not receive the files requested, or even a response from the PCAC. (request below)

> (From page 112) Tuesday, 9/26/2017; 5:24 PM, Julie Armijo to Mark Quigley:
>
> "I received a call from Mr. House's mother, Vickie Maggit. She asked me for my investigation file so she could give it to appellate attorney Corey Parker. Any information that may or may not be shared should come from you so I'm giving you a heads up so you can decide how to proceed with this request."
>
> (From page 112) Wednesday, 9/27/2017; 10:13 AM, Mark Quigley to Julie Armijo:
>
> "Thanks, I'll wait to hear from his attorney"

The information contained in the email that Mrs. Armijo sent to Mr. Quigley, was well within the specified three-year timeframe that Armijo Investigations maintains their client records, per their policy. When Ms. Davidson communicated, "Additionally, due to a hard drive crash, Ms. Armijo was unable to locate any electronic files.", she did not specify when this alleged hard drive crash took place or which files were affected, lost, etc.

As an investigator myself, it is my practice to back up the data that I am maintaining, independent of the computer I am working on. It is also essential to know that when a report is submitted to an attorney, by an investigator, it is also saved (in its original version, submitted at that moment) on the email server it was sent from and received to.

Therefore, if this report was lost due to a hard drive crash, there would be a backup on one or more independent servers. And, given this thread of communication between Mrs. Armijo and Mr. Quigley, Ms. High, Ms. Maggitt,

etc., one can safely assume that if the report was created…and submitted, there would be a permanent, digital record of it, somewhere. This digital record and/or hand-written notes were specifically what I was requesting from Mrs. Armijo, Mr. Quigley and/or the PCAC to confirm Mr. Quigley's statement was accurate.

To further substantiate the necessity for my investigation and analysis into this matter, I would like to explore the email thread that took place between Ms. Maggitt and Mr. Quigley.

> (From page 130) Monday, 12/8/2014; 3:19 PM, Vickie Maggitt to Mark Quigley:
>
> "Here are the phone numbers for you and investigator of the people you can contact: Darlene Brown 513-686-0487; Virgie and Doug Brown 513-871-5836. Also, Mr. Quigley, Marlon is requesting to meet with you to find out what is going on with his case. Does he not have the right to speak with you about his case. This is my son's life and I hope you will talk with him soon. The investigator told me she would talk with him that has been almost 3 months ago."
>
> (From page 146) Tuesday, 12/09/2014; 10:51 AM, Mark Quigley to Vickie Maggitt:
>
> "Thank you for providing the contact numbers for these potential witnesses, I will forward your email to my investigator for follow up."
>
> (From pages 145-146) Tuesday, 12/09/2014; 9:17 PM, Vickie Maggitt to Mark Quigley:
>
> "I just hope it does not take 3 months for your investigator to follow up with these potential witnesses. Also, you did not respond to my other questions. Will you be contacting Marlon regarding having a conversation with him about your line of defense for him of getting his chargers reduced. I do not understand what is so difficult about contacting the person you are defending. I think he should know what your plans are regarding his defense. Please respond to these concerns. You nor your investigator has kept your word. I have done everything you have asked of me in regards to helping my son's case. I do have other information regarding the case. I would like to speak with you about this information and how it may help Marlon's case. I will e-mail it to you and I hope you review it with an open mind and tell me how it may help Marlon's case. I pray daily that you have not convicted him without even putting your best foot forward as a lawyer. I look forward to hearing from you and your investigator. When does she plan on interviewing Marlon."
>
> (From page 145) Wednesday, 12/10/2014; 9:48 AM, Mark Quigley to Vickie Maggitt:
>
> "Ms. Maggitt, Thank you for your input, please forward to me via email any further information that you have that I can use to help your son. Communication between client and attorney are confidential so unfortunately I am not able to discuss matters of strategy with you. To the extent you are a witness, please provide me with a summary of your anticipated testimony and I will have my investigator contact you to prepare further for trial."
>
> (From page 145) Monday, 01/05/2015; 9:49 AM, Vickie Maggitt to Mark Quigley:
>
> "I spoke with the investigator regarding a summary of testimony. I am not sure what you are asking. I interviewed with the investigator some months ago. The investigator stated she submitted that report to you. She also stated, 'she would call you regarding this matter and get back with me as to what you may be asking of me. Julie also stated she would be visiting Marlon on Sunday 1/4/15. However, Marlon called on Sunday and stated Julie never showed up for the meeting. Please respond regarding these issues. Thank you for your time. I look forward to hearing from you and Julie."

> (From page 145) Tuesday, 01/06/2015; 10:29 AM, Vickie Maggitt to Mark Quigley:
>
> "Julie Armijo has been instructed to interview any potential witness (including you) whose contact info has been provided to me from any source to date."

In this email exchange, which was apparently the preferred method of communication, it appears that by January 2015, Ms. Maggitt had already interviewed with Mrs. Armijo. However, Ms. Maggitt had also expressed her concerns about the confusion and lack of follow through, exhibited by Mrs. Armijo in this case. Ms. Maggitt stated, "I interviewed with the investigator some months ago. The investigator stated she submitted that report to you. She also stated, 'she would call you regarding this matter and get back with me as to what you may be asking of me."

When I interviewed with Ms. Maggitt, she repeatedly expressed this same concern. Ms. Maggitt stated that her specific interest was in her son's representation and whether his defense team was doing enough at the time and/or were even interested Mr. House's concern regarding his case. For this reason, Ms. Maggitt reported that she felt she needed to advocate on behalf of her son and strongly encouraged Mr. Quigley and Mrs. Armijo to meet with Mr. House, provide adequate representation and respond to this needs.

While, providing the most effective representation is always optimal within our industry, public defenders are often overworked and frequently undercompensated. However, doing public defense investigation myself, we know exactly what we sign on to, when we accept this challenge. Given this, it is imperative that we communicate with our clients, hear their stories and address their needs. Especially, when fighting for their interests within the balance of justice; thus, exposing and eliminating bias, when detected.

Another concern as I investigated this case was that I discovered that bias may have played a significant role in the PCAC's representation of Mr. House. In an email exchange between Mr. Quigley and Mr. Glenn Glover, who is the defense investigator supervisor, Mr. Quigley shared his concern about taking on these types of cases.

> (From page 133) Thursday, 5/8/2014; 10:45 AM. Glenn Glover to Mark Quigley:
>
> "Mark, I reviewing the charging doc's on the above listed case (Marlon House), I probably need to assign this to Julie Armijo. Not many of the male Investigator's will take a Child Rape case. I hope that's ok, 'G'"
>
> (From page 133) Thursday, 5/8/2014; 1:53 PM, Mark Quigley to Glenn Glover
>
> "That's fine"
>
> (From page 133) Thursday, 5/8/2014; 2:05 PM, Glenn Glover to Mark Quigley:
>
> "Ok, 'G'"
>
> (From page 133) Thursday, 5/8/2014; 2:11 PM, Mark Quigley to Glenn Glover
>
> "I wish I had the option of refusing to do child rape cases, what a bunch of wimps"
>
> (From page 133) Thursday, 5/8/2014; 2:16 PM, Glenn Glover to Mark Quigley:
>
> "I agree 😊"

The obvious concern stemming from this exchange is whether the bias exhibited by the PCAC impacted or in any way influenced their ability to provide effective or even adequate representation to Mr. House, given the allegations against him by the two alleged victims. At first glance, I would hope that they would be able to set this aside and do their jobs effectively; however, what I discovered throughout the course of the investigation runs contrary to this hope.

When Mrs. Armijo was approved for and assigned the case on 5/8/2014, she was tasked with the following, approximately six weeks later.

> (From page 244) Friday, 6/27/2014; 2:39 PM, Mark Quigley to Julie Armijo:
>
> "Julie, please contact the following witnesses on Mr. House's two cases and prepare summaries of their anticipated testimony and/or information.
>
> 1) On both case, please contact his mother, Vickie Maggitt 253-861-4996.
>
> 2) On the 14-1-00937-4 case please contact Kiah Woodleas, who can verify Mr. House was in Georgia from Feb 2010 to Oct 2010, except for one week in April 2010 when House came back to WA to deal with DUI case.
>
> 3) On the 14-1-00983-2 case please interview Breann Mimms 253-282-8863 and Jessica Murphy 253-314-3200, both can apparently testify about the alleged V 'making stuff up' according to Mr. House
>
> Thanks, Mark"

It was over two months later, before she began interviewing the witnesses on this case and it was then, before she realized that she did not even have all the discovery on the case. Almost four months after the case had been assigned to her, by Mr. Glover, who could not find another investigator within the PCAC to even take on a case with this type of allegation.

> (From page 126) Tuesday, 09/2/2014; 4:55 PM, Julie Armijo to Mark Quigley:
>
> "Hi Mark, I am meeting with D's mom and Breann this evening, I realized that I don't have the discovery for one of the cases (14-1-009374). Looks like there's 117 pages. Can I get a copy of that?"
>
> From page 126) Wednesday, 9/3/2014; 9:19 AM, Mark Quigley to Julie Armijo:
>
> "Yes, I will have a copy in your folder today"

As an investigator, it is essential to have knowledge of a case, the allegations made, witnesses involved, etc. and Mrs. Armijo began her first set of interviews with no knowledge of at least one of the two cases. And, according to Mrs. Armijo's billing records and statements made, she only interviewed these witnesses, one time. Which both Ms. Mimms and Ms. Maggitt confirmed.

Here are the relevant billing records submitted by Mrs. Armijo to the PCAC for her work performed. In fact, per this investigation, we were provided with confirmation that Armijo Investigations submitted a total of two invoices to the PCAC on this case. The first invoice (#1997), was submitted on 1/19/2015 for work occurring between 5/19/2014 and 1/6/2015. The total was $805.00 for 18.7 billable hours of work at $42.00 per hour and 35 miles, billed at $0.56 per mile.

On this invoice, the following information of concern was submitted:

8/22/2014	Call several D wts-VMs, conf with atty	0.6 hours
9/1/2014	Talk to witness	0.3 hours
9/2/2014	Talk to witness, ITVW 2 witnesses in Lakewood	4.1 hours
9/4/2014	Try to locate wit info on Facebook as per provided by wits, review FB pages of key individuals, ITVW wit, look up cases on WA Cts (NCO AV's mom)	2.8 hours
9/10/2014	Report prep (x3)	3.6 hours
12/29/2014	Talk to witness	0.4 hours

The second invoice (#2062), was submitted on 5/25/2015 for work occurring between 3/1/2015 and 4/28/2015.The total was $415.80 for 9.9 hours of billable work at $42.00 per hour.

On this invoice, the following information of concern was submitted:

4/27/2015	review of notes, dx, emails, and call to three witnesses all of which were out of State.	5.5 hours
4/28/2015	report prep of three wits	3.6 hours

My purpose for sharing these excerpts of the invoices submitted on behalf of Armijo Investigations was to highlight several areas of inconsistency, between the work allegedly provided and the evidence that exists to support that claim. On 9/2/2014, Mrs. Armijo billed 4.1 hours for a meeting that lasted approximately one-hour with Ms. Maggitt and Ms. Mimms. An interview that took place at Ms. Maggitt's residence in Lakewood, WA.

During this interview, Mrs. Armijo was observed writing down the names of 10 witnesses and their contact information, provided by Ms. Mimms and Ms. Maggitt, according to their statements provided to me. They reportedly observed Mrs. Armijo recording this information on her own paper, with a pen, in her own writing; however, upon request, none of this information was provided to us.

Since my assignment was to investigate the validity of original statements, I followed up with the witnesses on this list to confirm with them whether they had been contacted. Upon contact, I discovered that some had, and some had not. More will follow as to my interaction with them, but Mrs. Armijo indicated that she had initiated contact and/or interviewed with the following:

> (From Mrs. Armijo's original email) "Here is a list of completed interviews and date of interview (witnesses #1-3 had been contacted/attempted on 8/22/14):
> 1. Vicki Maggit 9/2/14
> 2. Breanne Mimms 9/2/14
> 3. Jessica Murphy 9/4/14
> 4. Darlene Brown 4/27/15
> 5. Virgie Brown 4/27/15
> 6. Doug Brown 4/27/15
>
> Other witnesses contacted (from Mr. House's list), but was never able to reach/interview:
> 7. Kiah Woodlief 8/22/14
> 8. Nick Vallot 8/22/14"

Yet, her billing statements do not accurately reflect this information. Mrs. Armijo reports, bills and was paid for talking to a witness on 9/1/14, yet no names were specified, and her subsequent explanation of billing did not indicate she spoke with anyone on that date. And, again billed 4.1 hours for a two witness interviews, conducted

simultaneously on 9/2/14, with the witnesses (Ms. Maggitt and Ms. Mimms) reporting that this meeting lasted only one-hour.

Mrs. Armijo also reported, billed and was paid for speaking with an unspecified witness on 12/29/2014 as well, but there was no mention of this in her follow up email, noted above. An email that was dated, 2/9/2018, which was apparently written after the alleged hard drive crash she reported to the PCAC, in response to their request for records, pertaining to this case. If all records were lost, as she claims, what records did she use to provide this response?

Per the invoice provided, Mrs. Armijo also billed for and was paid 3.6 hours for report preparation of three witness interviews, which equates to 1.2 hours per report.

Toward the middle of December 2014, alleged victim interviews were being scheduled on the case. However, Mr. Quigley stated before the Honorable Vicki Hogan that, "I have retained an investigator, Julie Armijo, who has made contact with every witness that Mr. House has advised me that he would like to subpoena for trial, and so that's been done."

Once again, Mr. Quigley stated that all of these witnesses Mr. House would like to subpoena had already been contacted. Mrs. Armijo's statement of explanation and her original invoice refute this statement made by Mr. Quigley to the Court, on behalf of Mr. House. Was this a deliberate deception made to the Court, by Mr. Quigley or was he provided false information by Mrs. Armijo? We asked, but no repose was ever provided. They sent records, but nothing more.

In fact, I called Ms. Charmell Davidson at the PCAC again on Thursday, 5/17/2018 at 3:32 PM with the hope of obtaining additional information, per their record retention policies and status of our initial inquiry to obtain the original records. Ms. Davidson stated that they have found nothing additional regarding records of investigative reports provided to the PCAC and had already completed an exhaustive search. She reiterated that no additional records were found.

When asked, Ms. Davidson could not tell me the PCAC's internal policy, regarding how long records are required to be maintained on cases, but she stated that Ms. Anne Smith, her supervisor could and subsequently transferred me to her. Ms. Smith did not answer her phone (253-798-7069), so I left her a voicemail, detailing my request. Ms. Smith responded to my inquiry on 5/22/2018, reporting that the PCAC retains the records of clients facing Class A Felonies for life.

Following the internal email exchange, a little more in-depth, I wanted to identify whether the alleged victims in the two respective cases had been contacted and/or interviewed. According to the exchange below, one of those interviews was apparently scheduled by the Deputy Prosecutor and Mr. Quigley, with an invitation extended for Mrs. Armijo to attend.

> Once the alleged victim interview with Leanndra Morrison was scheduled for Friday, 01/16/2015, Mark Quigley asked Julie Armijo on Wednesday, 12/17/2014; 11:27 AM, "Julie, can you make this one as well?" (From page 69-70)
>
> (From page 69) Wednesday, 12/17/2014; 11:33 AM Julie Armijo to Mark Quigley:
>
> "Yes. Put it on my calendar. I will have all the others (defense wits) interviewed before these so that we have the most information possible going into these interviews."

In another email received from the PCAC's review and submission to us, we discovered that Mrs. Armijo was actually leaving her investigator role within the organization just a few weeks later and her PCAC caseload was set to be redistributed and/or reassigned.

(From page 260) Tuesday, 1/12/2015; 4:12 PM, Julie Armijo to Glenn Glover:

"Hey G, So, I guess this serves as my 'official' notice that I will no longer be on the investigator/mitigation specialist panel as of 1/19/15. I've attached a spreadsheet of my cases and have broken it down by those I will finish, ones to be re-assigned to Morgan and ones to be re-assigned to another investigator. I will invoice next weekend on those cases that I'm either closing or wrapping up this week (and/or won't be transferred to Morgan)."

Based on the invoices provided, Mrs. Armijo, her last efforts were on 1/6/2015 when she reportedly, "Review Dx-med recs, talk to atty", billing 1.2 hours for her time.

We are not sure if the alleged victim interviews ever took place, per the records provided, but if they did, Mrs. Armijo either did not attend or if she did, never billed for them. In fact, there was no billable investigator movement on the case until 3/1/2015; however, the invoice does not distinguish who the investigator was. This information is not revealed until the following emails were provided with instructions to Mr. Morgan Armijo, the husband of Mrs. Armijo.

(From page 130) Wednesday, 04/08/2015; 2:08 PM, Mark Quigley to Morgan Armijo:

"Morgan, This is a case you inherited from Julie. I believe it will end up resolving but in order to tie up loose ends would you contact the persons noted on the attached email to inquire about Mr. House's presence in Cincinnatti Ohio, what dates, and any documentary proof that would corroborate their memory. I suspect they cannot account for Defendant's presence for the entire time of the charging period thus negating a complete alibi. They may be helpful though, let me know what you find out."

(From page 130) Tuesday, 04/28/2015; 10:35 AM, Morgan Armijo to Mark Quigley:

"Mark I wanted to let you know I talked with a three people from the Cincinnati Ohio area. I will be working on reports and getting to you shortly. Reader's digest version is the witnesses cannot account for any sort of substantial alibi for either time frames on the two respective cases."

(From page 130) Tuesday, 04/28/2015; 3:08 PM, Mark Quigley to Morgan Armijo:

"Morgan, As I suspected, thanks for inquiring, get me the reports for my file when you get a chance, Mark"

(From page 113) Wednesday, 05/13/2015; 4:30 PM, Morgan Armijo to Glenn Glover:

"Glenn, Julie was authorized 20hr on these two cases with multiple counts of child rape. Mark Quigley contacted me and requested I follow up on possible alibi wits that are out of State. I see that I am now at 26.2 hours. I have three reports to type up. I would like to request an additional 10 hours."

(From page 113) Thursday, 05/14/2015; 8:18 PM, Glenn Glover to Morgan Armijo:

"10 More hours approved, 'G'"

These emails began on 4/8/2015; however, the second invoice submitted by Armijo Investigation to the PCAC reported that the exchange took place one day prior, on 4/7/2015. Regardless, Mr. Armijo now assumed the investigative role in this case and Mr. House's defense team appeared to move forward. Admittedly, when we

began the investigation, we had no idea that Mr. Armijo became the investigator in this case, in part, because neither Mr. or Mrs. Armijo had ever met with Mr. House in person, or heard his direct version of events, pertaining to these interviews or the development of his defense strategy.

Mr. Armijo reports that he reviewed notes and conducted witness interviews with, "all three witnesses all of which were out of State." on 4/27/2015 (5.5 hours) and billed for the preparation of three witness interview reports on 4/28/2015. Although Mr. Armijo did not specify who he interviewed on 4/27/2015, Mrs. Armijo indicated that Ms. Darlene Brown, Mr. Doug Brown and Ms. Virgie Brown had all been interviewed on that date.

According to the billing for 4/28/2015, Mr. Armijo billed 3.6 hours for these reports (1.2 hours apiece), which is/was the same exact amount that Mrs. Armijo billed for three reports back on 9/10/2014, per their first invoice. Given this, none of the six investigative reports that Mr. and Mrs. Armijo billed for and were paid for, were ever found or presented to us, given our repeated requests.

As indicated, my investigation also included locating and contacting the witnesses provided. These are the results of those inquiries:

Jessica Murphy
DOB: 10/2/1987
1211 E. 57th Street
Tacoma, WA 98404
253-359-2770

- She responded via voicemail to an attempted contact through another witness, Mr. Nicholas Vallot Jr., reporting that she did not want to participate in anything having to do with Mr. House and did not want to be contacted, by anyone, concerning this case.
- According to Ms. Mimms and Ms. Maggitt, Ms. Murphy stated to them that she had not been contacted by the Defense Attorney, the Defense Investigator, or anyone else concerning this case, and did not want to be.

- Yet, Mrs. Armijo states that she contacted and interviewed this witness on 9/4/2014.
- She was not contacted, even though she was one of the key witnesses that Mr. House, Ms. Maggitt and Ms. Mimms provided a name and contact information for, with Mr. Quigley confirming all witnesses having been contacted by Mrs. Armijo on or before the Status Conference with the Honorable Vicki Hogan on 8/22/2014.

Nicholas M. Vallot Jr.
DOB: 9/29/1987
8905 Elwood Drive
Lakewood, WA 98498
253-880-7705
Contact with this Witness initiated by the Investigator, Dr. Shane Harrington on: 4/27/2018

- He states that he is a friend of Marlon's who has known him for over 20 years.
- He states that he was never contacted by the Defense Attorney, the Defense Investigator, or anyone else concerning this case.
- He was not contacted, even though he was one of the key witnesses that Mr. House, Ms. Maggitt and Ms. Mimms provided a name and contact information for, with Mr. Quigley confirming all witnesses having been contacted by Mrs. Armijo on or before the Status Conference with the Honorable Vicki Hogan on 8/22/2014.

Nichole M. Vallot
DOB: 9/22/1989
8905 Elwood Drive
Lakewood, WA 98498
253-212-8749

- She would not speak with me directly, but through her brother, Mr. Nicholas Vallot, she reported that she did not want to be contacted by me and/or participate in this investigation.
- According to Mr. Vallot, she has never spoken with Defense Attorney, the Defense Investigator, or anyone else about this case.
- However, she was on the list of people to contact, provided by Ms. Mimms and Ms. Maggitt, on behalf of Mr. House.

Darlene Brown
DOB: 8/16/1957
4810 Chalet Drive
Apt. 6
Cincinnati, OH 45217
513-686-0487
Contact with this Witness initiated by the Investigator, Dr. Shane Harrington on: 5/5/2018

- She states that she was contacted by Defense Investigator, Morgan Armijo toward the end of April 2015, but she could not recall the specific date. When I mentioned that Mr. Armijo reported contact with her on 4/27/2015, she agreed that this could have been the date.
- She reported that she spoke with her brother, Mr. Doug Brown around that time and according to her, Mr. Brown had been contacted and asked similar questions about Mr. House's whereabouts.
- When asked about Ms. Virgie Brown and whether she had any knowledge of contact made by Mr. Armijo with her, she reported that Virgie was her mother and had not been contacted. She also reported that Virgie was outside of the area at the moment and could not be contacted and resides with her brother (Doug, Ms. Virgie Brown's son) who was Virgie's point of contact.
- She was also the one that connected me with her daughter, Ms. Kiah Woodlief, stating that it was Kiah who had been contacted by the Mr. Armijo, not her mother.
- No report of this interview was provided.

Douglas Keith Brown
DOB: 5/27/1956
3561 Vista Avenue
Cincinnati, OH 45208
513-871-5836

- According to his sister, Ms. Darlene Brown, he spoke with Mr. Armijo and was briefly interviewed at the end of April 2015, so I elected not to contact him.
- The email provided by Mrs. Armijo confirms this, yet, after multiple requests, not report was provided.

Virgie Mae Brown
DOB: 9/13/1935
3561 Vista Avenue
Cincinnati, OH 45208
513-871-5836

- Given the information I received from Ms. Darlene Brown, Ms. Virgie Brown's daughter, I elected not to contact this witness.

Kiah Woodlief
DOB: 1/8/1987
3658 Woodford Road
Apt. 203
Cincinnati, OH 45213
513-307-4156
Contact with this Witness initiated by the Investigator, Dr. Shane Harrington on: 5/5/2018

- She stated that she is Darlene Brown's daughter and knows Mr. House.
- She reported that she was contacted by a male investigator, regarding Marlon's case. Initially, she could not recall his name, but did remember when I said the name of Morgan Armijo.
- She stated that she could only remember him as having introduced himself as the husband of the investigator on Marlon's case, explaining that he was also an investigator, but inherited the case from his wife.
- She stated that the investigator was not even clear as to what he was asking her and appeared to know very little about the case, only asking Marlon's whereabouts during a specified time period, but she could not recall those dates or much more than that.
- I asked her to take a day or two and try to remember as much as she could, then contact me again with any additional information she could recall. She did. She remembered that Mr. Armijo had asked her if she and Mr. House were in a "relationship" at any time, because he thought that they had been together.
- She reported that she was never in a relationship with Mr. House.
- This witness was reported by Mrs. Armijo as having only been attempted to have been spoken with, yet she reports that she had actually been interviewed by Mr. Armijo.
- No report of this interview was provided and the email listing those interviewed by the Armijo's did not contain her name.

Sundra Lavette Gay Sr.
DOB: 11/09/1963
213 Piermont Place
Natchitoches, LA 71457
318-663-7615
Contact with this Witness initiated by the Investigator, Dr. Shane Harrington on: 4/9/2018

- She is Mr. House's aunt and the sister of Ms. Vickie Maggitt.
- She states that she was never contacted by the Defense Attorney, the Defense Investigator, or anyone else concerning this case.
- She provided a signed statement confirming this fact.
- She was not contacted, even though she was one of the key witnesses that Mr. House, Ms. Maggitt and Ms. Mimms provided a name and contact information for, with Mr. Quigley confirming all witnesses having been contacted by Mrs. Armijo on or before the Status Conference with the Honorable Vicki Hogan on 8/22/2014.

Scottie Gay
DOB: 11/11/1968
213 Piermont Place
Natchitoches, LA 71457
318-663-7615

- He is Mr. House's uncle and the brother-in-law of Ms. Vickie Maggitt.
- He stated through his wife, Mrs. Gay, that he was never contacted by the Defense Attorney, the Defense Investigator, or anyone else concerning this case.
- He also provided a signed statement confirming this fact.
- He was not contacted, even though he was one of the key witnesses that Mr. House, Ms. Maggitt and Ms. Mimms provided a name and contact information for, with Mr. Quigley confirming all witnesses having been contacted by Mrs. Armijo on or before the Status Conference with the Honorable Vicki Hogan on 8/22/2014.

Myesha Dominique House
DOB: 07/25/1987
216 Paula Lane
Natchitoches, LA 71457
318-521-6241
Preferred contact only via mother, Darlene Brown's address and cell phone:
213 Piermont Place
Natchitoches, LA 71457
318-663-7615

- She is the daughter of Mrs. Sundra Gay, Mr. House's cousin and the niece of Ms. Vickie Maggitt.
- She states through her mother, Mrs. Gay, that she was never contacted by the Defense Attorney, the Defense Investigator, or anyone else concerning this case.
- She provided a signed statement confirming this fact.
- She was not contacted, even though once again…this was one of the key witnesses that Mr. House, Ms. Maggitt and Ms. Mimms provided a name and contact information for, with Mr. Quigley confirming all witnesses having been contacted by Mrs. Armijo on or before the Status Conference with the Honorable Vicki Hogan on 8/22/2014.

Breanne N. Mimms
DOB: 7/7/1986
42 Thunderbird Parkway
Apt. 202
Lakewood, WA 98498
253-282-8863
Contact with this Witness initiated by the Investigator, Dr. Shane Harrington on: 4/6/2018

- She provided a statement that is entered earlier in this report and encapsulates our conversation and response to my initial inquiry.
- She was interviewed by Mrs. Armijo on 9/2/2014 in Ms. Maggitt's residence.

Vickie L. Palfrey (formerly Maggitt)
DOB: 6/10/1968
352 S. 302nd Place
Apartment 104
Federal Way, WA 98003
253-344-9797
Contact with this Witness initiated by the Investigator, Dr. Shane Harrington on: 4/9/2018

- Most of what was discussed with this witness revolved around her tireless efforts to advocate for her son, during the process leading up to the initial trial date.

- She stated repeatedly that Mr. Quigley could have done more to represent her son, Mr. House, and Mrs. Armijo and/or Mr. Armijo could have met with their client, but they did not do so, even once, according to her.
- She also stated that she hoped the witness list that she and Ms. Mimms provided for Mrs. Armijo would have been useful in her son's defense, but as she interacted with each of the various people she provided names for…she realized that less than half of them had even been contacted.

As I conclude my involvement in this investigation, I have discovered that Mr. Quigley either misrepresented himself on behalf of his client, Mr. House, that day in Court before the Honorable Vicki Hogan (8/22/2014), or he could have been provided "bad facts" by his investigator, Mrs. Armijo. Regardless, neither of them has provided the PCAC with their investigative reports, because there would have been an electronic record. These records were not provided to us either, upon request. They did not even provide the hand-written notes that Ms. Maggitt and Ms. Mimms witnessed Mrs. Armijo writing on 9/2/2014, during their interview.

Once again, our request was only to confirm that the reported interviews verifiably took place, not necessarily to examine the contents of their investigative reports and/or defense strategy. The simple focus of our inquiry was to ensure that our client, Mr. Marlon House, received adequate representation en route to constructing the best defense possible. However, there is no confirmation of anything other than invoices submitted and payment rendered for work on this case, that no one can or is willing to confirm actually exists.

Interestingly, the PCAC website states, "The mission of the Department of Assigned Counsel is to provide and administer the public defense delivery system in Pierce County in a manner that assures eligible people receive professional and effective representation while efficiently utilizing public resources." Mr. House hoped he would receive the "effective representation" the PCAC Mission Statement purports and there would be evidence of such services having been provided. Clearly, there is not.

Nothing Further.

Respectfully,

Shane Harrington, PhD, MBA
Licensed Private Investigator

corey@coreyevanparkerlaw.com

From: Mark Quigley <mquigle@co.pierce.wa.us>
Sent: Sunday, February 11, 2018 5:35 PM
To: Charmell Davidson
Subject: Fwd: Marlon House

Char, Here is the email Mary Kay referenced.

Sent from my iPad

Begin forwarded message:

> **From:** Julie Armijo <julie@armijoinvestigations.com>
> **Date:** February 9, 2018 at 9:51:11 AM PST
> **To:** "MQUIGLE@co.pierce.wa.us" <MQUIGLE@co.pierce.wa.us>
> **Subject: Marlon House**
>
> Hi Mark,
> Here is a list of completed interviews and date of interview (witnesses #1-3 had been contacted/attempted on 8/22/14):
>
> 1. Vicki Maggit 9/2/14
> 2. Breanne Mimms 9/2/14
> 3. Jessica Murphy 9/4/14
> 4. Darlene Brown 4/27/15
> 5. Virgie Brown 4/27/15
> 6. Doug Brown 4/27/15
>
> Other witnesses contacted (from Mr. House's list), but was never able to reach/interview:
>
> 1. Kiah Woodlief 8/22/14
> 2. Nick Vallot 8/22/14
>
> These are all the names we were provided to interview regarding this case. Most individuals I had to locate through my own means (client did not have contact information).
>
> Julie Armijo
> Mitigation Specialist | Investigator
> Armijo Investigations Inc.
> 253-820-4455
> www.armijoinvestigations.com
>
> CONFIDENTIALITY NOTICE: This email and the files transmitted with it may be protected by attorney client privilege or attorney work product doctrine. If you believe this was sent to you in error, do not read it. Notify sender and delete it immediately.

To whom it may concern,

My name is Breanne Mimms and I am writing this statement on the behalf of Marlon House.

I have never spoken with Mark Quigley regarding Marlon's case. I attended every court date and he and I never spoke about what he would need to help Marlon's case. We never spoke about Marlon's outcome in this case.

I did speak with Private Investigator Julie Armijo in September 2014. We met at Vickie Palfrey (Maggitt was married name before) place of residence at 42 Thunderbird PKWY SW Apt 104 Lakewood, WA 98498. Me, Vickie and Julie sat down at the dining room table and discussed who we would like to contact on Marlon's behalf. We gave her a list of 10 people who she should contact and speak with. What time did this meeting take place? Afternoon

Nicholas Vallot Jr, Nichole Vallot, Jessica Murphy, Kiah Woodlief, Sundra Gay, Scottie Gay, Myesha House, Darlene, Doug and Virgil Brown.

Julie as we told her their names and phone numbers she wrote them down on paper with pen in hand. We didn't meet long maybe hour or hour and half at the latest. She was supposed to contact Vickie after she called or met with the individuals she was supposed to contact. I didn't speak to Mrs. Armijo after that day.

I was told that Morgan Armijo took over Marlon's case and I have never spoken to him.

Who told you?

Thank you for your time.

Breanne Mimms

HARRINGTON PROCESS: Shane Harrington, PhD

From: Vickie Maggitt <vickie_maggitt@yahoo.com>
Sent: April 24, 2018 12:13 PM
To: HARRINGTON PROCESS: Shane Harrington, PhD
Subject: Fw: Re: Marlon House

Hi Shane,

Another e-mail where I was suppose to hear from therapist regarding Marlon's case.

----- Forwarded Message -----
From: Vickie Maggitt <vickie_maggitt@yahoo.com>
To: "mquigle@co.pierce.wa.us" <mquigle@co.pierce.wa.us>
Sent: Tuesday, January 27, 2015, 12:59:54 PM PST
Subject: Re: Marlon House

Hi Mr. Quigley,

I pray that everything is going well with Marlon's case. I was wondering if I could get a contact number for the therapist that has been seeing Marlon. I spoke with Marlon on 1/26/2015 and he informed me that the therapist was suppose to call me on Sat. 1/24/2015, however I did not receive a call and Marlon does not have any contact information. I would greatly appreciate your help with the manner .

I also have not forgotten the information I spoke of on our last court date, but I have not been able to get in contact with the person . I know we don't have a lot of time. I look forward to hearing from you.

On Tuesday, January 6, 2015 10:29 AM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Ms. Maggitt, Please re-read the previous email chain. You state you have "other information" helpful to Marlon's case which you will email me in hopes that I will review it with an open mind. Please send that information to this email, or fax to 253-798-6715, or mail to my attention at Dept of Assigned Counsel, 949 Market St., Suite 334, Tacoma, WA 98402.
I have talked to Marlon several times at length recently about the status and direction of his cases. You may contact him directly for further details. Julie Armijo has been instructed to interview any potential witness (including you) whose contact info has been provided to me from any source to date. The remainder of my previous email is self explanatory. Thank you, Mark Quigley.

From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Monday, January 05, 2015 9:49 PM
To: Mark Quigley
Subject: Re: Marlon House

Hi Mr. Quigley,
I spoke with the investigator regarding a summary of testimony. I am not sure what you are asking. I interviewed with the investigator some months ago. The investigator stated she submitted that report to you. She also stated, "she would call you regarding this matter and get back with me as to what you maybe asking of me. Julie also stated she would be visiting Marlon on Sunday 1/4/15. However, Marlon called on Sunday and stated Julie never showed up for the meeting. Please respond regarding these issues. Thank you for you time. I look forward to hearing from you and Julie.

Thank You

God Bless

On Wednesday, December 10, 2014 9:48 AM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Ms. Maggitt, Thank you for your input, please forward to me via email any further information you have that I can use to help your son. Communications between client and attorney are confidential so unfortunately I am not able to discuss matters of strategy with you. To the extent you are a witness, please provide me with a summary of your anticipated testimony and I will have my investigator contact you to prepare further for trial. Regarding reduction of charges, the State has not offered anything less than to plea as charged. I have made requests of the State to interview both alleged victims, one of which is located out of State. I plan on being ready to start his trials in late January but you should be aware I have other trials set around that time that are older and may take precedence. I understand your frustration and impatience but the reality is this type of case, let alone two, are complicated with a lot at stake and therefore can frequently take in excess of a year to resolve or go to trial. I look forward to receiving the "other information" you referenced in your email as soon as practical. Thank you for your continued support of your son.

From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Tuesday, December 09, 2014 9:17 PM
To: Mark Quigley
Subject: Re: Marlon House

Hi Mr. Quigley, you are welcome. I just hope it does not take 3 months for your investigator to follow up with these potential witnesses. Also, you did not respond to my other questions. Will you be contacting Marlon regarding having a conversation with him about your line of defense for him or getting his chargers reduced. I do not understand what is so difficult about contacting the person your are defending. I think he should know what your plans are regarding his defense. Please respond to these concerns. You nor your investigator has kept your word. I have done everything you have asked of me in regards to helping my son's case. I do have other information regarding the case. I would like to speak with you about this information and how it may help Marlon's case. I will e-mail it to you and I hope you review it with an open mind and tell me how it may help Marlon's case. I pray daily that you have not convicted him without even putting your best foot forward as a lawyer. I look forward to hearing from you and your investigator. When does she plan on interviewing Marlon.
Thank You
God Bless

On Tuesday, December 9, 2014 10:51 AM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Ms. Maggitt, Thank you for providing the contact numbers for these potential witnesses, I will forward your email to my investigator for follow up.

-----Original Message-----
From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Monday, December 08, 2014 3:19 PM
To: Mark Quigley
Subject: Marlon House

Hi Mr. Quigley,

Here are the phone numbers for you and investigator of the people you can contact: Darlene Brown 513-686-0487; Virgie and Doug Brown 513-871-5836.

Also, Mr. Quigley, Marlon is requesting to meet with you to find out what is going on with his case. Does he not have the right to speak with you about his case. This is my son's life and I hope you will talk with him soon. The investigator told me she would talk with him that has been almost 3 months ago. I also would like to know about his charges being reduced. I read the police report and I did not read anything from the alleged victims stating he raped them. Please responed.

Thank You

Vickie Maggitt

HARRINGTON PROCESS: Shane Harrington, PhD

From: Vickie Maggitt <vickie_maggitt@yahoo.com>
Sent: April 24, 2018 12:08 PM
To: HARRINGTON PROCESS: Shane Harrington, PhD
Subject: Fw: Re: Marlon House

----- Forwarded Message -----
From: Vickie Maggitt <vickie_maggitt@yahoo.com>
To: "mquigle@co.pierce.wa.us" <mquigle@co.pierce.wa.us>
Sent: Wednesday, April 29, 2015, 5:33:06 PM CDT
Subject: Re: Marlon House

Hi Mr. Quigley,

I am writing a letter to the Prosecutor and the Judge on Marlon's behalf and I would like to present the letters to them on Friday. I am informing you because I want to follow proper protocol. I look forward to hearing from you or just seeing you on Friday I will be there early.

Thank you

God Bless

On Wednesday, April 8, 2015 10:18 AM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Ms. Maggitt, My previous emails to you explain my role and my obligations regarding confidentiality of client communications. I hope you understand. In the meantime, I am still awaiting phone numbers I previously requested on November 20, 2014. Thank you for your ongoing support of your son.

From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Tuesday, March 31, 2015 11:03 PM
To: Mark Quigley
Subject: Re: Marlon House

Good Evening Mr. Quigley,

I e-mailed you about two weeks ago regarding documentation Marlon has signed and to correspond with you about Marlon's case. I hope to hear something from you soon pertaining to this matter.

I hope you and your family have a blessed Passover celebration.

Thank You
God Bless

On Saturday, November 29, 2014 2:32 PM, Vickie Maggitt <vickie_maggitt@yahoo.com> wrote:

I will get that information as soon as possible.

On Thursday, November 20, 2014 11:39 AM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Do these people have phone numbers that I could give to my investigator?

From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Wednesday, November 19, 2014 4:24 PM
To: Mark Quigley
Subject: Re: Marlon House

Hi Mr. Quigley

These are the people that can verify Marlon was in Cincinnati on said dates. Darlene Brown, Virgie Brown, and Doug Brown. Address is 3561 Vista Ave Cincinnati, Ohio 45208. Mr. Quigley Marlon is asking to speak with you regarding his case. Please I pray you will take the time to talk to him about what is going on with his case. I am grateful in the name of Jesus that you are working diligently on his case. I also have other information for you. However, I am unable to contact the person that is helping with the information. I hope to send it to you via e-mail by Friday 11/21/2014.

Thank You

God Bless

Vickie Maggitt

On Wednesday, November 19, 2014 3:02 PM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Ms. Maggitt, Please provide me with the information we spoke about today by phone which you indicated will be helpful in defending your son Marlon House, thanks in advance, Mark Quigley

HARRINGTON PROCESS: Shane Harrington, PhD

From: Vickie Maggitt <vickie_maggitt@yahoo.com>
Sent: April 10, 2018 10:19 PM
To: HARRINGTON PROCESS: Shane Harrington, PhD
Subject: Fw: Re: Marlon House

----- Forwarded Message -----
From: Vickie Maggitt <vickie_maggitt@yahoo.com>
To: "mquigle@co.pierce.wa.us" <mquigle@co.pierce.wa.us>
Sent: Monday, January 5, 2015, 9:48:34 PM PST
Subject: Re: Marlon House

Hi Mr. Quigley,
I spoke with the investigator regarding a summary of testimony. I am not sure what you are asking. I interviewed with the investigator some months ago. The investigator stated she submitted that report to you. She also stated, "she would call you regarding this matter and get back with me as to what you maybe asking of me. Julie also stated she would be visiting Marlon on Sunday 1/4/15. However, Marlon called on Sunday and stated Julie never showed up for the meeting. Please respond regarding these issues. Thank you for you time. I look forward to hearing from you and Julie.

Thank You

God Bless

On Wednesday, December 10, 2014 9:48 AM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Ms. Maggitt, Thank you for your input, please forward to me via email any further information you have that I can use to help your son. Communications between client and attorney are confidential so unfortunately I am not able to discuss matters of strategy with you. To the extent you are a witness, please provide me with a summary of your anticipated testimony and I will have my investigator contact you to prepare further for trial. Regarding reduction of charges, the State has not offered anything less than to plea as charged. I have made requests of the State to interview both alleged victims, one of which is located out of State. I plan on being ready to start his trials in late January but you should be aware I have other trials set around that time that are older and may take precedence. I understand your frustration and impatience but the reality is this type of case, let alone two, are complicated with a lot at stake and therefore can frequently take in excess of a year to resolve or go to trial. I look forward to receiving the "other information" you referenced in your email as soon as practical. Thank you for your continued support of your son.

From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Tuesday, December 09, 2014 9:17 PM
To: Mark Quigley
Subject: Re: Marlon House

Hi Mr. Quigley, you are welcome. I just hope it does not take 3 months for your investigator to follow up with these potential witnesses. Also, you did not respond to my other questions. Will you be contacting Marlon regarding having a conversation with him about your line of defense for him or getting his chargers reduced. I do not understand what is so difficult about contacting the person your are defending. I think he should know what your plans are regarding his defense. Please respond to these

concerns. You nor your investigator has kept your word. I have done everything you have asked of me in regards to helping my son's case. I do have other information regarding the case. I would like to speak with you about this information and how it may help Marlon's case. I will e-mail it to you and I hope you review it with an open mind and tell me how it may help Marlon's case. I pray daily that you have not convicted him without even putting your best foot forward as a lawyer. I look forward to hearing from you and your investigator. When does she plan on interviewing Marlon.
Thank You
God Bless

On Tuesday, December 9, 2014 10:51 AM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Ms. Maggitt, Thank you for providing the contact numbers for these potential witnesses, I will forward your email to my investigator for follow up.

-----Original Message-----
From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Monday, December 08, 2014 3:19 PM
To: Mark Quigley
Subject: Marlon House

Hi Mr. Quigley,

Here are the phone numbers for you and investigator of the people you can contact: Darlene Brown 513-686-0487; Virgie and Doug Brown 513-871-5836.

Also, Mr. Quigley, Marlon is requesting to meet with you to find out what is going on with his case. Does he not have the right to speak with you about his case. This is my son's life and I hope you will talk with him soon. The investigator told me she would talk with him that has been almost 3 months ago. I also would like to know about his charges being reduced. I read the police report and I did not read anything from the alleged victims stating he raped them. Please responed.

Thank You

Vickie Maggitt

HARRINGTON INVESTIGATIONS: Shane Harrington, PhD

From: Vickie Maggitt <vickie_maggitt@yahoo.com>
Sent: April 24, 2018 11:51 AM
To: HARRINGTON INVESTIGATIONS: Shane Harrington, PhD
Subject: Fw: Marlon

----- Forwarded Message -----
From: Vickie Maggitt <vickie_maggitt@yahoo.com>
To: "mquigle@co.pierce.wa.us" <mquigle@co.pierce.wa.us>
Sent: Monday, March 23, 2015, 10:29:25 PM CDT
Subject: Marlon

Good Evening Mr. Quigley,

I am very concerned for my son. He and I talk to some agree about his case during our visits on Sunday, also at least three times a week. Marlon last spoke with me about documentation regarding the therapist's recommendations and the prosecutor's position on the recommendations. You and I spoke briefly in the hall after court about this matter the early part March. I totally understand your position on not speaking with me in detail about my son's case, however I hope and pray that you understand my position as a concerned and desperate mother to know what my son's future looks like.

Marlon has told me he has signed paperwork regarding the therapist's recommendations, but he did not request a copy of the the paperwork he signed prior to paperwork being present to the prosecutor's office. Mr. Quigley with the permission of Marlon would you take it in great consideration to mail me a copy of all the paperwork Marlon has signed. I would with great admiration appreciate and thank for your help with this matter.

Thank You
God Bless

HARRINGTON INVESTIGATIONS: Shane Harrington, PhD

From: Vickie Maggitt <vickie_maggitt@yahoo.com>
Sent: April 24, 2018 11:58 AM
To: HARRINGTON INVESTIGATIONS: Shane Harrington, PhD
Subject: Fw: Marlon House

----- Forwarded Message -----
From: Vickie Maggitt <vickie_maggitt@yahoo.com>
To: "mquigle@co.pierce.wa.us" <mquigle@co.pierce.wa.us>
Sent: Thursday, December 18, 2014, 1:18:03 AM CST
Subject: Marlon House

Hi Mr. Quigley,

I need a little more clarification on what you mean on me writing a summary about my knowledge of, if I am correct in the language a deposition in regards to my son's defense. I only can talk about the alleged defendant, which is the second one LM. What are you asking me. Dates, time, please help me to understand where I should start ,with my relationship , when I was in the home; when I left the home; when and when not Marlon could have had contact with LM. I look forward to hearing from you regarding this matter.

I will also scan you some info. regarding the first alleged defendant and the second. I hope it will be some help toward Marlon's defense.

Also, I was not asking you to discuss Marlon case with me but, to talk to Marlon about his case. I relayed the message to you that he asked me (Vickie Maggitt; Mom) to ask you to contact him and talk with Marlon about his case.

Thank You

God Bless

Happy Holidays

HARRINGTON INVESTIGATIONS: Shane Harrington, PhD

From: Vickie Maggitt <vickie_maggitt@yahoo.com>
Sent: April 24, 2018 12:50 PM
To: HARRINGTON INVESTIGATIONS: Shane Harrington, PhD
Subject: Information for Corey

To the best of my recollection,

I Vickie L. Palfrey spoke with Private Investigator Julie A. in my apartment on Steilcoom Blvd. around about mid September or first of October. I provided Julie with several names to contact on Marlon's behalf. The names are as follows; Nicholas Violo, Nicole Violo, Jessica Murphy, Kiaha W. , Virgi Brown and others that have escaped my mind right now, I do believe I sent those names to you in another e-mail. I called Julie A. about 2 months later after the meeting and I asked her what was going on with the information we discussed during her interview with me at my apartment. Julie stated, Mark Quigley has not spoke with her about the interview she conducted with me. I sent you an e-mail also regarding this conversation.

Shane, I also sent you the e-mail regarding the conversation I had with Mark Quigley about the letters that was wrote on Marlon's behalf in particular was the one I gave to the Prosecutor Sanchez, and the Prosecutor spoke to Quigley about the letter and Quigley responded to the Prosecutor in the court room that day quote unquote, " I don't know why she did that and I didn't even know she was going to do it." Quigley gave Judge Vickie Hogan letters also.

Shane so much has been going on in the last 2 weeks so if there is something you remember we spoke about please email me and let me know.

Thank you so much for all the hard work you are doing on my son's behalf.

Most Grateful

Vickie

WS on 14-1-00938-2

1) Breann Mimms
253-282-8863

2) Jessica Murphy
253-314-3200

can testify @ "V making stuff up"

Mark Quigley

From: Mark Quigley
Sent: Friday, June 27, 2014 2:39 PM
To: 'Julie Armijo'
Subject: Marlon House

Julie, please contact the following witnesses on Mr. House's two cases and prepare summaries of their anticipated testimony and/or information.

1) On both cases, please contact his mother Vickie Maggitt 253-861-4996.

2) On the 14-1-00937-4 case please contact Kiah Woodleas, who can verify Mr. House was in Georgia from Feb 2010 to Oct 2010, except for one week in April 2010 when House came back to WA to deal with a DUI case.

3) On the 14-1-00983-2 case please interview Breann Mimms 253-282-8863 and Jessica Murphy 253-314-3200, both can apparently testify about the alleged V "making stuff up" according to Mr. House

Thanks, Mark

WSBA

OFFICE OF DISCIPLINARY COUNSEL

Felice P. Congalton
Associate Director

August 18, 2014

Marlon O. House
BKG#2014091055
Pierce County Sheriff's Dept
910 Tacoma Ave S
Tacoma, WA 98402

Re: ODC File: 14-01451
Your grievance against lawyer Mark Thomas Quigley

Dear Mr. House:

We received your grievance against a lawyer and assigned the file number indicated above. We appreciate receiving information from the public about lawyers licensed in Washington state. However, our authority and resources are limited. The Office of Disciplinary Counsel is authorized to investigate a grievance against a lawyer to determine whether the lawyer's conduct should have an impact on his or her license to practice law. We are not a substitute for protecting your legal rights. We do not and cannot represent you in legal proceedings.

We reviewed your grievance and determined that your primary concern is the manner in which your lawyer is representing you in a criminal case. Ineffective assistance of counsel issues are best raised in court proceedings. Therefore, the general policy of this office is not to investigate claims of ineffective assistance of counsel unless there is a judicial finding of impropriety. It does not appear that the court has found any impropriety.

We believe it is in your best interest, and in the best interest of the lawyer against whom you are complaining, that we tell you as soon as possible if it appears that the conduct you describe is not within our jurisdiction, does not violate the Supreme Court's Rules of Professional Conduct (RPC), or does not warrant further investigation by our office. Under the Rules for Enforcement of Lawyer Conduct (ELC), a lawyer may be disciplined only upon a showing by a clear preponderance of the evidence that the lawyer violated the RPC.

Based on the information we reviewed, there is insufficient evidence to warrant further action; therefore, we are dismissing your grievance under ELC 5.7(a). If you do not mail or deliver to us a written request for review of this dismissal within **forty-five (45) days** of the date of this letter, the decision to dismiss your grievance will be final. Should there be a judicial finding of impropriety, you may request that we reopen this matter. Absent special circumstances, and unless we are provided with reasons to do otherwise, we will forward to you a copy of any response we receive from the lawyer.

Sincerely,

Felice P. Congalton
Associate Director

cc: Mark Thomas Quigley (with copy of grievance)

DO NOT SEND US ORIGINALS. We will scan and then destroy the documents you submit.

GRIEVANCE AGAINST A LAWYER

RECEIVED

AUG 13 2014

WSBA OFFICE OF DISCIPLINARY COUNSEL

Office of Disciplinary Counsel
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

GENERAL INSTRUCTIONS

- **Read our information sheet *Lawyer Discipline in Washington* before you complete this form, particularly the section about consenting to disclosure of your grievance to the lawyer.**
- **If you have a disability or need assistance with filing a grievance, call us at (206) 727-8207. We will take reasonable steps to accommodate you.**
- **If you prefer to file online, visit http://www.wsba.org/public/complaints/.**

INFORMATION ABOUT YOU

House marlon o
Last Name, First Name, Middle Initial

910 Tacoma Ave South
Address

Tacoma, WA, 98402
City, State, and Zip Code

Phone Number

42 thunderbird Pkwy Apt 104
Alternate Address, City, State, and Zip Code
Lakewood, WA, 98498

Alternate Phone Number
253-861-4996

Email Address

INFORMATION ABOUT THE LAWYER

Quigley. T. Mark
Last Name, First Name

949 Market Street, Suite 334
Address

Tacoma, WA, 98402
City, State, and Zip Code

253-798-6062
Phone Number

Bar Number (if known)

INFORMATION ABOUT YOUR GRIEVANCE

Describe your relationship to the lawyer who is the subject of your grievance:

- [x] I am a client
- [ ] I am a former client
- [ ] I am an opposing party
- [ ] I am an opposing lawyer
- [ ] Other: _____

Is there a court case related to your grievance? _____ YES ✓ NO

If yes, what is the case name and file number?

Revised 05/12/2014

Explain your grievance in **your own words**. Give all important dates, times, places, and court file numbers. Attach additional pages, if necessary. Attach copies (**not your originals**) of any relevant documents. **We will scan and then destroy the documents you submit.**

Im Contacting The Bar association Regarding Counsel MARK T. Quigley, Based on Constitutional Rights i Know The States aim is that all defendents Represented in the Court of law have Effective assistence of Counsel, as a defendent i have Not Recieved that at all, There have Been a Number of Things ive asked Counsel to do which Either gets delayed or Simply Blown off as if it's No importance. one of My Chief Concerns having This Lawyer Represent me is the Lack of Communication, My Mother & Family Consistently Try Contacting Counsel To assist in Case with Legal Material and Information that points to My Innocence, But Mark has Never Returned Calls or Made a sincere Effort to get these things, IN The Rules of professional Conduct These Rules are Communication 1.4 (A), (3) (4) and a Lawyers Responsibilities [2] in Violation of these Rules i ask that Mark Be Removed From My Case So My Right to have Effective Counsel Can Begin, I don't trust His Effort to Fight For ME in This Case.

AFFIRMATION

I affirm that the information I am providing is true and accurate to the best of my knowledge. I have read *Lawyer Discipline in Washington* and I understand that all information that I submit can be disclosed to the lawyer.

Signature: Marlon Hare Date: 8-9-14

Revised 05/12/2014

Mark Quigley

From: Mark Quigley
Sent: Tuesday, December 09, 2014 11:19 AM
To: Kara Sanchez
Subject: Marlon House, 14-1-00937-4, 14-1-00938-2

Kara, Trials in the above matters are set for 1/28/15 as you know. I would like to interview the alleged victim on each case hopefully in early January. I am available on Friday 1/9 and 1/16, as well as various times between Jan 5 and trial. Please let me know their availability and general location (i.e. out of State) as soon as convenient, thank you, Mark

Mark Quigley

From: Vickie Maggitt [vickie_maggitt@yahoo.com]
Sent: Saturday, November 29, 2014 2:32 PM
To: Mark Quigley
Subject: Re: Marlon House

I will get that information as soon as possible.

On Thursday, November 20, 2014 11:39 AM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Do these people have phone numbers that I could give to my investigator?

From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Wednesday, November 19, 2014 4:24 PM
To: Mark Quigley
Subject: Re: Marlon House

Hi Mr. Quigley

These are the people that can verify Marlon was in Cincinnati on said dates. Darlene Brown, Virgie Brown, and Doug Brown. Address is 3561 Vista Ave Cincinnati, Ohio 45208. Mr. Quigley Marlon is asking to speak with you regarding his case. Please I pray you will take the time to talk to him about what is going on with his case. I am grateful in the name of Jesus that you are working diligently on his case. I also have other information for you. However, I am unable to contact the person that is helping with the information. I hope to send it to you via e-mail by Friday 11/21/2014.

Thank You

God Bless

Vickie Maggitt

On Wednesday, November 19, 2014 3:02 PM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Ms. Maggitt, Please provide me with the information we spoke about today by phone which you indicated will be helpful in defending your son Marlon House, thanks in advance, Mark Quigley

Mark Quigley

From: Mark Quigley
Sent: Monday, November 03, 2014 3:49 PM
To: 'Julie Armijo'
Subject: Marlon House
Attachments: Scanned from a Xerox multifunction device.pdf

Julie, Marlon House's mother provided me the information attached which purports to be verification of a flight he took to Georgia during the relevant time period of one of the child sex cases he is charged with. The information is cryptic at best. See what you can find out from either Frontier Airlines or his mother Vicki Madgette (253-861-4996) about verifying his whereabouts during this time period. Sorry I don't have more information to provide you. Thanks, Mark

-----Original Message-----
From: NW9301TacomaCorps@usw.salvationarmy.org
[mailto:NW9301TacomaCorps@usw.salvationarmy.org]
Sent: Thursday, October 16, 2014 10:01 AM
To: Mark Quigley
Subject: Scanned from a Xerox multifunction device

Please open the attached document. It was scanned and sent to you using a Xerox multifunction device.

Attachment File Type: pdf, Multi-Page

multifunction device Location: USW NW Tacoma Administration
Device Name: USWNWTA12629PRTX

For more information on Xerox products and solutions, please visit http://www.xerox.com

Mark Quigley

From: Mark Quigley
Sent: Monday, November 03, 2014 3:49 PM
To: 'Julie Armijo'
Subject: Marlon House
Attachments: Scanned from a Xerox multifunction device.pdf

Julie, Marlon House's mother provided me the information attached which purports to be verification of a flight he took to Georgia during the relevant time period of one of the child sex cases he is charged with. The information is cryptic at best. See what you can find out from either Frontier Airlines or his mother Vicki Madgette (253-861-4996) about verifying his whereabouts during this time period. Sorry I don't have more information to provide you. Thanks, Mark

-----Original Message-----
From: NW9301TacomaCorps@usw.salvationarmy.org
[mailto:NW9301TacomaCorps@usw.salvationarmy.org]
Sent: Thursday, October 16, 2014 10:01 AM
To: Mark Quigley
Subject: Scanned from a Xerox multifunction device

Please open the attached document. It was scanned and sent to you using a Xerox multifunction device.

Attachment File Type: pdf, Multi-Page

multifunction device Location: USW NW Tacoma Administration
Device Name: USWNWTA12629PRTX

For more information on Xerox products and solutions, please visit http://www.xerox.com

Mark Quigley

From: Mark Quigley
Sent: Monday, November 03, 2014 4:10 PM
To: 'Julie Armijo'
Subject: Marlon House

Julie, I had a long discussion with Marlon House's mother regarding the flight info from Frontier Airlines (March 2009) which I sent you earlier. It seems to me that obtaining verification of his presence on that flight would be onerous and not all that probative of his presence in Georgia for a significant length of time to establish an alibi in a child sex case where the dates of commission are vague and spread out over a large time period.

Instead I advised her that it would be more helpful to get witnesses and documents (driver's lic, employment records, lease agreements, etc) that would establish a longer time period living down there. With that in mind I have directed her to obtain that information and route to you for follow up. Therefore disregard my earlier request to investigate the flight information unless you believe we can verify his flight info with minimal effort given the sketchy info provided so far.

Thanks, Mark

Pierce County

Office of the Prosecuting Attorney

REPLY TO:
CRIMINAL FELONY DIVISION
930 Tacoma Avenue South, Room 946
Tacoma, Washington 98402-2171
Criminal Felony Records: 798-6513
Victim-Witness Assistance: 798-7400
FAX: (253) 798-6636

MARK LINDQUIST
Prosecuting Attorney

Main Office: (253) 798-7400
(WA Only) 1-800-992-2456

May 1, 2014

MARK T. QUIGLEY
Department of Assigned Counsel
949 Market Street
Tacoma, WA 98402

Re: State of Washington vs. MARLON OCTAVIUS LUVELL HOUSE
Pierce County Superior Court Cause No. 14-1-00938-2

Dear Mr. Quigley:

This office is in receipt of a copy of the child interview in the form a DVD relating to the above case. You are welcome to set up an appointment with Kara Sanchez to review the DVD at your convenience. If you prefer to obtain a copy, please sign the enclosed agreed protective order and return it to our office. We will enter the agreed order and if approved by the court, we will provide you with a copy of the DVD.

Very truly yours,

Amie M. Johnson
Legal Assistant

Enc.
amj

Printed on recycled paper

Department of Assigned Counsel

DISCOVERY DISTRIBUTION – REDACTION – REVIEW CHECKLIST

TODAY'S DATE: 5/7/14

DEFENDANT'S NAME: Marlon House

CAUSE NUMBER: 14-1-00938-2

DISCOVERY PAGE NUMBERS: 1-64

ATTORNEY NAME: Quigley

PHONE: x7863

☒ REVIEW DISCOVERY WITH DEFENDANT AND MAKE NOTES OF ANY QUESTIONS, CONCERNS, DISCREPANCIES AND RETURN ALL DISCOVERY AND NOTES BACK TO ATTORNEY.

5-9-14 — DATE REVIEW COMPLETED AND RETURNED + ONE NOTE PAGE

PAUL LUNSMANN — INTERN/INVESTIGATOR NAME

☐ REDACT DISCOVERY FOR PROSECUTOR'S REVIEW.

PROSECUTOR'S NAME

DATE AND NAME OF INTERN DELIVERING DISCOVERY SENT FOR PA REVIEW

DATE RETURNED TO DAC WITH AUTHORIZATION TO DISTRIBUTE TO CLIENT

☐ I REQUEST ATTACHED REDACTED DISCOVERY TO BE DELIVERED TO MY CLIENT.

JAIL LOCATION: 4NC11

ATTORNEY FOR DEFENDANT — DATE

NAME OF INTERN DELIVERING REDACTED DISCOVERY — DATE DELIVERED

CLIENT SIGNATURE

949 Market Street, Suite 334
Tacoma, WA 98402
(253) 798-6062

5-9-14
DEFENDANT: MARLON HOUSE
14-1-00938-2
ATTORNEY: MARK QUIGLEY
DISCOVERY REVIEW: P. 1-64
INTERN: PAUL LUNSMANN
Page 1 It says it happen at 5304 San, FRANCISCO AV
SW # Both Incidents then on page 10 it
happen at my [redacted] at the Bregune mimms
House on 56 and orchard

[redacted] Ah it clearly states she didn't like
my mom or me I never been [redacted] in her dad's
House [redacted] 'ay I never been alone wit her
in my life so what can I do to prove or
what do I have to do to prove it Just let me
Know

Can you call me as soon as you can thank you

Marlon

Voucher #1435496

7/15/2014

Submitted/Approved

FIN Voucher #: 435496

MESSAGES

- Confidential Document (ValidateReq 20.00)

GENERAL INFORMATION

Department: ASSIGNED COUNSEL (001.150)
Pamela Cvitanovic 798-6749

Received: 7/15/2014 by Pamela Cvitanovic

Vendor: IOD (188825)
Payee Name: IOD
Remit To: IOD
PO BOX 19072
GREEN BAY WI54307-9072
USA

Effective Year: 2014

Source: Manual Entry
Payment Method: Warrant
Payment Date:
Payment Type: Full
Due Date: 7/14/2014
Special Handling: YES (Pamela Cvitanovic)

.....

INVOICE INFORMATION

Invoice #/Date	Acct #/Remit Ref/Description	Amount	Sales Tax	Disc. Taken	Liq. Damages	Net Amount
33861170 7/14/2014	81876 MARLON HOUSE, 14-1-00938-2	$139.37	$12.09	$0.00	$0.00	$139.37
					Total:	**$139.37**

BARS INFORMATION

BARS Account/Description		Pmt Type	Amount
001.150.015J.51282.41.0274	INVESTIGATION - SUPERIOR COURT FELONY - ADULT FELONY	Full	$139.37
		Total:	**$139.37**

COMMENTS

- None

REVIEW PATH

Date/Time	Delivered To (phone#)	Reviewed By	Action	Approval Amt	Action Date
7/15/2014 12:41 PM	Pamela Cvitanovic Initiator (798-6749)	Pamela Cvitanovic	Approve	$139.37	7/15/2014 12:41 PM
7/15/2014 12:41 PM	Anne Smith Payment Approver (798-7069)				
	Maria Delarosa AP Approver (798-7437)				

CERTIFICATIONS

- None

PrePay Notice

FIRST NOTICE

Date Sent: 07/03/2014

SECOND NOTICE

Date Sent: 07/14/2014

MARK QUIGLEY
PIERCE COUNTY ASSIGNED COUNSEL
Acct: 81876
949 MARKET ST STE 334

TACOMA, WA 98402-3696

Patient: HOUSE, MARLON
SSN: *-**-0801**
Claim/File #: 14-1-00938-2
Order #: 33861170
Fax #: 253-798-6715

IMG WA1

Records requested from: **MULTICARE HEALTH SYSTEM**
Rec. Location: MULTICARE - ALL SITES

Dear Requester:

iod incorporated has been retained by the medical facility listed above to provide release of information services. It is our policy to require payment prior to delivering the requested information. **Please note this is an estimated fee, the final amount may differ.**

Service dates requested	All Dates
Items requested	ALL
"PERT ITEMS" = Dictated notes, radiology reports, lab reports, special test results, etc.	

Description	Quantity	Unit Price	Extension
* Note: Hard Copy Page Count: 109	109	$0.00	$0.00
Basic Fee $24.00	1	$24.00	$24.00
Copy Charge $.82 Per Page 30 +	79	$0.82	$64.78
Copy Charge $1.09 Per Page 1-30	30	$1.09	$32.70
Shipping	1	$5.80	$5.80
Sales Tax	1	$12.09	$12.09
Pages as per Request:	109	**Fee Quote as per Request:**	**$ 139.37**
Notes:			

The requested medical information will be provided after payment in full is received. Please make payment within 20 days of the first notice to avoid cancellation of your request. If the patient authorization has expired by the time payment is received, a new authorization will be required. Please note that it may take up to 15 business days from the date your request is received for your request to be processed. If you have any questions regarding this notice, please contact Customer Relations at 866-340-0767 Option 1 * Fax 425-462-7773.

- To make a payment online via credit card, go to payportal.iodincorporated.com
- To make a payment via credit card, you can also call Customer Relations at 866-420-7455 Option 1.

To make a manual payment, please send this form and your check or money order made payable to iod

incorporated to the address shown below. PLEASE DO NOT SEND CASH!

IOD Incorporated TaxID No. 65-0765287
PO Box 19072 Green Bay, WI 54307-9072
*Phone 866-420-7455 Option 1 * Fax 920-406-6537*

PETITION FOR INVESTIGATOR FEES

INSTRUCTIONS

1. Petitions must be accompanied by an Authorization for Professional Services.
2. Petitions must be signed by investigator.
3. Request for reimbursement or payment of expenses should be documented and attached.
4. Hours should be submitted in 1/10th hours (e.g. .1 = 1/10 or 6 minutes). Do not round off to nearest quarter or half hour.

State vs. Marlon House

Cause No. 14-1-00937-4 & 14-1-00938-2

Attorney Mark Quigley

Initial Charge(s):
1. ROC1
2. MOC1
3.

Signature of Investigator

5/25/15
Date

MAKE CHECK PAYABLE TO:

Armijo Investigations

[redacted] Suite C, Puyallup WA 98371

Address

26-1618661

TAX Identification Number

ITEMIZED COSTS AND EXPENSES: Reimbursement: Mileage

(Please attach documentation & indicate whether you are requesting direct payment or reimbursement.)

**** Attached confidential detailed billing on file at Assigned Counsel ****

Approved for payment in the total amount of $ 415 80

DIRECTOR

Note: All petitions must be accompanied by an Authorization for Professional Services

Pierce County Assigned Counsel
949 Market Street, Suite 334
Tacoma, WA 98402

ARMIJO
INVESTIGATIONS
116 South Meridian • Suite C
Puyallup WA 98371
253.841.1130
www.armijoinvestigations.com

Invoice

Invoice # 2062

Date 5/25/2015

Bill To

Pierce County Dept. of Assigned Counsel
949 Market Street, Suite 334
Tacoma, WA 98402

State v. Marlon House 14-1-00937-4 & 398-2 (ROC1) ****FINAL BILLING****

Service Date	Description	Qty	Rate	Amount
3/1/2015	review of notes, LINX, and emails	0.5	42.00	21.00
4/7/2015	respond to email,	0.3	42.00	12.60
4/27/2015	review of notes, dx, emails, and call to three witnesses all of which were out of State.	5.5	42.00	231.00
4/28/2015	report prep of three wits	3.6	42.00	151.20

Armijo Investigations is billing for the services that our office has performed, and all the amounts due and hours billed, are accurate to the best of our knowledge.

Total **$415.80**

Signature:

ARMIJO
INVESTIGATIONS
1614 Shaw Road • Puyallup WA 98372
P 253.431.4601 • F 253.203.1611
www.armijoinvestigations.com

MEMORANDUM

Date: 5/25/2015
State v. Marlon House **Cause No.** 14-1-00938-2 & 14-1-00937-4
Charges: ROC1 (x4)

To: Glenn Glover **From:** Morgan Armijo
Re: Billing Addendum

HOURS APPROVED

Original (Date):	5/8/2014	**Hours:**	20
Additional (Date):	5/14/2015	**Hours:**	10
Additional (Date):		**Hours:**	
Additional (Date):		**Hours:**	
Additional (Date):		**Hours:**	
Additional (Date):		**Hours:**	
Additional (Date):		**Hours:**	
Additional (Date):		**Hours:**	
Additional (Date):		**Hours:**	
Additional (Date):		**Hours:**	

TOTAL HOURS APPROVED (At Time of Current Billing): **30**

HOURS BILLED

Current Invoice #:	2062	**Date:**	5/25/2015	**Hours:**	9.9
Invoice #:	1997	**Date:**	1/25/2015	**Hours:**	18.7
Invoice #:		**Date:**		**Hours:**	
Invoice #:		**Date:**		**Hours:**	
Invoice #:		**Date:**		**Hours:**	
Invoice #:		**Date:**		**Hours:**	
Invoice #:		**Date:**		**Hours:**	
Invoice #:		**Date:**		**Hours:**	
Invoice #:		**Date:**		**Hours:**	
Invoice #:		**Date:**		**Hours:**	

HOURS BILLED (After Current Billing): **28.6**

HOURS REMAINING (After Current Billing): **1.4**

Julie Armijo

From: Morgan Armijo
Sent: Monday, May 25, 2015 7:59 PM
To: Julie Armijo
Subject: Fwd: Marlon House 14-1-00937-4/14-1-00938-2

Morgan Armijo
253-431-1601
ArmijoInvestigations.com
WA Lic. #1625

Sent from my iPhone

Begin forwarded message:

> **From:** Glenn Glover <gglover@co.pierce.wa.us>
> **Date:** May 14, 2015 at 8:18:42 AM PDT
> **To:** 'Morgan Armijo' <morgan@armijoinvestigations.com>
> **Subject: RE: Marlon House 14-1-00937-4/14-1-00938-2**
>
> 10 More hours approved, "G"
>
> *Glenn D. Glover*
> Investigation Specialist
> (253)798-6978
> Pierce County Dept. of Assigned Counsel
>
> ---
>
> **From:** Morgan Armijo [mailto:morgan@armijoinvestigations.com]
> **Sent:** Wednesday, May 13, 2015 4:30 PM
> **To:** Glenn Glover
> **Subject:** Marlon House 14-1-00937-4/14-1-00938-2
>
> Glenn, Julie was authorized 20hr on these two cases with multiple counts of child rape. Mark Quigley contacted me and requested I follow up on possible alibi wits that are out of State. I see that I am now at 26.2 hours. I have three reports to type up. I would like to request an additional 10 hours.
>
> Morgan

Glenn Glover

From: Glenn Glover
Sent: Thursday, May 14, 2015 8:19 AM
To: 'Morgan Armijo'
Subject: RE: Marlon House 14-1-00937-4/14-1-00938-2

10 More hours approved, "G"

Glenn D. Glover
Investigation Specialist
(253)798-6978
Pierce County Dept. of Assigned Counsel

From: Morgan Armijo [mailto:morgan@armijoinvestigations.com]
Sent: Wednesday, May 13, 2015 4:30 PM
To: Glenn Glover
Subject: Marlon House 14-1-00937-4/14-1-00938-2

Glenn, Julie was authorized 20hr on these two cases with multiple counts of child rape. Mark Quigley contacted me and requested I follow up on possible alibi wits that are out of State. I see that I am now at 26.2 hours. I have three reports to type up. I would like to request an additional 10 hours.

Morgan

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

THE STATE OF WASHINGTON,
Plaintiff,
vs. Marlon House,
Defendant.

NO. 14-1-00938-2
14-1-00937-4

AUTHORIZATION FOR PROFESSIONAL SERVICES

I. REQUESTING ATTORNEY: Quigley
II. SPECIFIC SERVICE(S) REQUESTED:
A. Service Provider: Investigator D. Armijo
B. Services Requested: Investigator
C. Amount Requested and suggested Terms: Per DAC R
III. REASONS(S) SERVICES ARE NECESSARY (Attach additional or separate sheet if necessary):
Defendant charged w multiple counts Child Rape 1°

IV. AUTHORIZATION: The DAC hereby authorizes payment for services as follows:
A. **Service Provider:**
B. **Services Authorized:**
C. **Terms and conditions of payment:** 20 hours
[ ] Hourly rate of $ 42
[ ] Maximum amount paid will not exceed $ 840.00 without written authorization.
[ ] Fixed fee of $
[ ] See attached conditions and specifications required by requesting attorney which are incorporated by reference herein as part of this agreement and authorization.
[ ] Other: Travel

NOTE: Payment will be made only upon receipt of an itemized and signed request for payment accompanied by a copy of this authorization.

Dated this 8 day of May, 20 14

MICHAEL KAWAMURA, Director
Pierce County Department of Assigned Counsel
949 Market Street, Suite 334
Tacoma, Washington 98402
(253) 798-6062

Z-350 (10/06) Original-Service Provider Yellow-DAC File Pink-DAC Admin.

PETITION FOR INVESTIGATOR FEES

INSTRUCTIONS

1. Petitions must be accompanied by an Authorization for Professional Services.
2. Petitions must be signed by investigator.
3. Request for reimbursement or payment of expenses should be documented and attached.
4. Hours should be submitted in 1/10th hours (e.g. .1 = 1/10 or 6 minutes). Do not round off to nearest quarter or half hour.

State vs. Marlon House

Cause No. 14-1-00937-4 & 14-1-00938-2

Attorney Kent Underwood

Initial Charge(s):

1. ROC1
2. MOC1
3.

Signature of Investigator

1/19/15
Date

MAKE CHECK PAYABLE TO:

Armijo Investigations

116 South Meridian, Suite C, Puyallup WA 98371
Address

26-1618661
TAX Identification Number

ITEMIZED COSTS AND EXPENSES: Reimbursement: Mileage
(Please attach documentation & indicate whether you are requesting direct payment or reimbursement.)

**** Attached confidential detailed billing on file at Assigned Counsel ****

Approved for payment in the total amount of $ 80500

DIRECTOR

Note: All petitions must be accompanied by an Authorization for Professional Services

Pierce County Assigned Counsel
949 Market Street, Suite 334
Tacoma, WA 98402

ARMIJO
INVESTIGATIONS
116 South Merician • Suite C
Puyallup WA 98371
253.841.1130
www.armijoinvestigations.com

Invoice

Invoice # 1997
Date 1/19/2015

Bill To

Pierce County Dept. of Assigned Counsel
949 Market Street, Suite 334
Tacoma, WA 98402

State v. Marlon House 14-1-00937-4 & 398-2 (ROC1) ****INTERIM BILLING****

Service Date	Description	Qty	Rate	Amount
5/19/2014	New files, print/review trial schedule	0.4	42.00	16.80
6/27/2014	Conf with atty, email from atty w/wit info	0.3	42.00	12.60
8/22/2014	Call several D wits-VMs, conf with atty	0.6	42.00	25.20
9/1/2014	Talk to witness	0.3	42.00	12.60
9/1/2014	Review Dx (case1)	1.3	42.00	54.60
9/2/2014	Talk to witness, ITVW 2 witnesses in Lakewood	4.1	42.00	172.20
9/3/2014	Email from atty, pick up addt'l Dx at DAC, review Dx (case2)	2.3	42.00	96.60
9/4/2014	Try to locate wit info on Facebook as per provided by wits, review FB pages of key individuals, ITVW wit, look up cases on WA Cts (NCO AV's mom)	2.8	42.00	117.60
9/10/2014	Report prep (x3)	3.6	42.00	151.20
9/22/2014	Copy docs at DAC for atty	0.4	42.00	16.80
12/8/2014	Email from atty with wit info	0.4	42.00	16.80
12/12/2014	Email from/to atty re: AV ITVWs	0.3	42.00	12.60
12/17/2014	Email from/to atty re: AV ITVWs	0.3	42.00	12.60
12/29/2014	Talk to witness	0.4	42.00	16.80
1/6/2015	Review Dx-med recs, talk to atty	1.2	42.00	50.40
	Mileage 2014	35	0.56	19.60

Armijo Investigations is billing for the services that our office has performed, and all the amounts due and hours billed, are accurate to the best of our knowledge.

Total **$805.00**

Signature:

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

THE STATE OF WASHINGTON, Plaintiff,
vs. Marion House, Defendant.

NO. 14-1-00938-2
14-1-00937-4

AUTHORIZATION FOR PROFESSIONAL SERVICES

I. REQUESTING ATTORNEY: Quigley
II. SPECIFIC SERVICE(S) REQUESTED:
A. Service Provider: Investigator Armijo
B. Services Requested: Investigator
C. Amount Requested and suggested Terms: Per DAC K
III. REASONS(S) SERVICES ARE NECESSARY (Attach additional or separate sheet if necessary):
Defendant charged w multiple counts
Child Rape 1°

IV. AUTHORIZATION: The DAC hereby authorizes payment for services as follows:
A. **Service Provider:**
B. **Services Authorized:**
C. **Terms and conditions of payment:** 20 hours
[ ] Hourly rate of $ 42
[ ] Maximum amount paid will not exceed $ 840.00 without written authorization.
[ ] Fixed fee of $
[ ] See attached conditions and specifications required by requesting attorney which are incorporated by reference herein as part of this agreement and authorization.
[ ] Other:

NOTE: Payment will be made only upon receipt of an itemized and signed request for payment accompanied by a copy of this authorization.

Dated this 8 day of May, 2014.

MICHAEL KAWAMURA, Director
Pierce County Department of Assigned Counsel
949 Market Street, Suite 334
Tacoma, Washington 98402
(253) 798-6062

Z-350 (10/06) Original-Service Provider Yellow-DAC File Pink-DAC Admin.

Olympic Polygraph, Inc.

Richard Smith
PO Box 1262
Puyallup, Wa. 98371
253-306-6544
Email: olypdd@gmail.com

Billing Statement

Jan. 12th, 2015

Department of Assigned Counsel
949 Market Street, Suite 334
Tacoma, Washington 98402

Ms. Pamela Cvitanovic

Billing Summary-

Invoice# 15OP-001

Cause Number: **14-1-00937-4 Pierce County**

One Sexual History Interview & Specific Issue Polygraph Examination: **$200.00**

Attorney: **Mark Quigley**

Defendant: **Marlon House**

Test Date: **Jan. 6th, 2015**

Total Due:	**$200.00**

Please make payable to: **Richard Smith/Olympic Polygraph, Inc.** at the above listed address. Thank you.

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

THE STATE OF WASHINGTON,
Plaintiff,
vs. Marion House,
Defendant.

NO. 14-1-00937-4
14-1-00938-2

AUTHORIZATION FOR PROFESSIONAL SERVICES

I. REQUESTING ATTORNEY: Quigley

II. SPECIFIC SERVICE(S) REQUESTED:
A. Service Provider: Rick Smith - Olympic Polygraph
B. Services Requested: Polygraph
C. Amount Requested and suggested Terms: per DAC K

III. REASONS(S) SERVICES ARE NECESSARY (Attach additional or separate sheet if necessary):
Defendant charged w/ multiple counts Child Rape 1° - seeking SSOSA

IV. AUTHORIZATION: The DAC hereby authorizes payment for services as follows:
A. **Service Provider:** Rick Smith
B. **Services Authorized:**
C. **Terms and conditions of payment:**
[ ] Hourly rate of $
[ ] Maximum amount paid will not exceed $ without written authorization.
[ ] Fixed fee of $ 200.00
[ ] See attached conditions and specifications required by requesting attorney which are incorporated by reference herein as part of this agreement and authorization.
[ ] Other:

NOTE: Payment will be made only upon receipt of an itemized and signed request for payment accompanied by a copy of this authorization.

Dated this 19 day of Dec, 20 15.

MICHAEL KAWAMURA, Director
Pierce County Department of Assigned Counsel
949 Market Street, Suite 334
Tacoma, Washington 98402
(253) 798-6062

Z-350 (10/06) Original-Service Provider Yellow-DAC File Pink-DAC Admin.

COMTE'S & ASSOCIATES

Michael A Comte, LICSW, ACSW ***Evaluations & Therapy***

Telephones: 253-564-3622
Fax: 253-564-1441
E-mail office@comteinc.com
Website: www.comteinc.com

INVOICE

DATE OF BILLING July 22, 2015

REGARDING: Marlon House
Cause #: 14-1-00937-4
14-1-00938-2

EVALUATOR: Michael Comte, LICSW, ACSW
Employer ID # 91-1298535

TO: Pam Cvitanovic
Legal Assistant
Department of Assigned Counsel
949 Market Street South, Suite 334
Tacoma, Washington 98402

07/14/2015 Preparation and Court testimony
Attorney: Mark Quigley

4 hours @ $150.00 each

Total: **$600.00**

Please make payment in full to:
Comte's & Associates
711 Court A, Suite 103 / Tacoma, Washington 98402

COMTE'S & ASSOCIATES

Michael A Comte, LICSW, ACSW ***Evaluations & Therapy***

Telephones: 253-564-3622
Fax: 253-564-1441
E-mail office@comteinc.com
Website: www.comteinc.com

INVOICE

DATE OF BILLING February 16, 2015

REGARDING: Marlon House
Cause #: 14-1-00937-4
14-1-00938-2

EVALUATOR: Michael Comte, LICSW, ACSW
Employer ID # 91-1298535

TO: Pam Cvitanovic
Legal Assistant
Department of Assigned Counsel
949 Market Street South, Suite 334
Tacoma, Washington 98402

01/18-19/2015 & 02/02/2015	Psychosexual Evaluation and Treatment Plan	$1500.00

Total: **$1500.00**

Please make payment in full to:
Comte's & Associates
711 Court A, Suite 103 / Tacoma, Washington 98402

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

THE STATE OF WASHINGTON,
Plaintiff,
vs. Marlon House,
Defendant.

NO. 14-1-00937-4
14-1-00938-2

AUTHORIZATION FOR PROFESSIONAL SERVICES

I. REQUESTING ATTORNEY: M. Quigley

II. SPECIFIC SERVICE(S) REQUESTED:
- A. Service Provider: Michael Comte
- B. Services Requested: Psychosexual evaluation
- C. Amount Requested and suggested Terms: per DAC K

III. REASONS(S) SERVICES ARE NECESSARY (Attach additional or separate sheet if necessary):

Defendant charged w/ Child Rape 1°, Multiple Counts, seeking SSOSA

IV. AUTHORIZATION: The DAC hereby authorizes payment for services as follows:
- A. **Service Provider:**
- B. **Services Authorized:**
- C. **Terms and conditions of payment:**
  - [ ] Hourly rate of $
  - [ ] Maximum amount paid will not exceed $ without written authorization.
  - [ ] Fixed fee of $
  - [ ] See attached conditions and specifications required by requesting attorney which are incorporated by reference herein as part of this agreement and authorization.
  - [ ] Other:

NOTE: Payment will be made only upon receipt of an itemized and signed request for payment accompanied by a copy of this authorization.

Dated this 12 day of Jan, 20 15.

MICHAEL KAWAMURA, Director
Pierce County Department of Assigned Counsel
949 Market Street, Suite 334
Tacoma, Washington 98402
(253) 798-6062

Z-350 (10/06) Original-Service Provider Yellow-DAC File Pink-DAC Admin.

To: 'sasaxon@doc1.wa.gov'[sasaxon@doc1.wa.gov]
Cc: Mark Quigley[mquigle@co.pierce.wa.us]
From: Karen Ashworth
Sent: Wed 6/24/2015 3:57:22 PM
Importance: Normal
Subject: St. v. Marlon House
MAIL_RECEIVED: Wed 6/24/2015 3:57:22 PM
Untitled.PDF - Adobe Acrobat Pro.pdf

Please be advised that this message and attachment have been sent to you on behalf of attorney Mark Quigley.

Should you have any questions or concerns, please contact Mr. Quigley directly at (253) 798-7863. Thank you.

Karen Ashworth

Assistant to MTQ

(253) 798-6971

To: 'Julie Armijo'[julie@armijoinvestigations.com]
From: Mark Quigley
Sent: Tue 10/14/2014 9:10:26 AM
Importance: Normal
Subject: RE: Martin & House
MAIL_RECEIVED: Tue 10/14/2014 9:10:00 AM

Yes, please drop off when convenient

From: Julie Armijo [mailto:julie@armijoinvestigations.com]
Sent: Monday, October 13, 2014 4:13 PM
To: Mark Quigley
Subject: Martin & House

Hi Mark,

I just got your VM. Yes, I did get some discovery on Arturo Martin. Looks like I received through page 51.

Also, I think I have found the missing original discovery for Marlon House. Morgan picked it up a couple days ago from our folder at the front desk. I already have a copy - do you need the original back?

Regards,

Julie Armijo
Investigator & Mitigation Specialist

Armijo Investigations
Cell 253-820-4455

Fax 253-203-1611
armijoinvestigations.com

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To: 'Julie Armijo'[julie@armijoinvestigations.com]
From: Mark Quigley
Sent: Wed 12/17/2014 2:08:05 PM
Importance: Normal
Subject: RE: Marlon House, 14-1-00938-2
MAIL_RECEIVED: Wed 12/17/2014 2:08:00 PM

Great Julie, thanks for keeping me updated

From: Julie Armijo [mailto:julie@armijoinvestigations.com]
Sent: Wednesday, December 17, 2014 11:33 AM
To: Mark Quigley
Subject: RE: Marlon House, 14-1-00938-2

Yes. Put it on my calendar.

I will have all the others (defense wits) interviewed before these so that we have the most information possible going into these interviews. I've been in a (very long) trial up in Seattle that wasn't supposed to go until first of the year so it's been a scramble to do a million interviews, etc (while trial is going on). Anyway, that's neither here nor there, but FYI I have a lot I will be "catching up" on the next couple weeks since things will be fairly calm during the holiday season. A lot of that "catching up" is on cases I have with you.

Regards,

Julie Armijo
Investigator & Mitigation Specialist

Armijo Investigations
Cell 253-820-4455

Fax 253-203-1611
armijoinvestigations.com

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From: Mark Quigley [mailto:mquigle@co.pierce.wa.us]
Sent: Wednesday, December 17, 2014 11:27 AM
To: Julie Armijo
Subject: FW: Marlon House, 14-1-00938-2

To: 'Office Comte'[office@comteinc.com]
From: Mark Quigley
Sent: Wed 6/24/2015 9:57:27 AM
Importance: Normal
Subject: RE: Marlon House Sentencing
MAIL_RECEIVED: Wed 6/24/2015 9:57:00 AM

Will do Barbara

From: Office Comte [mailto:office@comteinc.com]
Sent: Wednesday, June 24, 2015 9:11 AM
To: Mark Quigley
Subject: Re: Marlon House Sentencing

If you can call the office between 12:30 and 2:30 today I will be available or tomorrow morning at home until around 1:30. My cell is: 253-355-2544. Thanks, Barbara Comte

email: office@comteinc.com
711 Court A
Suite 103
Tacoma, WA 98402
(253) 564-3622 - Work
(253) 564-1441 - Fax

This e-mail is covered by the Electronic Communications Privacy Act, 18 U.S.C. secs. 2510-2521, and is legally privileged and confidential. If the reader of this message is not the intended recipient, the reader is hereby notified that any unauthorized review, dissemination, distribution, or copying of this message is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail or call the sender at (253) 564-3622, and destroy all copies of the original message.

On Mon, Jun 22, 2015 at 3:51 PM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Sally/Michael/Kara/Andy, The sentencing hearing in the above matter currently set for Thursday 6/25 at 1:30 will be requested to be continued by agreement. Please notify me if anyone has a different understanding, thank you, Mark

To: Kara Sanchez[ksanche@co.pierce.wa.us]
From: Mark Quigley
Sent: Mon 6/22/2015 2:33:09 PM
Importance: Normal
Subject: RE: Marlon House sentencing
MAIL_RECEIVED: Mon 6/22/2015 2:33:00 PM

Called her, left message. Let's assume continuance and we can convene on Thurs to pick a new date

From: Kara Sanchez
Sent: Monday, June 22, 2015 10:48 AM
To: Mark Quigley
Subject: RE: Marlon House sentencing

I only know what she's telling me. If you can call her today, 680-2621, maybe it can still get accomplished.

Kara E. Sanchez

Deputy Prosecuting Attorney

Special Assault Unit

Pierce County Prosecutor's Office

930 Tacoma Ave. S. Room 946

Tacoma, WA 98402

(253) 798-2669

(253) 798-3601 Fax

From: Mark Quigley
Sent: Monday, June 22, 2015 10:48 AM
To: Kara Sanchez
Subject: RE: Marlon House sentencing

I was gone one week, she has not been trying to get ahold of me for a month. If we have to continue it because she is not ready so be it.

From: Kara Sanchez
Sent: Monday, June 22, 2015 10:09 AM
To: Mark Quigley
Subject: Marlon House sentencing

Mark,

Sally Saxon called about this defendant. She said she's been trying to reach you to set up a time to interview the defendant, because they've been told they can't interview any DAC client without a DAC attorney present in any case. Because she hasn't been able to reach you, and she's been trying for a month, the PSI won't be done by the Thursday sentencing and it will have to be continued.

Kara E. Sanchez

Deputy Prosecuting Attorney

Special Assault Unit

Pierce County Prosecutor's Office

930 Tacoma Ave. S. Room 946

Tacoma, WA 98402

(253) 798-2669

(253) 798-3601 Fax

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Office Comte
Sent: Wed 6/24/2015 9:11:22 AM
Importance: Normal
Subject: Re: Marlon House Sentencing
MAIL_RECEIVED: Wed 6/24/2015 9:11:36 AM

If you can call the office between 12:30 and 2:30 today I will be available or tomorrow morning at home until around 1:30. My cell is: 253-355-2544. Thanks, Barbara Comte

email: office@comteinc.com
711 Court A
Suite 103
Tacoma, WA 98402
(253) 564-3622 - Work
(253) 564-1441 - Fax

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On Mon, Jun 22, 2015 at 3:51 PM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

> Sally/Michael/Kara/Andy, The sentencing hearing in the above matter currently set for Thursday 6/25 at 1:30 will be requested to be continued by agreement. Please notify me if anyone has a different understanding, thank you, Mark

To: Julie Armijo[julie@armijoinvestigations.com]
From: Mark Quigley
Sent: Wed 9/27/2017 10:13:27 AM
Importance: Normal
Subject: RE: Marlon House 14-1-00938-2 & 14-1-00937-4
MAIL_RECEIVED: Wed 9/27/2017 10:13:00 AM

Thanks, I'll wait to hear from his attorney

From: Julie Armijo [mailto:julie@armijoinvestigations.com]
Sent: Tuesday, September 26, 2017 5:24 PM
To: Mark Quigley <mquigle@co.pierce.wa.us>
Subject: Marlon House 14-1-00938-2 & 14-1-00937-4

Hi Mark,

I hope all is well with you! I received a call from Mr. House's mother, Vicki Maggit. She asked me for my investigation file so she could give it to appellate attorney Corey Parker. Any information that may or may not be shared should come from you so I'm giving you a heads up so you can decide how to proceed with this request. She gave me a number for Corey – 425-441-3279.

Thanks you,

Julie Armijo

Mitigation Specialist / Investigator

Armijo Investigations, Inc.

253-820-4455

www.armijoinvestigations.com

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To: 'Morgan Armijo'[morgan@armijoinvestigations.com]
From: Glenn Glover
Sent: Thur 5/14/2015 8:18:42 AM
Importance: Normal
Subject: RE: Marlon House 14-1-00937-4/14-1-00938-2
MAIL_RECEIVED: Thur 5/14/2015 8:18:00 AM

10 More hours approved, "G"

Glenn D. Glover

Investigation Specialist

(253)798-6978

Pierce County Dept. of Assigned Counsel

From: Morgan Armijo [mailto:morgan@armijoinvestigations.com]
Sent: Wednesday, May 13, 2015 4:30 PM
To: Glenn Glover
Subject: Marlon House 14-1-00937-4/14-1-00938-2

Glenn, Julie was authorized 20hr on these two cases with multiple counts of child rape. Mark Quigley contacted me and requested I follow up on possible alibi wits that are out of State. I see that I am now at 26.2 hours. I have three reports to type up. I would like to request an additional 10 hours.

Morgan

To: 'Julie Armijo'[julie@armijoinvestigations.com]
From: Glenn Glover
Sent: Thur 9/11/2014 4:01:12 PM
Importance: Normal
Subject: RE: Marlon House 14-1-00937-4 & 14-1-00938-2
MAIL_RECEIVED: Thur 9/11/2014 4:01:00 PM

Hello Julie,

Sorry, I've been swamped.

It would be easier if you keep it as it is, otherwise we're just doubling the paperwork. I have several Investigator's doing the same on 2 & 3 cases with the same client that may not be related. If you need more hours or want to request Interim Billing on this case, feel free, "G"

Glenn D. Glover

Investigation Specialist

(253)798-6978

Pierce County Dept. of Assigned Counsel

From: Julie Armijo [mailto:julie@armijoinvestigations.com]
Sent: Wednesday, September 10, 2014 9:58 AM
To: Glenn Glover
Subject: Marlon House 14-1-00937-4 & 14-1-00938-2

Hey G,

I am assigned to these cases and they were on one authorization. They are two completed unrelated cases - different witnesses, different AVs, etc. Can we separate them out? It would be a lot easier on my end for time tracking and if one case goes to trial before the other.

If this works for you, could we put the original authorization (20 hours) towards case #14-1-00938-2 (I'm getting close to 20 hours on that case as it is) and create a new authorization for 14-1-00937-4 for 15 hours? So, original authorization for 20 hours goes to 14-1-00938-2 and a new authorization for 14-1-00937-4 for 15 hours. Let me know. Thanks! And sorry for any confusion!

Regards,

Julie Armijo
Investigator & Mitigation Specialist

Armijo Investigations
Cell 253-820-4455

Fax 253-203-1611
armijoinvestigations.com

CONFIDENTIALITY NOTICE: This email and the files transmitted with it may be protected by attorney client privilege or attorney work product doctrine. If you believe this was sent to you in error, do not read it. Notify sender and delete it immediately.

To: Glenn Glover[gglover@co.pierce.wa.us]
From: Julie Armijo
Sent: Fri 9/12/2014 11:55:07 AM
Importance: Normal
Subject: Re: Marlon House 14-1-00937-4 & 14-1-00938-2
MAIL_RECEIVED: Fri 9/12/2014 11:55:20 AM

Ok. No worries. Thanks!

Julie Armijo
Sent from my iPhone

On Sep 11, 2014, at 4:01 PM, "Glenn Glover" <gglover@co.pierce.wa.us> wrote:

Hello Julie,

Sorry, I've been swamped.

It would be easier if you keep it as it is, otherwise we're just doubling the paperwork. I have several Investigator's doing the same on 2 & 3 cases with the same client that may not be related. If you need more hours or want to request Interim Billing on this case, feel free, "G"

Glenn D. Glover

Investigation Specialist

(253)798-6978

Pierce County Dept. of Assigned Counsel

From: Julie Armijo [mailto:julie@armijoinvestigations.com]
Sent: Wednesday, September 10, 2014 9:58 AM
To: Glenn Glover
Subject: Marlon House 14-1-00937-4 & 14-1-00938-2

Hey G,

I am assigned to these cases and they were on one authorization. They are two completed unrelated cases - different witnesses, different AVs, etc. Can we separate them out? It would be a lot easier on my end for time tracking and if one case goes to trial before the other.

If this works for you, could we put the original authorization (20 hours) towards case #14-1-00938-2 (I'm getting close to

20 hours on that case as it is) and create a new authorization for 14-1-00937-4 for 15 hours? So, original authorization for 20 hours goes to 14-1-00938-2 and a new authorization for 14-1-00937-4 for 15 hours. Let me know. Thanks! And sorry for any confusion!

Regards,

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To: 'Julie Armijo'[julie@armijoinvestigations.com]
From: Mark Quigley
Sent: Thur 9/18/2014 9:16:44 AM
Importance: Normal
Subject: RE: Marlon House 14-1-00937-4
MAIL_RECEIVED: Thur 9/18/2014 9:16:00 AM

Yes for sure, thanks

From: Julie Armijo [mailto:julie@armijoinvestigations.com]
Sent: Thursday, September 18, 2014 9:15 AM
To: Mark Quigley
Subject: Re: Marlon House 14-1-00937-4

Yes, or I may just pop it in my scanner while I'm doing other things and send you a copy! That would probably be faster for me as I'm not sure I'll be down there today or tomorrow.

Julie Armijo

Sent from my iPhone

On Sep 18, 2014, at 9:10 AM, "Mark Quigley" <mquigle@co.pierce.wa.us> wrote:

Julie, I've looked everywhere, can't find it, could you go ahead and return your copy for copying? Thanks

From: Mark Quigley
Sent: Wednesday, September 17, 2014 3:31 PM
To: 'Julie Armijo'
Subject: Marlon House 14-1-00937-4

Julie, I have misplaced the discovery on the above cause number (I do have discovery on his other case, ending in 00938-2). Assuming you have a copy, could you drop it off at our office, I will make another copy and return your copy to you? Sorry for causing extra work, Mark

To: Vickie Maggitt[vickie_maggitt@yahoo.com]
Sent: Sat 11/7/2015 3:18:44 AM
Importance: Normal
Subject: RE: Marlon House
MAIL_RECEIVED: Tue 1/6/2015 10:04:06 AM

Ms. Maggitt, Please re-read my last e-mail. You state you have "other information" that you will email to me with the hope that I will review it with an open mind. I will do so if you will send me the "other information". This seems be going in circles. You may send any information by email to this address, or fax # is 253-798-6715, or mail to my attention at Dept of Assigned Counsel, 949 Market Street, Suite 334, Tacoma, WA 98402. Julie has been instructed to contact all witnesses that have been provided to me to date by any source.

From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Monday, January 05, 2015 9:49 PM
To: Mark Quigley
Subject: Re: Marlon House

Hi Mr. Quigley,

I spoke with the investigator regarding a summary of testimony. I am not sure what you are asking. I interviewed with the investigator some months ago. The investigator stated she submitted that report to you. She also stated, "she would call you regarding this matter and get back with me as to what you maybe asking of me. Julie also stated she would be visiting Marlon on Sunday 1/4/15. However, Marlon called on Sunday and stated Julie never showed up for the meeting. Please respond regarding these issues. Thank you for you time. I look forward to hearing from you and Julie.

Thank You

God Bless

On Wednesday, December 10, 2014 9:48 AM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Ms. Maggitt, Thank you for your input, please forward to me via email any further information you have that I can use to help your son. Communications between client and attorney are confidential so unfortunately I am not able to discuss matters of strategy with you. To the extent you are a witness, please provide me with a summary of your anticipated testimony and I will have my investigator contact you to prepare further for trial. Regarding reduction of charges, the State has not offered anything less than to plea as charged. I have made requests of the State to interview both alleged victims, one of which is located out of State. I plan on being ready to start his trials in late January but you should be aware I have other trials set around that time that are older and may take precedence. I understand your frustration and impatience but the reality is this type of case, let alone two, are complicated with a lot at stake and therefore can frequently take in excess of a year to resolve or go to trial. I look forward to receiving the "other information" you referenced in your email as soon as practical. Thank you for your continued support of your son.

From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Tuesday, December 09, 2014 9:17 PM
To: Mark Quigley
Subject: Re: Marlon House

Hi Mr. Quigley, you are welcome. I just hope it does not take 3 months for your investigator to follow up with these potential witnesses. Also, you did not respond to my other questions. Will you be contacting Marlon regarding having a conversation with him about your line of defense for him or getting his chargers reduced. I do not understand what is so difficult about contacting the person your are defending. I think he should know what your plans are regarding his defense. Please respond to these concerns. You nor your investigator has kept your word. I have done everything you have asked of me in regards to helping my son's case. I do have other information regarding the case. I would like to speak with you about this information and how it may help Marlon's case. I will e-mail it to you and I hope you review it with an open mind and tell me how it may help Marlon's case. I pray daily that you have not convicted him without even putting your best foot forward as a lawyer. I look forward to hearing from you and your investigator. When does she plan on interviewing Marlon.

Thank You

God Bless

On Tuesday, December 9, 2014 10:51 AM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Ms. Maggitt, Thank you for providing the contact numbers for these potential witnesses, I will forward your email to my investigator for follow up.

-----Original Message-----
From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Monday, December 08, 2014 3:19 PM
To: Mark Quigley
Subject: Marlon House

Hi Mr. Quigley,

Here are the phone numbers for you and investigator of the people you can contact: Darlene Brown 513-686-0487; Virgie and Doug Brown 513-871-5836.

Also, Mr. Quigley, Marlon is requesting to meet with you to find out what is going on with his case. Does he not have the right to speak with you about his case. This is my son's life and I hope you will talk with him soon. The investigator told me she would talk with him that has been almost 3 months ago. I also would like to know about his charges being reduced. I read the police report and I did not read anything from the alleged victims stating he raped them. Please responed.

Thank You

Vickie Maggitt

To: Glenn Glover[gglover@co.pierce.wa.us]
From: Mark Quigley
Sent: Thur 5/8/2014 1:53:22 PM
Importance: Normal
Subject: RE: MARLON HOUSE
MAIL_RECEIVED: Thur 5/8/2014 1:53:00 PM

That's fine

From: Glenn Glover
Sent: Thursday, May 08, 2014 10:45 AM
To: Mark Quigley
Subject: MARLON HOUSE

Mark,

I reviewing the charging doc's on the above listed case, I probably need to assign this to Julie Armijo. Not many of the male Investigator's will take a Child Rape case. I hope that's ok, "G"

Glenn D. Glover

Investigation Specialist

(253)798-6978

Pierce County Dept. of Assigned Counsel

To: Glenn Glover[gglover@co.pierce.wa.us]
From: Mark Quigley
Sent: Thur 5/8/2014 2:10:45 PM
Importance: Normal
Subject: RE: MARLON HOUSE
MAIL_RECEIVED: Thur 5/8/2014 2:10:00 PM

I wish I had the option of refusing to do child rape cases, what a bunch of wimps

From: Glenn Glover
Sent: Thursday, May 08, 2014 2:05 PM
To: Mark Quigley
Subject: RE: MARLON HOUSE

Ok, "G"

Glenn D. Glover

Investigation Specialist

(253)798-6978

Pierce County Dept. of Assigned Counsel

From: Mark Quigley
Sent: Thursday, May 08, 2014 1:53 PM
To: Glenn Glover
Subject: RE: MARLON HOUSE

That's fine

From: Glenn Glover
Sent: Thursday, May 08, 2014 10:45 AM
To: Mark Quigley
Subject: MARLON HOUSE

Mark,

I reviewing the charging doc's on the above listed case, I probably need to assign this to Julie Armijo. Not many of the male Investigator's will take a Child Rape case. I hope that's ok, "G"

Glenn D. Glover

Investigation Specialist

(253)798-6978

Pierce County Dept. of Assigned Counsel

To: 'Vickie Maggitt'[vickie_maggitt@yahoo.com]
From: Mark Quigley
Sent: Tue 1/6/2015 10:29:06 AM
Importance: Normal
Subject: RE: Marlon House
MAIL_RECEIVED: Tue 1/6/2015 10:29:00 AM

Ms. Maggitt, Please re-read the previous email chain. You state you have "other information" helpful to Marlon's case which you will email me in hopes that I will review it with an open mind. Please send that information to this email, or fax to 253-798-6715, or mail to my attention at Dept of Assigned Counsel, 949 Market St., Suite 334, Tacoma, WA 98402.

I have talked to Marlon several times at length recently about the status and direction of his cases. You may contact him directly for further details. Julie Armijo has been instructed to interview any potential witness (including you) whose contact info has been provided to me from any source to date. The remainder of my previous email is self explanatory. Thank you, Mark Quigley.

From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Monday, January 05, 2015 9:49 PM
To: Mark Quigley
Subject: Re: Marlon House

Hi Mr. Quigley,

I spoke with the investigator regarding a summary of testimony. I am not sure what you are asking. I interviewed with the investigator some months ago. The investigator stated she submitted that report to you. She also stated, "she would call you regarding this matter and get back with me as to what you maybe asking of me. Julie also stated she would be visiting Marlon on Sunday 1/4/15. However, Marlon called on Sunday and stated Julie never showed up for the meeting. Please respond regarding these issues. Thank you for you time. I look forward to hearing from you and Julie.

Thank You

God Bless

On Wednesday, December 10, 2014 9:48 AM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Ms. Maggitt, Thank you for your input, please forward to me via email any further information you have that I can use to help your son. Communications between client and attorney are confidential so unfortunately I am not able to discuss matters of strategy with you. To the extent you are a witness, please provide me with a summary of your anticipated testimony and I will have my investigator contact you to prepare further for trial. Regarding reduction of charges, the State has not offered anything less than to plea as charged. I have made requests of the State to interview both alleged victims, one of which is located out of State. I plan on being ready to start his trials in late January but you should be aware I have other trials set around that time that are older and may take precedence. I understand your frustration and impatience but the reality is this type of case, let alone two, are complicated with a lot at stake and therefore can frequently take in excess of a year to resolve or go to trial. I look forward to receiving the "other information" you referenced in your email as soon as practical. Thank you for your continued support of your son.

From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Tuesday, December 09, 2014 9:17 PM

To: Mark Quigley
Subject: Re: Marlon House

Hi Mr. Quigley, you are welcome. I just hope it does not take 3 months for your investigator to follow up with these potential witnesses. Also, you did not respond to my other questions. Will you be contacting Marlon regarding having a conversation with him about your line of defense for him or getting his chargers reduced. I do not understand what is so difficult about contacting the person your are defending. I think he should know what your plans are regarding his defense. Please respond to these concerns. You nor your investigator has kept your word. I have done everything you have asked of me in regards to helping my son's case. I do have other information regarding the case. I would like to speak with you about this information and how it may help Marlon's case. I will e-mail it to you and I hope you review it with an open mind and tell me how it may help Marlon's case. I pray daily that you have not convicted him without even putting your best foot forward as a lawyer. I look forward to hearing from you and your investigator. When does she plan on interviewing Marlon.

Thank You

God Bless

On Tuesday, December 9, 2014 10:51 AM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Ms. Maggitt, Thank you for providing the contact numbers for these potential witnesses, I will forward your email to my investigator for follow up.

-----Original Message-----
From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Monday, December 08, 2014 3:19 PM
To: Mark Quigley
Subject: Marlon House

Hi Mr. Quigley,

Here are the phone numbers for you and investigator of the people you can contact: Darlene Brown 513-686-0487; Virgie and Doug Brown 513-871-5836.

Also, Mr. Quigley, Marlon is requesting to meet with you to find out what is going on with his case. Does he not have the right to speak with you about his case. This is my son's life and I hope you will talk with him soon. The investigator told me she would talk with him that has been almost 3 months ago. I also would like to know about his charges being reduced. I read the police report and I did not read anything from the alleged victims stating he raped them. Please responed.

Thank You

Vickie Maggitt

To: 'Julie Armijo'[julie@armijoinvestigations.com]
From: Mark Quigley
Sent: Wed 9/3/2014 9:19:06 AM
Importance: Normal
Subject: RE: Marlon House
MAIL_RECEIVED: Wed 9/3/2014 9:19:00 AM

Yes, I will have a copy in your folder today

From: Julie Armijo [mailto:julie@armijoinvestigations.com]
Sent: Tuesday, September 02, 2014 4:55 PM
To: Mark Quigley
Subject: Marlon House

Hi Mark,

I am meeting with D's mom and Breann this evening. I realized that I don't have the discovery for one of the cases (14-1-00937-4). Looks like there's 117 pages. Can I get a copy of that?

Regards,

Julie Armijo
Investigator & Mitigation Specialist

Armijo Investigations
Cell 253-820-4455

Fax 253-203-1611
armijoinvestigations.com

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To: 'Vickie Maggitt'[vickie_maggitt@yahoo.com]
From: Mark Quigley
Sent: Tue 12/9/2014 10:51:17 AM
Importance: Normal
Subject: RE: Marlon House
MAIL_RECEIVED: Tue 12/9/2014 10:51:00 AM

Ms. Maggitt, Thank you for providing the contact numbers for these potential witnesses, I will forward your email to my investigator for follow up.

-----Original Message-----
From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Monday, December 08, 2014 3:19 PM
To: Mark Quigley
Subject: Marlon House

Hi Mr. Quigley,

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Also, Mr. Quigley, Marlon is requesting to meet with you to find out what is going on with his case. Does he not have the right to speak with you about his case. This is my son's life and I hope you will talk with him soon. The investigator told me she would talk with him that has been almost 3 months ago. I also would like to know about his charges being reduced. I read the police report and I did not read anything from the alleged victims stating he raped them. Please responed.

Thank You

Vickie Maggitt

To: 'Vickie Maggitt'[vickie_maggitt@yahoo.com]
From: Mark Quigley
Sent: Thur 11/20/2014 11:38:59 AM
Importance: Normal
Subject: RE: Marlon House
MAIL_RECEIVED: Thur 11/20/2014 11:38:00 AM

Do these people have phone numbers that I could give to my investigator?

From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Wednesday, November 19, 2014 4:24 PM
To: Mark Quigley
Subject: Re: Marlon House

Hi Mr. Quigley

These are the people that can verify Marlon was in Cincinnati on said dates. Darlene Brown, Virgie Brown, and Doug Brown. Address is 3561 Vista Ave Cincinnati, Ohio 45208. Mr. Quigley Marlon is asking to speak with you regarding his case. Please I pray you will take the time to talk to him about what is going on with his case. I am grateful in the name of Jesus that you are working diligently on his case. I also have other information for you. However, I am unable to contact the person that is helping with the information. I hope to send it to you via e-mail by Friday 11/21/2014.

Thank You

God Bless

Vickie Maggitt

On Wednesday, November 19, 2014 3:02 PM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Ms. Maggitt, Please provide me with the information we spoke about today by phone which you indicated will be helpful in defending your son Marlon House, thanks in advance, Mark Quigley

To: 'Vickie Maggitt'[vickie_maggitt@yahoo.com]
From: Mark Quigley
Sent: Wed 12/10/2014 9:48:10 AM
Importance: Normal
Subject: RE: Marlon House
MAIL_RECEIVED: Wed 12/10/2014 9:48:00 AM

Ms. Maggitt, Thank you for your input, please forward to me via email any further information you have that I can use to help your son. Communications between client and attorney are confidential so unfortunately I am not able to discuss matters of strategy with you. To the extent you are a witness, please provide me with a summary of your anticipated testimony and I will have my investigator contact you to prepare further for trial. Regarding reduction of charges, the State has not offered anything less than to plea as charged. I have made requests of the State to interview both alleged victims, one of which is located out of State. I plan on being ready to start his trials in late January but you should be aware I have other trials set around that time that are older and may take precedence. I understand your frustration and impatience but the reality is this type of case, let alone two, are complicated with a lot at stake and therefore can frequently take in excess of a year to resolve or go to trial. I look forward to receiving the "other information" you referenced in your email as soon as practical. Thank you for your continued support of your son.

From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Tuesday, December 09, 2014 9:17 PM
To: Mark Quigley
Subject: Re: Marlon House

Hi Mr. Quigley, you are welcome. I just hope it does not take 3 months for your investigator to follow up with these potential witnesses. Also, you did not respond to my other questions. Will you be contacting Marlon regarding having a conversation with him about your line of defense for him or getting his chargers reduced. I do not understand what is so difficult about contacting the person your are defending. I think he should know what your plans are regarding his defense. Please respond to these concerns. You nor your investigator has kept your word. I have done everything you have asked of me in regards to helping my son's case. I do have other information regarding the case. I would like to speak with you about this information and how it may help Marlon's case. I will e-mail it to you and I hope you review it with an open mind and tell me how it may help Marlon's case. I pray daily that you have not convicted him without even putting your best foot forward as a lawyer. I look forward to hearing from you and your investigator. When does she plan on interviewing Marlon.

Thank You

God Bless

On Tuesday, December 9, 2014 10:51 AM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Ms. Maggitt, Thank you for providing the contact numbers for these potential witnesses, I will forward your email to my investigator for follow up.

-----Original Message-----
From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Monday, December 08, 2014 3:19 PM
To: Mark Quigley
Subject: Marlon House

Hi Mr. Quigley,

Here are the phone numbers for you and investigator of the people you can contact: Darlene Brown 513-686-0487; Virgie and Doug Brown 513-871-5836.

Also, Mr. Quigley, Marlon is requesting to meet with you to find out what is going on with his case. Does he not have the right to speak with you about his case. This is my son's life and I hope you will talk with him soon. The investigator told me she would talk with him that has been almost 3 months ago. I also would like to know about his charges being reduced. I read the police report and I did not read anything from the alleged victims stating he raped them. Please responed.

Thank You

Vickie Maggitt

To: 'Morgan Armijo'[morgan@armijoinvestigations.com]
From: Mark Quigley
Sent: Tue 4/28/2015 3:08:58 PM
Importance: Normal
Subject: RE: Marlon House
MAIL_RECEIVED: Tue 4/28/2015 3:08:00 PM

Morgan, As I suspected, thanks for inquiring, get me the reports for my file when you get a chance, Mark

-----Original Message-----
From: Morgan Armijo [mailto:morgan@armijoinvestigations.com]
Sent: Tuesday, April 28, 2015 10:35 AM
To: Mark Quigley
Subject: RE: Marlon House

Mark I wanted to let you know I have talked with a three people from the Cincinnati Ohio area. I will be working on reports and getting to you shortly. Reader's digest version is the witnesses cannot account for any sort of substantial alibi for either time frames on the two respective cases.

Thank you,

Morgan Armijo
Investigator
Armijo Investigations
Cell 253-431-1601
armijoinvestigations.com

-----Original Message-----
From: Mark Quigley [mailto:mquigle@co.pierce.wa.us]
Sent: Wednesday, April 08, 2015 2:08 PM
To: Morgan Armijo
Subject: FW: Marlon House

Morgan, This is a case you inherited from Julie. I believe it will end up resolving but in order to tie up loose ends would you contact the persons noted on the attached email to inquire about Mr. House's presence in Cincinnatti Ohio during the charging period. In essence, ask them if they know Marlon House and can they account for his presence in Ohio, what dates, and any documentary proof that would corroborate their memory. I suspect they cannot account for Defendant's presence for the entire time of the charging period thus negating a complete alibi. They may be helpful though, let me know what you find out. Thanks, Mark

-----Original Message-----
From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Monday, December 08, 2014 3:19 PM
To: Mark Quigley
Subject: Marlon House

Hi Mr. Quigley,

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Thank You

Vickie Maggitt

To: 'Vickie Maggitt'[vickie_maggitt@yahoo.com]
From: Mark Quigley
Sent: Wed 4/8/2015 10:18:29 AM
Importance: Normal
Subject: RE: Marlon House
MAIL_RECEIVED: Wed 4/8/2015 10:18:00 AM

Ms. Maggitt, My previous emails to you explain my role and my obligations regarding confidentiality of client communications. I hope you understand. In the meantime, I am still awaiting phone numbers I previously requested on November 20, 2014. Thank you for your ongoing support of your son.

From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Tuesday, March 31, 2015 11:03 PM
To: Mark Quigley
Subject: Re: Marlon House

Good Evening Mr. Quigley,

I e-mailed you about two weeks ago regarding documentation Marlon has signed and to correspond with you about Marlon's case. I hope to hear something from you soon pertaining to this matter.

I hope you and your family have a blessed Passover celebration.

Thank You

God Bless

On Saturday, November 29, 2014 2:32 PM, Vickie Maggitt <vickie_maggitt@yahoo.com> wrote:

I will get that information as soon as possible.

On Thursday, November 20, 2014 11:39 AM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Do these people have phone numbers that I could give to my investigator?

From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Wednesday, November 19, 2014 4:24 PM

To: Mark Quigley
Subject: Re: Marlon House

Hi Mr. Quigley

These are the people that can verify Marlon was in Cincinnati on said dates. Darlene Brown, Virgie Brown, and Doug Brown. Address is 3561 Vista Ave Cincinnati, Ohio 45208. Mr. Quigley Marlon is asking to speak with you regarding his case. Please I pray you will take the time to talk to him about what is going on with his case. I am grateful in the name of Jesus that you are working diligently on his case. I also have other information for you. However, I am unable to contact the person that is helping with the information. I hope to send it to you via e-mail by Friday 11/21/2014.

Thank You

God Bless

Vickie Maggitt

On Wednesday, November 19, 2014 3:02 PM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Ms. Maggitt, Please provide me with the information we spoke about today by phone which you indicated will be helpful in defending your son Marlon House, thanks in advance, Mark Quigley

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Glenn Glover
Sent: Thur 5/8/2014 2:16:46 PM
Importance: Normal
Subject: RE: MARLON HOUSE
MAIL_RECEIVED: Thur 5/8/2014 2:16:46 PM

I agree ☺

Glenn D. Glover

Investigation Specialist

(253)798-6978

Pierce County Dept. of Assigned Counsel

From: Mark Quigley
Sent: Thursday, May 08, 2014 2:11 PM
To: Glenn Glover
Subject: RE: MARLON HOUSE

I wish I had the option of refusing to do child rape cases, what a bunch of wimps

From: Glenn Glover
Sent: Thursday, May 08, 2014 2:05 PM
To: Mark Quigley
Subject: RE: MARLON HOUSE

Ok, "G"

Glenn D. Glover

Investigation Specialist

(253)798-6978

Pierce County Dept. of Assigned Counsel

From: Mark Quigley
Sent: Thursday, May 08, 2014 1:53 PM
To: Glenn Glover

Subject: RE: MARLON HOUSE

That's fine

From: Glenn Glover
Sent: Thursday, May 08, 2014 10:45 AM
To: Mark Quigley
Subject: MARLON HOUSE

Mark,

I reviewing the charging doc's on the above listed case, I probably need to assign this to Julie Armijo. Not many of the male Investigator's will take a Child Rape case. I hope that's ok, "G"

Glenn D. Glover

Investigation Specialist

(253)798-6978

Pierce County Dept. of Assigned Counsel

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Vickie Maggitt
Sent: Wed 12/9/2014 9:17:06 PM
Importance: Normal
Subject: Re: Marlon House
MAIL_RECEIVED: Wed 12/9/2014 9:17:10 PM

Hi Mr. Quigley, you are welcome. I just hope it does not take 3 months for your investigator to follow up with these potential witnesses. Also, you did not respond to my other questions. Will you be contacting Marlon regarding having a conversation with him about your line of defense for him or getting his chargers reduced. I do not understand what is so difficult about contacting the person your are defending. I think he should know what your plans are regarding his defense. Please respond to these concerns. You nor your investigator has kept your word. I have done everything you have asked of me in regards to helping my son's case. I do have other information regarding the case. I would like to speak with you about this information and how it may help Marlon's case. I will e-mail it to you and I hope you review it with an open mind and tell me how it may help Marlon's case. I pray daily that you have not convicted him without even putting your best foot forward as a lawyer. I look forward to hearing from you and your investigator. When does she plan on interviewing Marlon.
Thank You
God Bless

On Tuesday, December 9, 2014 10:51 AM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Ms. Maggitt, Thank you for providing the contact numbers for these potential witnesses, I will forward your email to my investigator for follow up.

-----Original Message-----
From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Monday, December 08, 2014 3:19 PM
To: Mark Quigley
Subject: Marlon House

Hi Mr. Quigley,

Here are the phone numbers for you and investigator of the people you can contact: Darlene Brown 513-686-0487; Virgie and Doug Brown 513-871-5836.

Also, Mr. Quigley, Marlon is requesting to meet with you to find out what is going on with his case. Does he not have the right to speak with you about his case. This is my son's life and I hope you will talk with him soon. The investigator told me she would talk with him that has been almost 3 months ago. I also would like to know about his charges being reduced. I read the police report and I did not read anything from the alleged victims stating he raped them. Please responed.

Thank You

Vickie Maggitt

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Vickie Maggitt
Sent: Thur 11/19/2014 4:24:26 PM
Importance: Normal
Subject: Re: Marlon House
MAIL_RECEIVED: Thur 11/19/2014 4:24:47 PM

Hi Mr. Quigley

These are the people that can verify Marlon was in Cincinnati on said dates. Darlene Brown, Virgie Brown, and Doug Brown. Address is 3561 Vista Ave Cincinnati, Ohio 45208. Mr. Quigley Marlon is asking to speak with you regarding his case. Please I pray you will take the time to talk to him about what is going on with his case. I am grateful in the name of Jesus that you are working diligently on his case. I also have other information for you. However, I am unable to contact the person that is helping with the information. I hope to send it to you via e-mail by Friday 11/21/2014.

Thank You

God Bless

Vickie Maggitt

On Wednesday, November 19, 2014 3:02 PM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Ms. Maggitt, Please provide me with the information we spoke about today by phone which you indicated will be helpful in defending your son Marlon House, thanks in advance, Mark Quigley

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Vickie Maggitt
Sent: Sat 11/29/2014 2:32:27 PM
Importance: Normal
Subject: Re: Marlon House
MAIL_RECEIVED: Sat 11/29/2014 2:32:32 PM

I will get that information as soon as possible.

On Thursday, November 20, 2014 11:39 AM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Do these people have phone numbers that I could give to my investigator?

From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Wednesday, November 19, 2014 4:24 PM
To: Mark Quigley
Subject: Re: Marlon House

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To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Vickie Maggitt
Sent: Wed 4/29/2015 3:33:06 PM
Importance: Normal
Subject: Re: Marlon House
MAIL_RECEIVED: Wed 4/29/2015 3:33:17 PM

Hi Mr. Quigley,

I am writing a letter to the Prosecutor and the Judge on Marlon's behalf and I would like to present the letters to them on Friday. I am informing you because I want to follow proper protocol. I look forward to hearing from you or just seeing you on Friday I will be there early.

Thank you

God Bless

On Wednesday, April 8, 2015 10:18 AM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Ms. Maggitt, My previous emails to you explain my role and my obligations regarding confidentiality of client communications. I hope you understand. In the meantime, I am still awaiting phone numbers I previously requested on November 20, 2014. Thank you for your ongoing support of your son.

From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Tuesday, March 31, 2015 11:03 PM
To: Mark Quigley
Subject: Re: Marlon House

Good Evening Mr. Quigley,

I e-mailed you about two weeks ago regarding documentation Marlon has signed and to correspond with you about Marlon's case. I hope to hear something from you soon pertaining to this matter.

I hope you and your family have a blessed Passover celebration.

Thank You
God Bless

On Saturday, November 29, 2014 2:32 PM, Vickie Maggitt <vickie_maggitt@yahoo.com> wrote:

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Ms. Maggitt, Please provide me with the information we spoke about today by phone which you indicated will be helpful in defending your son Marlon House, thanks in advance, Mark Quigley

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Morgan Armijo
Sent: Tue 4/28/2015 10:34:42 AM
Importance: Normal
Subject: RE: Marlon House
MAIL_RECEIVED: Tue 4/28/2015 10:35:02 AM

Mark I wanted to let you know I have talked with a three people from the Cincinnati Ohio area. I will be working on reports and getting to you shortly. Reader's digest version is the witnesses cannot account for any sort of substantial alibi for either time frames on the two respective cases.

Thank you,

Morgan Armijo
Investigator
Armijo Investigations
Cell 253-431-1601
armijoinvestigations.com

-----Original Message-----
From: Mark Quigley [mailto:mquigle@co.pierce.wa.us]
Sent: Wednesday, April 08, 2015 2:08 PM
To: Morgan Armijo
Subject: FW: Marlon House

Morgan, This is a case you inherited from Julie. I believe it will end up resolving but in order to tie up loose ends would you contact the persons noted on the attached email to inquire about Mr. House's presence in Cincinnatti Ohio during the charging period. In essence, ask them if they know Marlon House and can they account for his presence in Ohio, what dates, and any documentary proof that would corroborate their memory. I suspect they cannot account for Defendant's presence for the entire time of the charging period thus negating a complete alibi. They may be helpful though, let me know what you find out. Thanks, Mark

-----Original Message-----
From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Monday, December 08, 2014 3:19 PM
To: Mark Quigley
Subject: Marlon House

Hi Mr. Quigley,

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Also, Mr. Quigley, Marlon is requesting to meet with you to find out what is going on with his case. Does he not have the right to speak with you about his case. This is my son's life and I hope you will talk with him soon. The investigator told me she would talk with him that has been almost 3 months ago. I also would like to know about his charges being reduced. I read the police report and I did not read anything from the alleged victims stating he raped them. Please responed.

Thank You

Vickie Maggitt

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Morgan Armijo
Sent: Thur 4/9/2015 12:05:33 PM
Importance: Normal
Subject: RE: Marlon House
MAIL_RECEIVED: Thur 4/9/2015 12:06:04 PM

I will look into this Mark and get back to you. Morgan

Thank you,

Morgan Armijo
Investigator
Armijo Investigations
Cell 253-431-1601
armijoinvestigations.com

-----Original Message-----
From: Mark Quigley [mailto:mquigle@co.pierce.wa.us]
Sent: Wednesday, April 08, 2015 2:08 PM
To: Morgan Armijo
Subject: FW: Marlon House

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Thank You

Vickie Maggitt

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Vickie Maggitt
Sent: Wed 3/31/2015 11:02:35 PM
Importance: Normal
Subject: Re: Marlon House
MAIL_RECEIVED: Wed 3/31/2015 11:02:44 PM

Good Evening Mr. Quigley,

I e-mailed you about two weeks ago regarding documentation Marlon has signed and to correspond with you about Marlon's case. I hope to hear something from you soon pertaining to this matter.

I hope you and your family have a blessed Passover celebration.

Thank You
God Bless

On Saturday, November 29, 2014 2:32 PM, Vickie Maggitt <vickie_maggitt@yahoo.com> wrote:

I will get that information as soon as possible.

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Ms. Maggitt, Please provide me with the information we spoke about today by phone which you indicated will be helpful in defending your son Marlon House, thanks in advance, Mark Quigley

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Vickie Maggitt
Sent: Wed 4/8/2015 12:09:00 PM
Importance: Normal
Subject: Re: Marlon House
MAIL_RECEIVED: Wed 4/8/2015 12:09:21 PM

Mr. Quigley I sent you phone numbers for the people in Ohio. Are those the numbers you are inquiring about. Please let me know.

Thank You

On Wednesday, April 8, 2015 10:18 AM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Ms. Maggitt, My previous emails to you explain my role and my obligations regarding confidentiality of client communications. I hope you understand. In the meantime, I am still awaiting phone numbers I previously requested on November 20, 2014. Thank you for your ongoing support of your son.

From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
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Subject: Re: Marlon House

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To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Vickie Maggitt
Sent: Tue 1/27/2015 12:59:54 PM
Importance: Normal
Subject: Re: Marlon House
MAIL_RECEIVED: Tue 1/27/2015 1:00:06 PM

Hi Mr. Quigley,

I pray that everything is going well with Marlon's case. I was wondering if I could get a contact number for the therapist that has been seeing Marlon. I spoke with Marlon on 1/26/2015 and he informed me that the therapist was suppose to call me on Sat. 1/24/2015, however I did not receive a call and Marlon does not have any contact information. I would greatly appreciate your help with the manner .

I also have not forgotten the information I spoke of on our last court date, but I have not been able to get in contact with the person . I know we don't have a lot of time. I look forward to hearing from you.

On Tuesday, January 6, 2015 10:29 AM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Ms. Maggitt, Please re-read the previous email chain. You state you have "other information" helpful to Marlon's case which you will email me in hopes that I will review it with an open mind. Please send that information to this email, or fax to 253-798-6715, or mail to my attention at Dept of Assigned Counsel, 949 Market St., Suite 334, Tacoma, WA 98402.
I have talked to Marlon several times at length recently about the status and direction of his cases. You may contact him directly for further details. Julie Armijo has been instructed to interview any potential witness (including you) whose contact info has been provided to me from any source to date. The remainder of my previous email is self explanatory. Thank you, Mark Quigley.

From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Monday, January 05, 2015 9:49 PM
To: Mark Quigley
Subject: Re: Marlon House

Hi Mr. Quigley,
I spoke with the investigator regarding a summary of testimony. I am not sure what you are asking. I interviewed with the investigator some months ago. The investigator stated she submitted that report to you. She also stated, "she would call you regarding this matter and get back with me as to what you maybe asking of me. Julie also stated she would be visiting Marlon on Sunday 1/4/15. However, Marlon called on Sunday and stated Julie never showed up for the meeting. Please respond regarding these issues. Thank you for you time. I look forward to hearing from you and Julie.

Thank You

God Bless

On Wednesday, December 10, 2014 9:48 AM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Ms. Maggitt, Thank you for your input, please forward to me via email any further information you have that I can use to help your son. Communications between client and attorney are confidential so unfortunately I am not able to discuss matters of strategy with you. To the extent you are a witness, please provide me with a summary of your anticipated testimony and I will have my investigator contact you to prepare further for trial. Regarding reduction of charges, the State has not offered anything less than to plea as charged. I have made requests of the State to interview both alleged victims, one of which is located out of State. I plan on being ready to start his trials in late January but you should be aware I have other trials set around that time that are older and may take precedence. I understand your frustration and impatience but the reality is this type of case, let alone two, are complicated with a lot at stake and therefore can frequently take in excess of a year to resolve or go to trial. I look forward to receiving the "other information" you referenced in your email as soon as practical. Thank you for your continued support of your son.

From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Tuesday, December 09, 2014 9:17 PM
To: Mark Quigley
Subject: Re: Marlon House

Hi Mr. Quigley, you are welcome. I just hope it does not take 3 months for your investigator to follow up with these potential witnesses. Also, you did not respond to my other questions. Will you be contacting Marlon regarding having a conversation with him about your line of defense for him or getting his

chargers reduced. I do not understand what is so difficult about contacting the person your are defending. I think he should know what your plans are regarding his defense. Please respond to these concerns. You nor your investigator has kept your word. I have done everything you have asked of me in regards to helping my son's case. I do have other information regarding the case. I would like to speak with you about this information and how it may help Marlon's case. I will e-mail it to you and I hope you review it with an open mind and tell me how it may help Marlon's case. I pray daily that you have not convicted him without even putting your best foot forward as a lawyer. I look forward to hearing from you and your investigator. When does she plan on interviewing Marlon.
Thank You
God Bless

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Thank You

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To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Vickie Maggitt
Sent: Tue 1/5/2015 9:48:34 PM
Importance: Normal
Subject: Re: Marlon House
MAIL_RECEIVED: Tue 1/5/2015 9:48:39 PM

Hi Mr. Quigley,
I spoke with the investigator regarding a summary of testimony. I am not sure what you are asking. I interviewed with the investigator some months ago. The investigator stated she submitted that report to you. She also stated, "she would call you regarding this matter and get back with me as to what you maybe asking of me. Julie also stated she would be visiting Marlon on Sunday 1/4/15. However, Marlon called on Sunday and stated Julie never showed up for the meeting. Please respond regarding these issues. Thank you for you time. I look forward to hearing from you and Julie.

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Thank You

Vickie Maggitt

To: Alexis Isom[aisom@co.pierce.wa.us]
From: Glenn Glover
Sent: Thur 1/25/2018 8:57:56 AM
Importance: Normal
Subject: RE: House, Marlon 14-1-00938-2
MAIL_RECEIVED: Thur 1/25/2018 8:57:00 AM

Thank you, "G"

Glenn D. Glover

Investigation Specialist

Pierce County Dept. of Assigned Counsel

949 Market Street, Ste 334

Tacoma, WA 98402

Ph: (253)798-6978

Fax: (253)798-6715

Confidentiality Notice: This communication and the information contained within, along with any items attached as an enclosure, are privileged, confidential, and may be subject to applicable investigator/attorney/client and or work product privileges. This communication is intended solely for the use of the individual(s) named above. If you are not one of the intended addressees or you believe you may have received this communication in error, you are hereby notified that any consideration, dissemination or duplication of this communication is strictly prohibited. In addition, you shall not print, copy, retransmit, disseminate, or otherwise use this information in any form without first receiving specific written permission from the author of this communication. Any attempts intercept this message are in violation of Title 18 U.S.C. 2511 (1) of the Electronic Communications Privacy Act (ECPA). If you have received this communication in error, please reply to the sender indicating that fact and delete this information from your system immediately.

From: Alexis Isom
Sent: Thursday, January 25, 2018 8:38 AM
To: Glenn Glover <gglover@co.pierce.wa.us>
Subject: FW: House, Marlon 14-1-00938-2

Glenn.

Here is the forwarded message I sent Mark Quigley regarding the Investigator Shane Harrington.

Alexis Isom

Legal Assistant

Department of Assigned Counsel

Phone: 253-798-6975

Fax: 253-798-6715

From: Alexis Isom
Sent: Wednesday, January 24, 2018 2:23 PM
To: Mark Quigley <mquigle@co.pierce.wa.us>
Subject: House, Marlon 14-1-00938-2

Mark,

I just wanted to give you a heads up. An investigator stopped in today regarding Marlons case. It looks as though he is appealing his case and has a new attorney on the case. There is also an investigator investigating some of the facts revolving around witness statements given previously.

The facts being investigated are that Julie Armeho the Investigator originally on this case stated that she made contact with all 4 witnesses and reported back to you of that as well. Now apparently, they have retrieved sworn affidavits from all four witnesses stating that they were never contacted by any investigator in regards to this case. They are now wondering were the Witnesses deceiving them, or was there a misunderstanding in the original statements given. He is hoping to speak with you and left me his card I will leave in your mailbox, but in case it is lost I wanted to include his information in this email as well.

Shane Harrington

Criminal Defense Investigator

Phone: 360-918-7333, 206-307-1142

Fax: 206-400-2750

Alexis Isom

Legal Assistant

Department of Assigned Counsel

Phone: 253-798-6975

Fax: 253-798-6715

To: Lisa Wanner[lwanner@co.pierce.wa.us]
From: Mark Quigley
Sent: Sat 12/12/2014 4:23:26 PM
Importance: Normal
Subject: RE: House, 14-1-00937-4
MAIL_RECEIVED: Sat 12/12/2014 4:23:00 PM

Lisa, That should work, I'm not familiar with this system, is it like skype and can we get a video/audio recording?

From: Lisa Wanner
Sent: Wednesday, December 10, 2014 9:53 AM
To: Mark Quigley; Kara Sanchez
Cc: Toni Peters
Subject: House, 14-1-00937-4

I have scheduled the Omni Conference with Shyria Kelly for **Friday, January 9th at 2:30. Set up for this takes 30 minutes so I have reserved the room for 2:00pm.** The interview will take place on the 7th floor in the Rainier Conference Room.

I spoke to mom about recording and she is fine with this.

Lisa L. Wanner

Pierce County Prosecuting Attorney's Office- Special Assault Unit

Office: (253) 798-6177

Fax: (253) 798-3601

To: Mark Quigley[mquigle@co.pierce.wa.us]
Cc: Kara Sanchez[ksanche@co.pierce.wa.us]
From: Lisa Wanner
Sent: Mon 12/15/2014 11:44:26 AM
Importance: Normal
Subject: RE: House, 14-1-00937-4
MAIL_RECEIVED: Mon 12/15/2014 11:44:26 AM

Hi Mark,

My understanding is that you can bring a recorder and record the audio.

From: Mark Quigley
Sent: Friday, December 12, 2014 4:23 PM
To: Lisa Wanner
Subject: RE: House, 14-1-00937-4

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Office: (253) 798-6177

Fax: (253) 798-3601

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Julie Armijo
Sent: Sat 12/12/2014 4:25:50 PM
Importance: Normal
Subject: RE: House, 14-1-00937-4
MAIL_RECEIVED: Sat 12/12/2014 4:25:54 PM

Yes... got it down on my calendar.

Regards,

Julie Armijo
Investigator & Mitigation Specialist

Armijo Investigations
Cell 253-820-4455

Fax 253-203-1611
armijoinvestigations.com

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From: Mark Quigley [mailto:mquigle@co.pierce.wa.us]
Sent: Friday, December 12, 2014 4:22 PM
To: Julie Armijo
Subject: FW: House, 14-1-00937-4

Julie, can you attend?

From: Lisa Wanner
Sent: Wednesday, December 10, 2014 9:53 AM
To: Mark Quigley; Kara Sanchez
Cc: Toni Peters
Subject: House, 14-1-00937-4

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Fax: (253) 798-3601

To: Lisa Wanner[lwanner@co.pierce.wa.us]
From: Mark Quigley
Sent: Thur 8/13/2015 10:37:03 AM
Importance: Normal
Subject: RE: House, 14-1-00937-4
MAIL_RECEIVED: Thur 8/13/2015 10:37:00 AM

Sorry Lisa, it's probably sitting in some other file, my bad

From: Lisa Wanner
Sent: Thursday, August 13, 2015 9:09 AM
To: Mark Quigley
Subject: House, 14-1-00937-4

Hi Mark,

Kara never received the order so I'm routing another over today ☺

Please route back to my attention.

Lisa L. Wanner

Victim Advocate

Special Assault Unit

Office: (253) 798-6177

Fax: (253) 798-3601

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Lisa Wanner
Sent: Thur 8/13/2015 10:41:39 AM
Importance: Normal
Subject: RE: House, 14-1-00937-4
MAIL_RECEIVED: Thur 8/13/2015 10:41:41 AM

No worries! ☺

From: Mark Quigley
Sent: Thursday, August 13, 2015 10:37 AM
To: Lisa Wanner
Subject: RE: House, 14-1-00937-4

Sorry Lisa, it's probably sitting in some other file, my bad

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Kara never received the order so I'm routing another over today ☺

Please route back to my attention.

Lisa L. Wanner

Victim Advocate

Special Assault Unit

Office: (253) 798-6177

Fax: (253) 798-3601

To: 'Saxon, Sally A. (DOC)'[sasaxon@DOC1.WA.GOV]
From: Mark Quigley
Sent: Wed 6/24/2015 3:46:05 PM
Importance: Normal
Subject: RE: House 14-1-00937-4 and 14-1-00938-2
MAIL_RECEIVED: Wed 6/24/2015 3:46:00 PM

Understood, I will assume our elected officials in Olympia can figure it out, see you 7/1 at 9

From: Saxon, Sally A. (DOC) [mailto:sasaxon@DOC1.WA.GOV]
Sent: Wednesday, June 24, 2015 3:31 PM
To: Mark Quigley
Subject: RE: House 14-1-00937-4 and 14-1-00938-2

If legislation funding is not completed by 07/01/15, I will be laid off until they get the budget dealt with. Not thinking it will be an actuality, but just wanted to let you know that "if" the budget is not done by midnight on 06/30/15, I will not have the authority to even call and let you know I will not be there.

From: Mark Quigley [mailto:mquigle@co.pierce.wa.us]
Sent: Wednesday, June 24, 2015 3:28 PM
To: Saxon, Sally A. (DOC)
Subject: RE: House 14-1-00937-4 and 14-1-00938-2

I don't know what that means, should I put it on my calendar?

From: Saxon, Sally A. (DOC) [mailto:sasaxon@DOC1.WA.GOV]
Sent: Wednesday, June 24, 2015 3:02 PM
To: Mark Quigley
Subject: RE: House 14-1-00937-4 and 14-1-00938-2

If I am still working that day, I will be there.

From: Mark Quigley [mailto:mquigle@co.pierce.wa.us]
Sent: Wednesday, June 24, 2015 2:18 PM
To: Saxon, Sally A. (DOC)
Subject: RE: House 14-1-00937-4 and 14-1-00938-2

Sally, how about we do Acosta and Bantilan on Wed 7/1 at 9 am?

From: Saxon, Sally A. (DOC) [mailto:sasaxon@DOC1.WA.GOV]
Sent: Monday, June 22, 2015 3:18 PM

To: Mark Quigley
Subject: RE: House 14-1-00937-4 and 14-1-00938-2

The jail would prefer 8 am or 10: 30 am at they start lunch service between 9 to 9:30 can you do it earlier?

From: Mark Quigley [mailto:mquigle@co.pierce.wa.us]
Sent: Monday, June 22, 2015 3:01 PM
To: Saxon, Sally A. (DOC)
Subject: RE: House 14-1-00937-4 and 14-1-00938-2

Sally, How about Friday at 9 am, I will send the poly and psychsexual eval

From: Saxon, Sally A. (DOC) [mailto:sasaxon@DOC1.WA.GOV]
Sent: Monday, June 22, 2015 2:56 PM
To: Mark Quigley
Cc: Sofia, Lawrence J. 'Joe' (DOC); Blatman-Byers, Karen (DOC)
Subject: House 14-1-00937-4 and 14-1-00938-2

Mark,

I received your voicemail about Mr. House and getting a PSI interview scheduled. I left a message on your phone as well. I will be available for an interview tomorrow any time, Thursday

at or after 1:30 pm and Friday morning. Next week I will be available Monday afternoon, Wednesday all day, Thursday at or after 1:30 pm and all day Friday.

I noted you are requesting a SSOSA sentencing on these cases, I have not received any documentation pertaining to his psychosexual evaluation and sexual history polygraph. Could you please sent those to me as soon as possible.

Thank you,

Sally Saxon

Community Corrections Officer

Pierce County Pre-Sentence Investigator

Pierce County Sex Offender Unit-North

1016 S. 28th Street

Tacoma, WA 98409

253-680-2621

The Washington Department of Corrections is increasing the security level for email messages containing confidential or restricted data. A new Secure Email Portal is being implemented. Outbound email messages from DOC staff that contain confidential or restricted data will be routed to the portal. A notification of the secured message will be delivered to the recipient.

Click on the following web link for more information.
http://www.doc.wa.gov/business/secureemail.asp

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Click on the following web link for more information.
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To: 'Richard Smith'[olypdd@gmail.com]
From: Mark Quigley
Sent: Mon 1/5/2015 2:45:55 PM
Importance: Normal
Subject: RE: FW: New business Polygraph on Marlon House
MAIL_RECEIVED: Mon 1/5/2015 2:45:00 PM

Great, thanks

From: Richard Smith [mailto:olypdd@gmail.com]
Sent: Monday, January 05, 2015 1:03 PM
To: Mark Quigley
Subject: Re: FW: New business Polygraph on Marlon House

HI Mark,

Just touching base here. I plan to see this guy either tomorrow or Wednesday.

Richard Smith
Olympic Polygraph, Inc.
PO Box 1262
Puyallup, Wa. 98371
253-306-6544

Website: www.olypgraph.com

Examination Office-

4109 Bridgeport Way W.

Ste: D-4

University Place, Wa. 98466

"Men are not troubled by things themselves,

but by their thoughts about them." (Epictetus)

Olympic Polygraph Inc. attended the NPEA Advanced Polygraph Training Seminar ***June 23-28, 2013.***

Take a break and browse my photos- https://www.flickr.com/photos/48201687@N08/

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This email address is reserved for professional correspondence in the conduct of business as required by Olympic Polygraph Inc. It is respectfully requested that personal, political, and humorous content not be included in correspondence with olypdd@gmail.com. *Thank you.*

On Mon, Jan 5, 2015 at 10:08 AM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

From: Mark Quigley
Sent: Friday, December 19, 2014 2:35 PM
To: 'Richard Smith'
Subject: New business Polygraph on Marlon House

Rick, I represent Marlon House who is seeking a SSOSA, needs a sexual history polygraph, is located in PC Jail, I will put authorization and dec of PC and charging documents in your mail slot at DAC. He has two separate cause numbers with two separate victims, do you need the police reports or is dec of PC enough? Thanks, Mark

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Richard Smith
Sent: Fri 1/8/2015 6:56:40 PM
Importance: Normal
Subject: Re: FW: New business Polygraph on Marlon House
MAIL_RECEIVED: Fri 1/8/2015 6:56:44 PM
House, Marlon Sxl Hist- Atty Quigley.doc

Report attached. Thanks again Mark.

Richard Smith
Olympic Polygraph, Inc.
PO Box 1262
Puyallup, Wa. 98371
253-306-6544

Website: www.olypgraph.com

Examination Office-

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Olympic Polygraph, Inc.

Richard Smith

PO Box 1262
Puyallup, Wa. 98371
253-306-6544
Email: olypdd@gmail.com

Sexual History Interview Polygraph Examination

Attorney Mark Quigley
Department of Assigned Counsel
949 Market Street, Suite 334
Tacoma, Washington 98402

Jan. 6th, 2015

Defendant/Examinee: Marlon House

DOB: 11/18/1985

Cause#

Type of Polygraph Examination: UTAH Zone Comparison.

Results of Polygraph Examination: *Numerical scoring result-* ***No Deception Indicated***

Mr. Quigley,

The following is a report regarding a sexual history disclosure interview of a Mr. Marlon House on January 6th at the Pierce County Jail in Tacoma, Wa. The purpose of this examination was to verify his complete truthfulness to the following Sexual History Interview, with special emphasis on whether he is concealing incidents of any type of sexual touching, consensual or not, which also includes contact to include by definition any sexualized interaction, or communication in person, over the phone or internet with any child or minor under 18 years of age. He was also tested regarding sexual contact with others by any force.

Waiver-Release for Polygraph Testing

Mr. House confirmed by signature on my release form that he is taking the polygraph voluntarily, and was advised in this form that any and all information arising from said polygraph is confidential, for himself, and his attorney Mark Quigley. Mr. House was then asked the questions in the following Sexual History Interview. It should be noted that I carefully discussed words and terms in each of the questions with Mr. House, to ensure he understood the content and meaning of each question asked. This is also done to preclude rationalization. He was advised that his sexual history interview, and the polygraph to follow, were not focused in any way on the instant offense he is currently charged with.

Olympic Polygraph, Inc.

Richard Smith

PO Box 1262
Puyallup, Wa. 98371
253-306-6544
Email: olypdd@gmail.com

Instant Offense

American Polygraph Association Sex Offender Testing Guidelines specify that sexual history examinations do not ask specific questions about the Instant Offense during the pre-test, or examination (instrumentation) phase. Any discrepancies, if any, between the official version of the offense and the offender's version, must be addressed in a separate polygraph examination.

What was the crime you're charged with? **Child Rape and Child Molest 1st Degree (he thinks).**

Have you admitted to the details of the crime you're charged with, or being charged with? **No.**

Who is your therapist? **n/a**

SEXUAL HISTORY QUESTIONNAIRE

JUVENILE SEXUAL ACTIVITY

Years of age= YOA

As a juvenile under the age of 18, did you ever have any kind of sexual contact with another person? **Yes.**

Males- **No.**

Females- **Yes, Cannot recall how many but they were all peer age.**

How old were you when you had your first sexual encounter? **Age 12.**

How old were you when you first masturbated? **Denies ever doing this. I questioned him further and he then said 12-13 yoa.**

How often did you masturbate when you were under the age of 18? **Just when he was being sexual with a girl, occasionally.**

Did you use adult pornography? **No.**

Did you use child pornography? **No.**

Did you masturbate in front of another person when you were under the age of 18? **Yes.**

Did you masturbate outside your home or a public place as a juvenile? **No.**

Richard Smith

PO Box 1262
Puyallup, Wa. 98371
253-306-6544
Email: olypdd@gmail.com

What did you think about, visualize in your mind, or imagine when you masturbated? **Girls he had been with at the time.**

Did you ever have sexual contact with any family member? **No.**

Besides your case, did you do anything sexual that you could have been arrested for? ***No.***

While masturbating, did you have fantasies of, or think about young children? **No.**

Did you have rape fantasies? **No.**

Did you masturbate to violent visuals or seeing people in fear or being hurt? **No.**

Have you masturbated in front of younger children? **No.**

How often did you watch or view pornography when you were under 18? **Occasionally.**

Did any adult touch you sexually when you were under 18? **No.**

ADULT SEXUAL ACTIVITY

After the age of 18, approximately how many sexual partners have you had? **Doesn't know for sure, at least over a hundred.**

Were any of these females under 18 YOA while you were an adult? **Yes. Maybe 7 at the most. These girls were in the 16-17 years of age range and he was in the 18-20 years of age range at the time.**

Were any of these females under 16 yoa? **No.**

What kind of sexual acts have you participated in with your female sexual partners? **Penile/vaginal sexual intercourse, penile/anal sexual intercourse, oral sex on each other.**

How often do you masturbate since you turned 18? **He denies doing so.*(see next page).**

What sexual acts do you fantasize, visualize, or think about the most while masturbating? **He said he would have to actually see a female, he denies engaging in sexual fantasy.**

While masturbating, do you have fantasies or think about children or underage girls? **Denies this.**

Do you have rape fantasies? **No.**

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Do you look at adult pornography while masturbating? **Denies masturbating. Yes. Mostly on the internet, sometimes cable.**

Do you look at child pornography ever, or nude, or semi-nude images of persons under 18 YOA while masturbating? **No.**

Have you masturbated in front of another person since you turned 18? **Yes. Woman he was having sex with.***

Have you masturbated in front of any children or underage person? **No.**

Have you shown your penis to any child or underage person? **Yes. Just in his case.**

Have you masturbated outside your home, in a public place, or in a vehicle since you turned 18? **No.**

How often do you watch pornography? **Occasionally.**

Did you ever go to a theater to watch adult pornography? **No.**

Did you masturbate in a theater? **No.**

Did you have sexual contact with anyone in a theater? **No.**

Did you ever watch or attend Peep Shows? **No.**

Did you masturbate in a private video booths? **No.**

Did you masturbate or engage in any sexual acts with anyone else in a private booth or Adult Book or Novelty Store? **No.**

Did you go to strip clubs or topless bars? **Yes.**

Did you ever buy lap dances? **No.**

Did you engage in any sexual acts with any of the dancers at strip clubs? **No.**

Did you go to massage parlors? **No.**

Did you engage in any sexual acts with anyone at a massage parlor? **N/A**

Richard Smith

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Have you called, contacted online, or been to any place that promoted prostitution or was an escort service? **No.**

Since you turned 18, have you ever have any kind of sexual contact with another male? **No.**

Have you ever placed any personal ads or profile on the internet or in a newspaper, or any publication to meet people for sex? **No.**

Did you ever have sex with anyone you met through a personal ad in any publication or on the internet? **Yes, via site called "TAGGED".**

What is the worst sexual act you ever engaged in as an adult that you were not charged with or arrested for? **None.**

INTERNET

Do you have a MySpace, Facebook or any other internet account? **Yes. Tagged. Plenty of Fish Facebook, Yahoo mail, no others that he can think of.**

Did you ever chat sexually with anyone on the internet? **Yes.**

Did you ever chat sexually with anyone you knew to be a minor child on the internet? **No.**

Did/do you have a web cam on your computer or any computer you used, tablet or cell phone? **No.**

Did you send nude photographs or sexually explicit photographs from a computer, tablet, ipod or cell phone to others? **Yes. To a peer age girls. Some whom he dated.**

Did you send any nude photos of yourself or others to minors under 18? **No.**

Did you receive any nude photographs or sexually explicit photographs from others? **Yes, from peer age women.**

Did you receive any nude photographs, pictures, or images from any minor children under 18? **No.**

Did you ever view nude or partially nude images of children or minors under 18 on any computer, cell phone, ipod, or tablet? **No.**

DEVIANT & OTHER SEXUAL ACTS

Have you ever engaged in any of the following sexual acts-

Olympic Polygraph, Inc.

Richard Smith

PO Box 1262
Puyallup, Wa. 98371
253-306-6544
Email: olypdd@gmail.com

Have you ever engaged in any kind of sexual act or sexual contact with an animal, or have been sexually aroused by contact with an animal? **No.**

Have you ever used a vibrator or sexual toy during sex? **No.**

Have you ever had sex or sexual contact with a member of your family or family relation? **No.**

Have you ever exposed your penis, genitals, or anus to a stranger or non-consenting person? **No.**

Have you ever done any peeping or spying on others? **No.**

Have you ever engaged in phone sex? **No.**

Have you ever made any sexually obscene telephone calls? **No.**

Have you called any 1-800 or 1-900 telephone sex line? **No.**

Have you ever taken any nude photographs or videos of yourself or anyone else? **Yes. Of his genitals.**

Where are those photographs now? **Doesn't think anyone has them any longer.**

Have you ever stalked anyone, followed and watched them for your own sexual arousal or excitement? **No.**

Have you ever paid for the services of a prostitute or escort? **No.**

Have you ever been paid for sex? **No.**

Have you ever traded anything or bartered for sexual activity? **No.**

Have you ever engaged in any kind of sexual activity with more than one person at a time? **Yes.**

Have you ever physically forced, restrained, or instilled fear in anyone to get them to have sex with you against their will? **No.**

Did you ever continue having sex with anyone after they asked you to stop or said NO, or made it clear in some manner that they did not want to continue being sexual with you? **No.**

Did you ever give someone medication, liquid, pills, or put something in their drink so you could have sex with them even if they didn't want to? **No.**

Richard Smith

PO Box 1262
Puyallup, Wa. 98371
253-306-6544
Email: olypdd@gmail.com

Have you ever had sex with anyone who was unconscious, incapacitated, or for any reason unable to give consent or know what you did? **No.**

Did you ever harm or cause pain to anyone while having any kind of sex with them? **No.**

Have you allowed anyone to harm or cause pain to you during any kind of sex? **No.**

Have you ever tied or bound anyone up during sex? **No.**

Have you allowed anyone to tie or bind you during any kind of sex? **No**

Have you ever engaged in auto-asphyxiation? **No.**

Have you ever put a pillow, rag, towel, or plastic bag, or anything else over, or in a sexual partner's mouth during sex? **No.**

Did you ever sexually touch or rub up against anyone under the pretense of an accident or without them knowing what you did (Frottage)? **No.**

Have you ever had anal intercourse with anyone? **Yes.**

Have you ever inserted anything into your anus? **No.**

Have you ever attempted auto fellatio? **No.**

Have you ever had a sexually transmitted disease? **Yes-**

AIDS? **No.**

Herpes? **No.**

Gonorrhea? **No.**

Syphilis? **No.**

Chlamydia? **Yes.**

Have you ever worn any female clothing or lingerie? **No.**

Have you ever used female clothing or lingerie as a stimulant during masturbation? **No.**

Richard Smith

PO Box 1262
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Email: olypdd@gmail.com

Have you ever engaged in a sexual act in which either you or your partner used urine or feces? **No.**

Have you ever had any kind of sexual contact with a dead, or dying person, or someone who was about to die? **No.**

Have you ever had any kind of sexual contact with a mentally disabled person? **No.**

Have you ever had sexual contact with an elderly person who was or was not incapacitated? **No.**

Have you ever been excited sexually by setting fires? **No.**

Have you ever been to a public library? **Yes.**

Did you speak to children or teens at library? **No.**

Use a computer at library? **Yes.**

Did you view nude images of persons or those under 18 on a computer at library? **No.**

Did you masturbate at a public library? **No.**

ALCOHOL & ILLEGAL DRUGS

How old were you when your first consumed alcohol? **Age 10.**

How many times have you been drunk? **Numerous times before age 21. Stopped drinking at about age 22.**

Do you consider yourself to be an alcoholic? **No.**

Have you ever been in treatment for alcoholism? **No.**

When was the last time you had any alcohol to drink? **About age 22.**

Have you ever used any illegal drugs or marijuana? **Marijuana.**

Last time you used drugs and what type? **2006 ecstacy. March 2014 marijuana.**

Have you ever sold any illegal drugs? **No.**

Did you grow marijuana? **No.**

Olympic Polygraph, Inc.

Richard Smith

PO Box 1262
Puyallup, Wa. 98371
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PHYSICAL VIOLENCE

How many physical altercations were you involved in with your siblings? **n/a- only child.**

How many fights did you get into during your school years at school? **Two.**

How many fights were you involved in as an adult? **A few.**

Have you been arrested for assault? **No.**

Have you ever pushed, shoved, slapped, hit, pinched, kicked or punched a wife, child or girlfriend? **Yes, he shoved a girlfriend before.**

SEXUAL CONTACT WITH A CHILD as an Adult

Not including the case you were charged with, or what you already told me, have you ever had any kind of sexual contact with a child, or minor under 16, that you haven't told me about? **No.**

As an adult, have you ever spoken to, or chatted with a child or minor under 16 about anything sexual in person, or on the phone, over the internet via computer, tablet, or cell phone? **No.**

CONTACT WITH YOUR VICTIM(s)-

He denies seeing or having any direct or indirect contact with his victims.

CONTACT WITH MINORS *for Grooming Purposes-*

He denies engaging in grooming behaviors with children.

Have you purchased gifts or given something to a minor child for grooming purposes? **No.**

Have you been alone unsupervised with a minor child? **Yes.**

Did anything inappropriate or sexual occur between you and any children that you didn't tell me about? **No.**

Did you ever discuss anything sexual with a child? **No.**

Richard Smith

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Did you ever show a child persons in the nude, or sexual imagery of any kind? **No.**

Have you been all alone in a home or vehicle with any minor child? **Yes.**

Have you engaged in any grooming activity with a minor child? **No.**

Have you had any *secret* contact with a minor child? **No.**

Have you told a *secret* to a minor child? **No.**

Have you ever asked, or told a child to keep a secret? **No.**

Have you felt sexually aroused by looking at, or having any contact with a child? **No.**

What is the youngest age you could potentially find sexually arousing to you? **Age 17.**

Not including the case you're charge with, or what you have already told me, have you ever touched or fondled the genitals, breasts, or anus of any child you didn't tell me about? **No.**

Have you visited, entered, or loitered near any of the following places where children play or congregate while you were alone because you wanted to watch children, or expose yourself to them? **No.**

Parks? **No.**
Schools? **No.**
Playgrounds? **No.**
Arcades? **No.**
Fast Food Restaurants? **No.**
Day Care centers? **No.**
Festivals/Fairs? **No.**
Malls? **No.**
Recreational Places? **No.**

Truthfulness Summary

Have you lied to me about your sexual thoughts, feelings, or fantasies? **No.**

Have you deliberately withheld from me any minor children, or person that you have engaged in any kind of sexual contact with because it was likely illegal? **No.**

Richard Smith

PO Box 1262
Puyallup, Wa. 98371
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Have you withheld any person from me that you physically forced or threatened, or physically restrained, or scared into any kind of sexual contact with you? **No.**

Are you withholding something from me that you know, or feel you should have disclosed? **No.**

Did you lie to me about anything during this sexual history interview? **No.**

POLYGRAPH EXAMINATION

A pretest interview was conducted with Mr. House, wherein it was determined that he was experiencing no apparent physical, or any known psychological issue, which would preclude a valid polygraph test result. Mr. House did not appear to be under the influence of any intoxicating beverage, liquor, and/or drugs/pharmaceuticals.

The testing platform utilized is a Lafayette LX4000 computerized polygraph system including the most up to date software and algorithms for analysis of physiological data (updated September 2014) The sensors utilized in this system monitor- thoracic and abdominal response, cardio/blood pressure/blood volume/pulse rate/dicrotic notch response, electrodermal skin response, and pulse blood volume of the vasomotor response of the arterioles in the digital extremity by use of a photo-plethysmograph. Motion sensor technology is also employed to monitor for systematic movement.

The polygraph examination procedure, and all test questions were fully explained to Mr. House to ensure common understanding of their purpose, meaning, and to preclude rationalization. I made it very clear that his sexual history interview, and the polygraph to follow, were not focused in any way on the instant offense he is currently charged with.

The following relevant questions were presented to Mr. House in three separate administrations of a **"UTAH Zone Comparison Technique"** polygraph examination-

RQ#1) **Not including your case, did you sexually touch anyone under 16 while you were an adult?** *Mr. House responded "NO".*

RQ#2) **Not including your case, did you have sex with anyone under 16 while you were an adult?** *Mr. House responded "NO".*

RQ#3) **Not including your case, did you ever force someone into sexual contact with you?** *Mr. House responded "NO".*

POLYGRAPH EXAMINATION RESULTS

Manual *numerical* chart evaluation of Mr. House's physiological responses to the relevant issue questions listed above, scored conclusively into the numerical range consistent with a subject who is

Richard Smith

PO Box 1262
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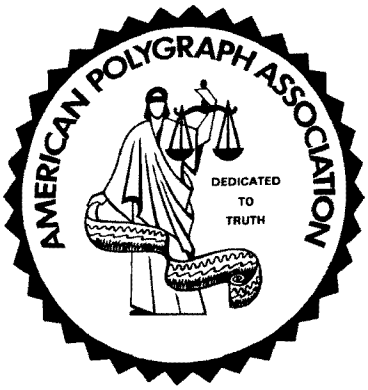
NOT attempting deception. Therefore, Mr. House's polygraph examination result must be reported as- **No Deception Indicated.**

Polyscore and OSS3 algorithms were used for probability analysis and indicated results consistent with manual scoring. In post test, he disclosed no recollection of anything of relevant concern. Please contact me with any questions.

Best regards,

Richard Smith
Olympic Polygraph, Inc.
PO Box 1262
Puyallup, Wa. 98371
253-306-6544


AMERICAN POLYGRAPH ASSOCIATION
DEDICATED
TO
TRUTH

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Richard Smith
Sent: Mon 1/5/2015 1:03:10 PM
Importance: Normal
Subject: Re: FW: New business Polygraph on Marlon House
MAIL_RECEIVED: Mon 1/5/2015 1:03:14 PM

HI Mark,

Just touching base here. I plan to see this guy either tomorrow or Wednesday.

Richard Smith
Olympic Polygraph, Inc.
PO Box 1262
Puyallup, Wa. 98371
253-306-6544

Website: www.olypgraph.com

Examination Office-

4109 Bridgeport Way W.
Ste: D-4
University Place, Wa. 98466

"Men are not troubled by things themselves,

but by their thoughts about them." (Epictetus)

Olympic Polygraph Inc. attended the NPEA Advanced Polygraph Training Seminar ***June 23-28, 2013.***

Take a break and browse my photos- https://www.flickr.com/photos/48201687@N08/

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This email address is reserved for professional correspondence in the conduct of business as required by Olympic Polygraph Inc. It is respectfully requested that personal, political, and humorous content not be included in correspondence with olypdd@gmail.com. *Thank you.*

On Mon, Jan 5, 2015 at 10:08 AM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

From: Mark Quigley
Sent: Friday, December 19, 2014 2:35 PM
To: 'Richard Smith'
Subject: New business Polygraph on Marlon House

Rick, I represent Marlon House who is seeking a SSOSA, needs a sexual history polygraph, is located in PC Jail, I will put authorization and dec of PC and charging documents in your mail slot at DAC. He has two separate cause numbers with two separate victims, do you need the police reports or is dec of PC enough? Thanks, Mark

To: Mary Kay High[mhigh@co.pierce.wa.us]
From: Julie Armijo
Sent: Thur 1/24/2018 7:34:31 PM
Importance: Normal
Subject: Re: Case - Marlon House
MAIL_RECEIVED: Thur 1/24/2018 7:34:39 PM

Thank you! Just wanted you all to be in the loop with what had occurred.

Julie Armijo
Sent from my iPhone

On Jan 24, 2018, at 7:32 PM, Mary Kay High <mhigh@co.pierce.wa.us> wrote:

Morgan did the right thing by directing him to contact the attorney. If they contact us and have a release from the client we cooperate. With a release from the client we continue to be bound by the rules of professional conduct.

Mary K. High

Chief Deputy

Department of Assigned Counsel

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From: Julie Armijo [mailto:julie@armijoinvestigations.com]
Sent: Wednesday, January 24, 2018 7:10 PM
To: Mark Quigley <mquigle@co.pierce.wa.us>
Cc: Mary Kay High <mhigh@co.pierce.wa.us>
Subject: Re: Case - Marlon House

FYI - Mr. Harrington just came to my home. I did not answer my door. Ironically, Morgan had just left so I had him come back (because I saw a male I didn't know on the camera). Mr. Harrington asked him if I discuss my cases with him. Morgan told him no and that he needed to contact the attorneys office.

Julie Armijo

Sent from my iPhone

On Jan 24, 2018, at 4:53 PM, Mark Quigley <mquigle@co.pierce.wa.us> wrote:

Julie, thanks for contacting me on this, I has ordered the file from archives, I start a trial tomorrow, will be in contract soon

From: Julie Armijo [mailto:julie@armijoinvestigations.com]
Sent: Wednesday, January 24, 2018 4:25 PM
To: Mark Quigley <mquigle@co.pierce.wa.us>
Cc: Mary Kay High <mhigh@co.pierce.wa.us>
Subject: FW: Case - Marlon House

Hi Mark,

Please see the email below and attached voice message – I am still being contacted for information on Mr. House's cases. Being part of your defense team on these matters, I consider this privileged information and have not responded to Mr. Harrington. I wanted you to be aware of the requests for information.

Thank you!

Julie Armijo

Mitigation Specialist | Investigator

Armijo Investigations Inc.

253-820-4455

www.armijoinvestigations.com

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From: HARRINGTON INVESTIGATIONS: Dr. Shane Harrington (PhD, MBA) [mailto:shane@harringtonpi.com]
Sent: Monday, January 22, 2018 1:10 PM
To: Julie Armijo <julie@armijoinvestigations.com>
Cc: HARRINGTON INVESTIGATIONS: Dr. Shane Harrington (PhD, MBA) <shane@harringtonpi.com>
Subject: Case - Marlon House

Hi Julie,

My name is Shane Harrington and I am a licensed private investigator working with Mr. Marlon House's attorney, Mr. Corey Parker.

I have been requested by Mr. Parker to follow up with you directly, per this case, and inquire about whether you had initiated contact with any witnesses and/or alleged victims in the investigation.

And, if so, would you be willing to provide any specific documentation, supporting evidence, etc. about when this contact may have occurred?

We are in the process of filing a PRP (Personal Restraint Petition) on behalf of Mr. House and this verification is highly relevant.

Our specific purpose for contacting you is, as follows:

On Friday, 08/22/2014, Mr. Mark Quigley (criminal defense attorney) stated in a Status Conference, "I have retained an investigator, Julie Armijo, who has made contact with every witness that Mr. House has advised me that he would like me to subpoena for trial, and so that's been done."

This statement by Mr. Quigley, before Judge Vicki Hogan (Pierce County Superior Court Cause # 14-1-00938-2), would imply that you were already successful in your attempt to locate and by this time, had initiated contact with each of the witnesses. Based upon your recollection and notes/billing documents/etc., was this accurate?

It also appears that during that particular Status Conference, Mr. House attempted to seek new Counsel, but his request to do so was denied. Were you still retained on the case, following 08/22/2014?

If you were successful in initiating contact with each of the witnesses, could you please describe how they were contacted? In-person, phone, text, email, etc.?

If you could please let me know ASAP, I would sincerely appreciate it. Thank you again. My contact information is below, if you have any questions and my cell phone is 206-307-1142.

I look forward to hearing from you and hope you are doing well.

Respectfully,

Shane

Dr. Shane Harrington (PhD, MBA)
HARRINGTON INVESTIGATIONS
Licensed Private Investigator
WA Agency 2066 | Principal 3828

(360) 918-7333 office
(206) 400-2750 fax
harringtonpi.com

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Saxon, Sally A. (DOC)
Sent: Thur 7/2/2015 1:42:47 PM
Importance: Normal
Subject: RE: Acosta and Bantilan
MAIL_RECEIVED: Thur 7/2/2015 1:43:06 PM

Mark,

Due to unexpected staffing and extra duty issues, I will not be able to complete these interviews today. I will complete the interviews on Monday and should have the PSI reports in to you and the Court before sentencing.

From: Mark Quigley [mailto:mquigle@co.pierce.wa.us]
Sent: Wednesday, July 01, 2015 11:49 AM
To: Saxon, Sally A. (DOC)
Subject: RE: Acosta and Bantilan

Sally, I spoke to both Mr. Acosta and Mr. Bantilan and they both agreed to waive my presence at the PSI interview. I am comfortable with the interviews proceeding without my presence given my experience with you as well as the nature of the agreed sentences and their determinate nature. I am hopeful the PSI reports will be ready for sentencing on 7/10 as both clients are anxious to leave the jail, thanks, Mark

From: Saxon, Sally A. (DOC) [mailto:sasaxon@DOC1.WA.GOV]
Sent: Wednesday, July 01, 2015 8:06 AM
To: Mark Quigley
Subject: Acosta and Bantilan

Mark,

Have you been able to determine when you will be able to schedule the PSI interview for these two cases? Last we spoke on 07/26/15, you stated you would not be able to do them today, is that still correct?

Thanks,

Sally Saxon

Community Corrections Officer

Pierce County Pre-Sentence Investigator

Pierce County Sex Offender Unit-North

1016 S. 28th Street

Tacoma, WA 98409

253-680-2621

From: Mark Quigley [mailto:mquigle@co.pierce.wa.us]
Sent: Wednesday, June 24, 2015 4:00 PM
To: Saxon, Sally A. (DOC)
Subject: RE: House 14-1-00937-4 and 14-1-00938-2

yes

From: Saxon, Sally A. (DOC) [mailto:sasaxon@DOC1.WA.GOV]
Sent: Wednesday, June 24, 2015 3:58 PM
To: Mark Quigley
Subject: RE: House 14-1-00937-4 and 14-1-00938-2

I will be optimistic too and I will see you then. They are both in the New Jail correct?

From: Mark Quigley [mailto:mquigle@co.pierce.wa.us]
Sent: Wednesday, June 24, 2015 3:46 PM
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Understood, I will assume our elected officials in Olympia can figure it out, see you 7/1 at 9

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Subject: RE: House 14-1-00937-4 and 14-1-00938-2

I don't know what that means, should I put it on my calendar?

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Sent: Wednesday, June 24, 2015 3:02 PM
To: Mark Quigley
Subject: RE: House 14-1-00937-4 and 14-1-00938-2

If I am still working that day, I will be there.

From: Mark Quigley [mailto:mquigle@co.pierce.wa.us]
Sent: Wednesday, June 24, 2015 2:18 PM
To: Saxon, Sally A. (DOC)
Subject: RE: House 14-1-00937-4 and 14-1-00938-2

Sally, how about we do Acosta and Bantilan on Wed 7/1 at 9 am?

From: Saxon, Sally A. (DOC) [mailto:sasaxon@DOC1.WA.GOV]
Sent: Monday, June 22, 2015 3:18 PM
To: Mark Quigley
Subject: RE: House 14-1-00937-4 and 14-1-00938-2

The jail would prefer 8 am or 10: 30 am at they start lunch service between 9 to 9:30 can you do it earlier?

From: Mark Quigley [mailto:mquigle@co.pierce.wa.us]
Sent: Monday, June 22, 2015 3:01 PM
To: Saxon, Sally A. (DOC)
Subject: RE: House 14-1-00937-4 and 14-1-00938-2

Sally, How about Friday at 9 am, I will send the poly and psychsexual eval

From: Saxon, Sally A. (DOC) [mailto:sasaxon@DOC1.WA.GOV]

Sent: Monday, June 22, 2015 2:56 PM
To: Mark Quigley
Cc: Sofia, Lawrence J. 'Joe' (DOC); Blatman-Byers, Karen (DOC)
Subject: House 14-1-00937-4 and 14-1-00938-2

Mark,

I received your voicemail about Mr. House and getting a PSI interview scheduled. I left a message on your phone as well. I will be available for an interview tomorrow any time, Thursday

at or after 1:30 pm and Friday morning. Next week I will be available Monday afternoon, Wednesday all day, Thursday at or after 1:30 pm and all day Friday.

I noted you are requesting a SSOSA sentencing on these cases, I have not received any documentation pertaining to his psychosexual evaluation and sexual history polygraph. Could you please sent those to me as soon as possible.

Thank you,

Sally Saxon

Community Corrections Officer

Pierce County Pre-Sentence Investigator

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The Washington Department of Corrections is increasing the security level for email messages containing confidential or restricted data. A new Secure Email Portal is being implemented. Outbound email messages from DOC staff that contain confidential or restricted data will be routed to the portal. A notification of the secured message will be delivered to the recipient.

Click on the following web link for more information.
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To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Saxon, Sally A. (DOC)
Sent: Wed 7/1/2015 11:50:03 AM
Importance: Normal
Subject: RE: Acosta and Bantilan
MAIL_RECEIVED: Wed 7/1/2015 11:50:12 AM

Thank you for the notification, I will be interviewing them both tomorrow afternoon. I will have the reports submitted as soon as possible.

From: Mark Quigley [mailto:mquigle@co.pierce.wa.us]
Sent: Wednesday, July 01, 2015 11:49 AM
To: Saxon, Sally A. (DOC)
Subject: RE: Acosta and Bantilan

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Subject: RE: House 14-1-00937-4 and 14-1-00938-2

Sally, how about we do Acosta and Bantilan on Wed 7/1 at 9 am?

From: Saxon, Sally A. (DOC) [mailto:sasaxon@DOC1.WA.GOV]
Sent: Monday, June 22, 2015 3:18 PM
To: Mark Quigley
Subject: RE: House 14-1-00937-4 and 14-1-00938-2

The jail would prefer 8 am or 10: 30 am at they start lunch service between 9 to 9:30 can you do it earlier?

From: Mark Quigley [mailto:mquigle@co.pierce.wa.us]
Sent: Monday, June 22, 2015 3:01 PM
To: Saxon, Sally A. (DOC)
Subject: RE: House 14-1-00937-4 and 14-1-00938-2

Sally, How about Friday at 9 am, I will send the poly and psychsexual eval

From: Saxon, Sally A. (DOC) [mailto:sasaxon@DOC1.WA.GOV]
Sent: Monday, June 22, 2015 2:56 PM
To: Mark Quigley
Cc: Sofia, Lawrence J. 'Joe' (DOC); Blatman-Byers, Karen (DOC)
Subject: House 14-1-00937-4 and 14-1-00938-2

Mark,

I received your voicemail about Mr. House and getting a PSI interview scheduled. I left a message on your phone as well. I will be available for an interview tomorrow any time, Thursday

at or after 1:30 pm and Friday morning. Next week I will be available Monday afternoon, Wednesday all day, Thursday at or after 1:30 pm and all day Friday.

I noted you are requesting a SSOSA sentencing on these cases, I have not received any documentation pertaining to his psychosexual evaluation and sexual history polygraph. Could you please sent those to me as soon as possible.

Thank you,

Sally Saxon

Community Corrections Officer

Pierce County Pre-Sentence Investigator

Pierce County Sex Offender Unit-North

1016 S. 28th Street

Tacoma, WA 98409

253-680-2621

The Washington Department of Corrections is increasing the security level for email messages containing confidential or restricted data. A new Secure Email Portal is being implemented. Outbound email messages from DOC staff that contain confidential or restricted data will be routed to the portal. A notification of the secured message will be delivered to the recipient.

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Click on the following web link for more information.
http://www.doc.wa.gov/business/secureemail.asp

To: Michael Kawamura[mkawamu@co.pierce.wa.us]; Mary Kay High[mhigh@co.pierce.wa.us]
From: Mark Quigley
Sent: Mon 7/13/2015 10:10:04 AM
Importance: Normal
Subject: PSI Issues Quigley
MAIL_RECEIVED: Mon 7/13/2015 10:10:06 AM

Mike/Mary Kay, This email is in response to Joe Sophia's July 9, 2015 email which alleges that delays in PSI reports are caused by DAC attorneys being unresponsive. I looked up each case I was assigned, here are the results.

[redacted] sentencing held as originally scheduled, PSI filed on time.

[redacted] sentencing held as originally scheduled, PSI filed on time.

[redacted] sentencing held as originally scheduled, PSI filed on time.

[redacted] sentencing held as originally scheduled, PSI filed on time.

[redacted] PSI filed on time, sentencing set over one week because of court docket congestion, agreed to by all parties.

Marlon House, 14-1-00938-2, 14-1-00937-4, the attached email refers to this case. Plea was on 5/15/15 with a sentencing date set for 6/25/15. I was on preapproved leave from 6/15/15 through 6/19/15. Between 5/15/15 and 6/12/15 I received no correspondence from DOC regarding scheduling the PSI interview, I have since checked my email inbox to verify. I didn't even know what DOC representative was assigned. Apparently during my leave Ms. Saxon attempted to contact me by voicemail, although my outgoing voicemail indicated I was on vacation. The attached email is my correspondence with Ms. Saxon my first day back on 6/22/15. Because she had not prepared the PSI and had made no attempt to contact me until the last minute, a time when I was gone, the sentencing was set over until tomorrow. I have since attended her interview with Mr. House and the PSI has been filed. I should note that Judge Hogan did not have time to hear the sentencing as originally set anyway because of a crowded docket.

Let me know if you need any further information or details, Mark Quigley

From: Saxon, Sally A. (DOC) [mailto:sasaxon@DOC1.WA.GOV]
Sent: Monday, June 22, 2015 3:18 PM
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Subject: RE: House 14-1-00937-4 and 14-1-00938-2

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Subject: RE: House 14-1-00937-4 and 14-1-00938-2

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Subject: House 14-1-00937-4 and 14-1-00938-2

Mark,

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at or after 1:30 pm and Friday morning. Next week I will be available Monday afternoon, Wednesday all day, Thursday at or after 1:30 pm and all day Friday.

I noted you are requesting a SSOSA sentencing on these cases, I have not received any documentation pertaining to his psychosexual evaluation and sexual history polygraph. Could you please sent those to me as soon as possible.

Thank you,

Sally Saxon

Community Corrections Officer

Pierce County Pre-Sentence Investigator

Pierce County Sex Offender Unit-North

1016 S. 28th Street

Tacoma, WA 98409

253-680-2621

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To: Michael Kawamura[mkawamu@co.pierce.wa.us]; Mary Kay High[mhigh@co.pierce.wa.us]
From: Mark Quigley
Sent: Mon 7/13/2015 10:10:05 AM
Importance: Normal
Subject: PSI Issues Quigley
MAIL_RECEIVED: Mon 7/13/2015 10:10:00 AM

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Sally Saxon

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Click on the following web link for more information.
http://www.doc.wa.gov/business/secureemail.asp

To: DAC_SUP_WT[DAC_SUP_WT@co.pierce.wa.us]
From: Mark Quigley
Sent: Wed 8/5/2015 9:01:08 AM
Importance: Normal
MAIL_RECEIVED: Tue 8/4/2015 3:11:00 PM
QUIG_14-1-00937-4.pdf

To: 'Richard Smith'[olypdd@gmail.com]
From: Mark Quigley
Sent: Fri 12/19/2014 2:34:41 PM
Importance: Normal
Subject: New business Polygraph on Marlon House
MAIL_RECEIVED: Fri 12/19/2014 2:34:00 PM

Rick, I represent Marlon House who is seeking a SSOSA, needs a sexual history polygraph, is located in PC Jail, I will put authorization and dec of PC and charging documents in your mail slot at DAC. He has two separate cause numbers with two separate victims, do you need the police reports or is dec of PC enough? Thanks, Mark

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Julie Armijo
Sent: Mon 10/13/2014 4:13:04 PM
Importance: Normal
Subject: Martin & House
MAIL_RECEIVED: Mon 10/13/2014 4:13:23 PM

Hi Mark,

I just got your VM. Yes, I did get some discovery on Arturo Martin. Looks like I received through page 51.

Also, I think I have found the missing original discovery for Marlon House. Morgan picked it up a couple days ago from our folder at the front desk. I already have a copy - do you need the original back?

Regards,

Julie Armijo
Investigator & Mitigation Specialist

Armijo Investigations
Cell 253-820-4455

Fax 253-203-1611
armijoinvestigations.com

CONFIDENTIALITY NOTICE: This email and the files transmitted with it may be protected by attorney client privilege or attorney work product doctrine. If you believe this was sent to you in error, do not read it. Notify sender and delete it immediately.

To: Mark Quigley[mquigle@co.pierce.wa.us]
Cc: Kara Sanchez[ksanche@co.pierce.wa.us]; Toni Peters[tpeters@co.pierce.wa.us]
From: Lisa Wanner
Sent: Wed 12/17/2014 11:03:57 AM
Importance: Normal
Subject: Marlon House, 14-1-00938-2
MAIL_RECEIVED: Wed 12/17/2014 11:03:57 AM

I have scheduled the Omni-Conference with Leanndra Morrison for **Friday, January 16th at 3:00pm**. This will take place on the 7th floor, in the Rainier Conference Room.

I spoke to mom about recording and she is fine with the interview being recorded.

Lisa L. Wanner

Pierce County Prosecuting Attorney's Office- Special Assault Unit

Office: (253) 798-6177

Fax: (253) 798-3601

To: Mark Quigley[mquigle@co.pierce.wa.us]
Cc: Kara Sanchez[ksanche@co.pierce.wa.us]
From: Lisa Wanner
Sent: Mon 6/22/2015 2:14:41 PM
Importance: Normal
Subject: Marlon House, 14-1-00938-2
MAIL_RECEIVED: Mon 6/22/2015 2:14:43 PM
House. VIS. 14-1-00938-2.pef.pdf

Hi,

I have attached a copy of the impact statement, submitted by Lisa Greenhill (victim's mother). Please let me know if you have any problems viewing this.

Thanks!

Lisa L. Wanner

Victim Advocate

Special Assault Unit

Office: (253) 798-6177

Fax: (253) 798-3601

VICTIM IMPACT STATEMENT

State of Washington vs. MARLON OCTAVIUS LUVELL HOUSE Superior Court Cause No. 14-1-00938-2

Please describe for the Court the impact of this crime on your life and/or the life of your family members. Special attention should be given to describing the emotional and/or financial impact resulting from this crime. This statement will be provided to the Judge, Prosecuting Attorney, Community Corrections Officer and the Defense Attorney. The original will be placed in the court file.

STATEMENT MUST BE WRITTEN IN INK ON FRONT SIDE ONLY. If needed, additional pages may be attached (please include Superior Court Cause Number on each page).

I am writing on behalf of my daughter L[redacted].
My daughter has been through a lot in her life, more so it has been easy for her or on her. I think you knew how vulnerable she was and you preyed on her. I believe you are a predator. And I believe this deal is too good for you - but it protects my daughter from ever having to see you again.
What you did to her is unspeakable, and it will take years of therapy for her to emotionally recover. It is difficult for her to form healthy attachments and I think it will be a long time before

Signed: Lisa M Greenhill Date: 6/22/15

Print your name: Lisa M. Greenhill

Please return to: LISA WANNER, Victim Advocate
Room 946, 930 Tacoma Avenue South, Tacoma, WA 98402

To: Mark Quigley[mquigle@co.pierce.wa.us]
Cc: Kara Sanchez[ksanche@co.pierce.wa.us]
From: Lisa Wanner
Sent: Tue 5/5/2015 2:50:36 PM
Importance: Normal
Subject: Marlon House, 14-1-00938-2
MAIL_RECEIVED: Tue 5/5/2015 2:51:14 PM
House.pdf

Hello,

I have attached the restitution information for the above case. Please let me know if you have any problems viewing this.

Lisa L. Wanner

Victim Advocate

Special Assault Unit

Office: (253) 798-6177

Fax: (253) 798-3601

[redacted]

To: Mark Quigley[mquigle@co.pierce.wa.us]
Cc: Kara Sanchez[ksanche@co.pierce.wa.us]
From: Lisa Wanner
Sent: Tue 6/23/2015 8:57:50 AM
Importance: Normal
Subject: Marlon House, 14-1-00937-4
MAIL_RECEIVED: Tue 6/23/2015 8:57:50 AM
House.VIS.14-1-00937-4.pdf

Hi Mark,

I have attached the impact statement submitted by the victim's mother, KreShonda Kelly. Please let me know if you have any problems viewing this.

Lisa L. Wanner

Victim Advocate

Special Assault Unit

Office: (253) 798-6177

Fax: (253) 798-3601

VICTIM IMPACT STATEMENT

State of Washington vs. MARLON OCTAVIUS HOUSE Superior Court Cause No. 14-1-00937-4

Please describe for the Court the impact of this crime on your life and/or the life of your family members. Special attention should be given to describing the emotional and/or financial impact resulting from this crime. This statement will be provided to the Judge, Prosecuting Attorney, Community Corrections Officer and the Defense Attorney. The original will be placed in the court file.

STATEMENT MUST BE WRITTEN IN INK ON FRONT SIDE ONLY. If needed, additional pages may be attached (please include Superior Court Cause Number on each page).

See Attached

Signed: _____ Date: _____

Print your name: _____

Please return to: LISA WANNER, Victim Advocate
Room 946, 930 Tacoma Avenue South, Tacoma, WA 98402

[redacted]

To: Mark Quigley[mquigle@co.pierce.wa.us]
Cc: Kara Sanchez[ksanche@co.pierce.wa.us]
From: Lisa Wanner
Sent: Tue 7/28/2015 1:27:45 PM
Importance: Normal
Subject: Marlon House, 14-1-00937-4
MAIL_RECEIVED: Tue 7/28/2015 1:27:49 PM
House.rest.pdf

Hi,

I just received information from Crime Victim's Compensation showing they paid $884.09 for the sexual assault exam on Shyria Kelly (see attached).

Will you agree to this amount or would you like me to set a hearing?

Lisa L. Wanner

Victim Advocate

Special Assault Unit

Office: (253) 798-6177

Fax: (253) 798-3601

[redacted]

To: Coa2Filings[coa2filings@courts.wa.gov]
Cc: Mark Quigley[mquigle@co.pierce.wa.us]; Pamela Cvitanovic[pcvitan@co.pierce.wa.us]
From: Mary Benton
Sent: Thur 8/27/2015 12:05:07 PM
Importance: Normal
Subject: Marlon House 47892-7-II and 47951-6-II
MAIL_RECEIVED: Thur 8/27/2015 12:05:19 PM
Untitled PDF - Adobe Acrobat Pro.pdf

Attached please find two letters from the Court of Appeals and two copies of Orders of Indigency entered in the Pierce County Superior Court. These cases were up for dismissal for lack of filing fee. Although the originals are not available for download in LINX, please accept these courtesy copies as notification that indigency has been established.

If you have any questions or concerns, please do not hesitate to contact me.

Mary E. Benton

Legal Assistant III

Department of Assigned Counsel

(253) 798-7834

mbenton@co.pierce.wa.us

Notice: This email is confidential and intended only for the person or entity to whom it is addressed, and may contain confidential, proprietary, and/or privileged information. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and destroy this message and any copies of this message, along with any attachments.

To: Glenn Glover[gglover@co.pierce.wa.us]
From: Morgan Armijo
Sent: Wed 5/13/2015 4:30:01 PM
Importance: Normal
Subject: Marlon House 14-1-00937-4/14-1-00938-2
MAIL_RECEIVED: Wed 5/13/2015 4:30:18 PM

Glenn, Julie was authorized 20hr on these two cases with multiple counts of child rape. Mark Quigley contacted me and requested I follow up on possible alibi wits that are out of State. I see that I am now at 26.2 hours. I have three reports to type up. I would like to request an additional 10 hours.

Morgan

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Glenn Glover
Sent: Mon 3/2/2015 1:46:36 PM
Importance: Normal
Subject: MARLON HOUSE 14-1-00937-4 & 14-1-00938-2
MAIL_RECEIVED: Mon 3/2/2015 1:46:37 PM
Untitled.PDF - Adobe Acrobat Pro.pdf

Mark,

The discovery was completed with the above listed client (see attached).

It will be returned to Betty, "G"

Department of Assigned Counsel

DISCOVERY DISTRIBUTION – REDACTION – REVIEW CHECKLIST

TODAY'S DATE: 02.28.15

DEFENDANT'S NAME: Marlon House

CAUSE NUMBER: 14-1-00937-4
14-1-00938-2

DISCOVERY PAGE NUMBERS: 24

ATTORNEY NAME: Mark Quigley

PHONE:

☒ REVIEW DISCOVERY WITH DEFENDANT AND MAKE NOTES OF ANY QUESTIONS, CONCERNS, DISCREPANCIES AND RETURN ALL DISCOVERY AND NOTES BACK TO ATTORNEY.

3/2/15	DATE REVIEW COMPLETED AND RETURNED
Jeremy Pawlaski	INTERN/INVESTIGATOR NAME

+ 1 page of notes

☐ REDACT DISCOVERY FOR PROSECUTOR'S REVIEW.

	PROSECUTOR'S NAME
	DATE AND NAME OF INTERN DELIVERING DISCOVERY SENT FOR PA REVIEW
	DATE RETURNED TO DAC WITH AUTHORIZATION TO DISTRIBUTE TO CLIENT

☐ I REQUEST ATTACHED REDACTED DISCOVERY TO BE DELIVERED TO MY CLIENT.

JAIL LOCATION: 4SB25

ATTORNEY FOR DEFENDANT	DATE
NAME OF INTERN DELIVERING REDACTED DISCOVERY	DATE DELIVERED
CLIENT SIGNATURE	

949 Market Street, Suite 334
Tacoma, WA 98402
(253) 798-6062

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Glenn Glover
Sent: Thur 5/15/2014 3:47:35 PM
Importance: Normal
Subject: MARLON HOUSE 14-1-00937-4
MAIL_RECEIVED: Thur 5/15/2014 3:47:35 PM
Untitled.PDF - Adobe Acrobat Pro.pdf

Mark,

The discovery was completed with the above listed client (see attached).

It will be returned to Betty, "G"

Department of Assigned Counsel

DISCOVERY DISTRIBUTION – REDACTION – REVIEW CHECKLIST

TODAY'S DATE: 5/9/14

DEFENDANT'S NAME: Marlon House

CAUSE NUMBER: 14-1-00937-4

DISCOVERY PAGE NUMBERS: 1-82

ATTORNEY NAME: Quigley

PHONE: x7863

☒ REVIEW DISCOVERY WITH DEFENDANT AND MAKE NOTES OF ANY QUESTIONS, CONCERNS, DISCREPANCIES AND RETURN ALL DISCOVERY AND NOTES BACK TO ATTORNEY.

5-15-14 — DATE REVIEW COMPLETED AND RETURNED + ONE NOTE PAGE

PAUL LUNSMANN — INTERN/INVESTIGATOR NAME

☐ REDACT DISCOVERY FOR PROSECUTOR'S REVIEW.

PROSECUTOR'S NAME

DATE AND NAME OF INTERN DELIVERING DISCOVERY SENT FOR PA REVIEW

DATE RETURNED TO DAC WITH AUTHORIZATION TO DISTRIBUTE TO CLIENT

☐ I REQUEST ATTACHED REDACTED DISCOVERY TO BE DELIVERED TO MY CLIENT.

JAIL LOCATION: LNC11

ATTORNEY FOR DEFENDANT

DATE

NAME OF INTERN DELIVERING REDACTED DISCOVERY

DATE DELIVERED

CLIENT SIGNATURE

949 Market Street, Suite 334
Tacoma, WA 98402
(253) 798-6062

To: 'Julie Armijo'[julie@armijoinvestigations.com]
From: Mark Quigley
Sent: Wed 9/17/2014 3:31:04 PM
Importance: Normal
Subject: Marlon House 14-1-00937-4
MAIL_RECEIVED: Wed 9/17/2014 3:31:00 PM

Julie, I have misplaced the discovery on the above cause number (I do have discovery on his other case, ending in 00938-2). Assuming you have a copy, could you drop it off at our office, I will make another copy and return your copy to you? Sorry for causing extra work, Mark

To: 'Julie Armijo'[julie@armijoinvestigations.com]
From: Mark Quigley
Sent: Fri 6/27/2014 2:39:20 PM
Importance: Normal
Subject: Marlon House
MAIL_RECEIVED: Fri 6/27/2014 2:39:00 PM

Julie, please contact the following witnesses on Mr. House's two cases and prepare summaries of their anticipated testimony and/or information.

1) On both cases, please contact his mother Vickie Maggitt 253-861-4996.

2) On the 14-1-00937-4 case please contact Kiah Woodleas, who can verify Mr. House was in Georgia from Feb 2010 to Oct 2010, except for one week in April 2010 when House came back to WA to deal with a DUI case.

3) On the 14-1-00983-2 case please interview Breann Mimms 253-282-8863 and Jessica Murphy 253-314-3200, both can apparently testify about the alleged V "making stuff up" according to Mr. House

Thanks, Mark

To: 'Julie Armijo'[julie@armijoinvestigations.com]
From: Mark Quigley
Sent: Mon 11/3/2014 3:49:26 PM
Importance: Normal
Subject: Marlon House
MAIL_RECEIVED: Mon 11/3/2014 3:49:00 PM
Scanned from a Xerox multifunction device.pdf

Julie, Marlon House's mother provided me the information attached which purports to be verification of a flight he took to Georgia during the relevant time period of one of the child sex cases he is charged with. The information is cryptic at best. See what you can find out from either Frontier Airlines or his mother Vicki Madgette (253-861-4996) about verifying his whereabouts during this time period. Sorry I don't have more information to provide you. Thanks, Mark

-----Original Message-----
From: NW9301TacomaCorps@usw.salvationarmy.org [mailto:NW9301TacomaCorps@usw.salvationarmy.org]
Sent: Thursday, October 16, 2014 10:01 AM
To: Mark Quigley
Subject: Scanned from a Xerox multifunction device

Please open the attached document. It was scanned and sent to you using a Xerox multifunction device.

Attachment File Type: pdf, Multi-Page

multifunction device Location: USW NW Tacoma Administration
Device Name: USWNWTA12629PRTX

For more information on Xerox products and solutions, please visit http://www.xerox.com

October 16, 2014

Marlon House Flight Info.

Frontier Airlines

Employee#08846500-001 travel number for Marlon House

Kiah's employee #08846500

Good Morning Mark,

Please call me if you have any questions about this info or I need to explain any of the info.

Thank You

Vickie Maggitt (253- 861-4996)

To: 'Julie Armijo'[julie@armijoinvestigations.com]
From: Mark Quigley
Sent: Tue 11/3/2014 4:09:40 PM
Importance: Normal
Subject: Marlon House
MAIL_RECEIVED: Tue 11/3/2014 4:09:00 PM

Julie, I had a long discussion with Marlon House's mother regarding the flight info from Frontier Airlines (March 2009) which I sent you earlier. It seems to me that obtaining verification of his presence on that flight would be onerous and not all that probative of his presence in Georgia for a significant length of time to establish an alibi in a child sex case where the dates of commission are vague and spread out over a large time period.

Instead I advised her that it would be more helpful to get witnesses and documents (driver's lic, employment records, lease agreements, etc) that would establish a longer time period living down there. With that in mind I have directed her to obtain that information and route to you for follow up. Therefore disregard my earlier request to investigate the flight information unless you believe we can verify his flight info with minimal effort given the sketchy info provided so far.

Thanks, Mark

To: 'Vickie_Maggitt@yahoo.com'[Vickie_Maggitt@yahoo.com]
From: Mark Quigley
Sent: Wed 11/19/2014 3:02:37 PM
Importance: Normal
Subject: Marlon House
MAIL_RECEIVED: Wed 11/19/2014 3:02:00 PM

Ms. Maggitt, Please provide me with the information we spoke about today by phone which you indicated will be helpful in defending your son Marlon House, thanks in advance, Mark Quigley

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Julie Armijo
Sent: Tue 9/2/2014 4:55:10 PM
Importance: Normal
Subject: Marlon House
MAIL_RECEIVED: Tue 9/2/2014 4:55:22 PM

Hi Mark,

I am meeting with D's mom and Breann this evening. I realized that I don't have the discovery for one of the cases (14-1-00937-4). Looks like there's 117 pages. Can I get a copy of that?

Regards,

Julie Armijo
Investigator & Mitigation Specialist

Armijo Investigations
Cell 253-820-4455

Fax 253-203-1611
armijoinvestigations.com

CONFIDENTIALITY NOTICE: This email and the files transmitted with it may be protected by attorney client privilege or attorney work product doctrine. If you believe this was sent to you in error, do not read it. Notify sender and delete it immediately.

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Vickie Maggitt
Sent: Mon 12/8/2014 3:19:22 PM
Importance: Normal
Subject: Marlon House
MAIL_RECEIVED: Mon 12/8/2014 3:19:25 PM

Hi Mr. Quigley,

Here are the phone numbers for you and investigator of the people you can contact: Darlene Brown 513-686-0487; Virgie and Doug Brown 513-871-5836.

Also, Mr. Quigley, Marlon is requesting to meet with you to find out what is going on with his case. Does he not have the right to speak with you about his case. This is my son's life and I hope you will talk with him soon. The investigator told me she would talk with him that has been almost 3 months ago. I also would like to know about his charges being reduced. I read the police report and I did not read anything from the alleged victims stating he raped them. Please responed.

Thank You

Vickie Maggitt

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Vickie Maggitt
Sent: Thur 12/17/2014 11:18:03 PM
Importance: Normal
Subject: Marlon House
MAIL_RECEIVED: Thur 12/17/2014 11:18:07 PM

Hi Mr. Quigley,

I need a little more clarification on what you mean on me writing a summary about my knowledge of, if I am correct in the language a deposition in regards to my son's defense. I only can talk about the alleged defendant, which is the second one LM. What are you asking me. Dates, time, please help me to understand where I should start ,with my relationship , when I was in the home; when I left the home; when and when not Marlon could have had contact with LM. I look forward to hearing from you regarding this matter.

I will also scan you some info. regarding the first alleged defendant and the second. I hope it will be some help toward Marlon's defense.

Also, I was not asking you to discuss Marlon case with me but, to talk to Marlon about his case. I relayed the message to you that he asked me (Vickie Maggitt; Mom) to ask you to contact him and talk with Marlon about his case.

Thank You

God Bless

Happy Holidays

To: Mary Benton[mbenton@co.pierce.wa.us]
From: Pamela Cvitanovic
Sent: Thur 8/27/2015 11:50:51 AM
Importance: Normal
Subject: Marlon House
MAIL_RECEIVED: Thur 8/27/2015 11:49:00 AM
Untitled.PDF - Adobe Acrobat Pro.pdf

Here you go.

To: Glenn Glover[gglover@co.pierce.wa.us]
From: Julie Armijo
Sent: Tue 1/12/2015 4:12:13 PM
Importance: Normal
Subject: Julie Armijo Cases
MAIL_RECEIVED: Tue 1/12/2015 4:12:34 PM
DAC Case List_Julie Armijo.xlsx

Hey G,

So, I guess this serves as my "official" notice that I will no longer be on the investigator/mitigation specialist panel as of 1/19/15. I've attached a spreadsheet of my cases and have broken it down by those I will finish, ones to be re-assigned to Morgan and ones to be re-assigned to another investigator. I will invoice next weekend on those cases that I'm either closing or wrapping up this week (and/or won't be transferred to Morgan).

Let me know if you have any questions or need any additional information from me. It's been a pleasure working with you the last several years! I'm sure I'll be seeing you around!

Regards,

Julie Armijo
Investigator & Mitigation Specialist

Armijo Investigations
Cell 253-820-4455

Fax 253-203-1611
armijoinvestigations.com

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CASES I WILL WRAP UP MYSELF BY 1/19/15

Attorney	Client	Cause #
DeCosta/Johnson	[redacted]	
Jane Melby		
Kent Underwood		
Mark Quigley		
Mark Quigley		

CASES TO BE RE-ASSIGNED TO MORGAN

Attorney	Client	Cause #
Mark Quigley	[redacted]	
Mark Quigley		
Mark Quigley	Marlon House	14-1-00937-4 & 14-1-00938-2
Mark Quigley	[redacted]	
Vanessa Martin		
Vanessa Martin		
Curtis Huff		
Jane Pierson		
Jason Johnson		
Karen Lundahl		
Maureen Cavanaugh		

CASES TO BE RE-ASSIGNED NEW INVESTIGATOR

Attorney	Client	Cause #
John Austin	[redacted]	
Mark Quigley		
Lisa Mansfield		

CASES TO BE BILLED/CLOSED

Vanessa Martin	[redacted]
Vanessa Martin	
Vanessa Martin	
Dino Sepe	

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Alexis Isom
Sent: Wed 1/24/2018 2:23:06 PM
Importance: Normal
Subject: House, Marlon 14-1-00938-2
MAIL_RECEIVED: Wed 1/24/2018 2:23:00 PM

Mark,

I just wanted to give you a heads up. An investigator stopped in today regarding Marlons case. It looks as though he is appealing his case and has a new attorney on the case. There is also an investigator investigating some of the facts revolving around witness statements given previously.

The facts being investigated are that Julie Armeho the Investigator originally on this case stated that she made contact with all 4 witnesses and reported back to you of that as well. Now apparently, they have retrieved sworn affidavits from all four witnesses stating that they were never contacted by any investigator in regards to this case. They are now wondering were the Witnesses deceiving them, or was there a misunderstanding in the original statements given. He is hoping to speak with you and left me his card I will leave in your mailbox, but in case it is lost I wanted to include his information in this email as well.

Shane Harrington

Criminal Defense Investigator

Phone: 360-918-7333, 206-307-1142

Fax: 206-400-2750

Alexis Isom

Legal Assistant

Department of Assigned Counsel

Phone: 253-798-6975

Fax: 253-798-6715

To: Mark Quigley[mquigle@co.pierce.wa.us]
Sent: Wed 1/24/2018 2:13:02 PM
Importance: Normal
Subject: House, Marlon 14-1-00938-2
MAIL_RECEIVED: Wed 1/24/2018 2:19:49 PM

Mark,

I just wanted to give you a heads up. An investigator stopped in today regarding Marlons case. It looks as though he is appealing it his case and has a new attorney on the case. There is also an investigator investigating some facts of this case.

The facts being investigated are that (Mind you I am just passing along the info I just received) apparently Julie Armeho the investigator originally on this case stated that she made contact with all 4 witnesses on this case and reported back to you of that as well. Now apparently they have retrieved sworn affidavits from all four witnesses stating that they were never contacted by any investigator in regards to this case. He is hoping to speak with you and left me his card I will leave in your mailbox, but in case it is lost I wanted to include his information

Alexis Isom

Legal Assistant

Department of Assigned Counsel

Phone: 253-798-6975

Fax: 253-798-6715

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Lisa Wanner
Sent: Thur 8/13/2015 9:09:27 AM
Importance: Normal
Subject: House, 14-1-00937-4
MAIL_RECEIVED: Thur 8/13/2015 9:09:29 AM

Hi Mark,

Kara never received the order so I'm routing another over today ☺

Please route back to my attention.

Lisa L. Wanner

Victim Advocate

Special Assault Unit

Office: (253) 798-6177

Fax: (253) 798-3601

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Kara Sanchez
Sent: Mon 7/13/2015 4:07:42 PM
Importance: Normal
Subject: House sentencing memo
MAIL_RECEIVED: Mon 7/13/2015 4:07:44 PM
SentencingMemo.doc

Kara E. Sanchez

Deputy Prosecuting Attorney

Special Assault Unit

Pierce County Prosecutor's Office

930 Tacoma Ave. S. Room 946

Tacoma, WA 98402

(253) 798-2669

(253) 798-3601 Fax

To: 'Julie Armijo'[julie@armijoinvestigations.com]
From: Mark Quigley
Sent: Wed 12/17/2014 11:26:57 AM
Importance: Normal
Subject: FW: Marlon House, 14-1-00938-2
MAIL_RECEIVED: Wed 12/17/2014 11:26:00 AM

Julie, can you make this one as well?

From: Lisa Wanner
Sent: Wednesday, December 17, 2014 11:04 AM
To: Mark Quigley
Cc: Kara Sanchez; Toni Peters
Subject: Marlon House, 14-1-00938-2

I have scheduled the Omni-Conference with Leanndra Morrison for **Friday, January 16th at 3:00pm**. This will take place on the 7th floor, in the Rainier Conference Room.

I spoke to mom about recording and she is fine with the interview being recorded.

Lisa L. Wanner

Pierce County Prosecuting Attorney's Office- Special Assault Unit

Office: (253) 798-6177

Fax: (253) 798-3601

To: Kara Sanchez[ksanche@co.pierce.wa.us]
From: Mark Quigley
Sent: Wed 12/10/2014 2:08:54 PM
Importance: Normal
Subject: FW: Marlon House, 14-1-00937-4, 14-1-00938-2
MAIL_RECEIVED: Wed 12/10/2014 2:08:00 PM

Kara, would you let me know city/State location of victim so our office can make some decisions regarding pre-trial interview location? Thank you

From: Mark Quigley
Sent: Tuesday, December 09, 2014 3:15 PM
To: Kara Sanchez
Subject: RE: Marlon House, 14-1-00937-4, 14-1-00938-2

Leave her city and State on my vm if you feel more comfortable doing that, I can assure you I won't disclose to client. Let me talk to Mary Kay about the Omni Conf idea.

From: Kara Sanchez
Sent: Tuesday, December 09, 2014 3:01 PM
To: Mark Quigley
Subject: RE: Marlon House, 14-1-00937-4, 14-1-00938-2

Victim S.K. They have requested that their address remain confidential. If you can assure me that you will not disclose the location to anyone, I will tell you what state she's in.

Also, apparently video conference is a possibility, from the Exec's office on the 7th floor. Not Skype, but a program called OmniConference. Would that be agreeable?

Kara E. Sanchez

Deputy Prosecuting Attorney

Special Assault Unit

Pierce County Prosecutor's Office

930 Tacoma Ave. S. Room 946

Tacoma, WA 98402

(253) 798-2669

(253) 798-3601 Fax

From: Mark Quigley
Sent: Tuesday, December 09, 2014 2:46 PM
To: Kara Sanchez
Subject: RE: Marlon House, 14-1-00937-4, 14-1-00938-2

Which alleged victim and where is she located?

From: Kara Sanchez
Sent: Tuesday, December 09, 2014 2:42 PM
To: Mark Quigley
Subject: RE: Marlon House, 14-1-00937-4, 14-1-00938-2

Yes you did, but I forgive you. Skype isn't really a possibility from what I understand. I looked into this to do an interview in California a couple of years ago and was told it couldn't be done. We do not have a Skype account, although a webcam is a possibility, but it is very dependent, I think, on what set up they have where they are.

I can check on it again....

Kara E. Sanchez

Deputy Prosecuting Attorney

Special Assault Unit

Pierce County Prosecutor's Office

930 Tacoma Ave. S. Room 946

Tacoma, WA 98402

(253) 798-2669

(253) 798-3601 Fax

From: Mark Quigley
Sent: Tuesday, December 09, 2014 2:40 PM
To: Kara Sanchez
Subject: RE: Marlon House, 14-1-00937-4, 14-1-00938-2

Sorry I forgot to include Lisa in the email like I said I would.

Interview of out of State witness depends on which one it is, where she is located, possible dates where she is available. How about skype?

From: Kara Sanchez
Sent: Tuesday, December 09, 2014 1:46 PM
To: Mark Quigley
Cc: Lisa Wanner
Subject: RE: Marlon House, 14-1-00937-4, 14-1-00938-2

I will forward this to Lisa Wanner so she can contact them about their availability. I do believe that one of the victims is out of state. Do you want an in person interview with her up front, or would you be willing to do it by phone, and then talk to her when we fly her here for trial, the day before she testifies?

Kara E. Sanchez

Deputy Prosecuting Attorney

Special Assault Unit

Pierce County Prosecutor's Office

930 Tacoma Ave. S. Room 946

Tacoma, WA 98402

(253) 798-2669

(253) 798-3601 Fax

From: Mark Quigley
Sent: Tuesday, December 09, 2014 11:19 AM
To: Kara Sanchez
Subject: Marlon House, 14-1-00937-4, 14-1-00938-2

Kara, Trials in the above matters are set for 1/28/15 as you know. I would like to interview the alleged victim on each case hopefully in early January. I am available on Friday 1/9 and 1/16, as well as various times between Jan 5 and trial. Please let me know their availability and general location (i.e. out of State) as soon as convenient, thank you, Mark

To: Mark Quigley[mquigle@co.pierce.wa.us]
Cc: Lisa Wanner[lwanner@co.pierce.wa.us]
From: Kara Sanchez
Sent: Mon 12/15/2014 3:24:04 PM
Importance: Normal
Subject: FW: Marlon House, 14-1-00937-4, 14-1-00938-2
MAIL_RECEIVED: Mon 12/15/2014 3:24:05 PM

Mark,

The victim was adopted out to another family, and from what I understand CPS was hesitant to disclose the location even to us. So, in an abundance of caution, can you please indicate for me that you will NOT disclose the state that they live in to anyone, and I will provide that information to you over the phone.

Thanks.

Kara E. Sanchez

Deputy Prosecuting Attorney

Special Assault Unit

Pierce County Prosecutor's Office

930 Tacoma Ave. S. Room 946

Tacoma, WA 98402

(253) 798-2669

(253) 798-3601 Fax

From: Lisa Wanner
Sent: Monday, December 15, 2014 3:13 PM
To: Kara Sanchez
Subject: FW: Marlon House, 14-1-00937-4, 14-1-00938-2

From: Mark Quigley
Sent: Monday, December 15, 2014 2:56 PM
To: Lisa Wanner
Subject: RE: Marlon House, 14-1-00937-4, 14-1-00938-2

What state does she live in?

From: Lisa Wanner
Sent: Monday, December 15, 2014 1:22 PM
To: Mark Quigley
Cc: Kara Sanchez
Subject: FW: Marlon House, 14-1-00937-4, 14-1-00938-2

Mark,

I have learned that the victim in 14-1-00938-2 (Leanndra Morrison) also lives out of state. Are you okay with this interview being set up using Omni Conference as well?

From: Kara Sanchez
Sent: Tuesday, December 09, 2014 1:46 PM
To: Mark Quigley
Cc: Lisa Wanner
Subject: RE: Marlon House, 14-1-00937-4, 14-1-00938-2

I will forward this to Lisa Wanner so she can contact them about their availability. I do believe that one of the victims is out of state. Do you want an in person interview with her up front, or would you be willing to do it by phone, and then talk to her when we fly her here for trial, the day before she testifies?

Kara E. Sanchez

Deputy Prosecuting Attorney

Special Assault Unit

Pierce County Prosecutor's Office

930 Tacoma Ave. S. Room 946

Tacoma, WA 98402

(253) 798-2669

(253) 798-3601 Fax

From: Mark Quigley
Sent: Tuesday, December 09, 2014 11:19 AM
To: Kara Sanchez
Subject: Marlon House, 14-1-00937-4, 14-1-00938-2

Kara, Trials in the above matters are set for 1/28/15 as you know. I would like to interview the alleged victim on each case hopefully in early January. I am available on Friday 1/9 and 1/16, as well as various times between Jan 5 and trial. Please let

me know their availability and general location (i.e. out of State) as soon as convenient, thank you, Mark

To: Mark Quigley[mquigle@co.pierce.wa.us]
Cc: Kara Sanchez[ksanche@co.pierce.wa.us]
From: Lisa Wanner
Sent: Mon 12/15/2014 1:22:02 PM
Importance: Normal
Subject: FW: Marlon House, 14-1-00937-4, 14-1-00938-2
MAIL_RECEIVED: Mon 12/15/2014 1:22:03 PM

Mark,

I have learned that the victim in 14-1-00938-2 (Leanndra Morrison) also lives out of state. Are you okay with this interview being set up using Omni Conference as well?

From: Kara Sanchez
Sent: Tuesday, December 09, 2014 1:46 PM
To: Mark Quigley
Cc: Lisa Wanner
Subject: RE: Marlon House, 14-1-00937-4, 14-1-00938-2

I will forward this to Lisa Wanner so she can contact them about their availability. I do believe that one of the victims is out of state. Do you want an in person interview with her up front, or would you be willing to do it by phone, and then talk to her when we fly her here for trial, the day before she testifies?

Kara E. Sanchez

Deputy Prosecuting Attorney

Special Assault Unit

Pierce County Prosecutor's Office

930 Tacoma Ave. S. Room 946

Tacoma, WA 98402

(253) 798-2669

(253) 798-3601 Fax

From: Mark Quigley
Sent: Tuesday, December 09, 2014 11:19 AM
To: Kara Sanchez
Subject: Marlon House, 14-1-00937-4, 14-1-00938-2

Kara, Trials in the above matters are set for 1/28/15 as you know. I would like to interview the alleged victim on each case hopefully in early January. I am available on Friday 1/9 and 1/16, as well as various times between Jan 5 and trial. Please let me know their availability and general location (i.e. out of State) as soon as convenient, thank you, Mark

To: 'Julie Armijo'[julie@armijoinvestigations.com]
From: Mark Quigley
Sent: Thur 9/18/2014 9:09:50 AM
Importance: Normal
Subject: FW: Marlon House 14-1-00937-4
MAIL_RECEIVED: Thur 9/18/2014 9:09:00 AM

Julie, I've looked everywhere, can't find it, could you go ahead and return your copy for copying? Thanks

From: Mark Quigley
Sent: Wednesday, September 17, 2014 3:31 PM
To: 'Julie Armijo'
Subject: Marlon House 14-1-00937-4

Julie, I have misplaced the discovery on the above cause number (I do have discovery on his other case, ending in 00938-2). Assuming you have a copy, could you drop it off at our office, I will make another copy and return your copy to you? Sorry for causing extra work, Mark

To: 'Julie Armijo'[julie@armijoinvestigations.com]
From: Mark Quigley
Sent: Tue 12/9/2014 10:52:59 AM
Importance: Normal
Subject: FW: Marlon House
MAIL_RECEIVED: Tue 12/9/2014 10:52:00 AM

Julie, please contact these two people and prepare a report of their anticipated testimony, thank you, Mark

-----Original Message-----
From: Vickie Maggitt [mailto:vickie_maggitt@yahoo.com]
Sent: Monday, December 08, 2014 3:19 PM
To: Mark Quigley
Subject: Marlon House

Hi Mr. Quigley,

Here are the phone numbers for you and investigator of the people you can contact: Darlene Brown 513-686-0487; Virgie and Doug Brown 513-871-5836.

Also, Mr. Quigley, Marlon is requesting to meet with you to find out what is going on with his case. Does he not have the right to speak with you about his case. This is my son's life and I hope you will talk with him soon. The investigator told me she would talk with him that has been almost 3 months ago. I also would like to know about his charges being reduced. I read the police report and I did not read anything from the alleged victims stating he raped them. Please responed.

Thank You

Vickie Maggitt

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Kara Sanchez
Sent: Mon 12/8/2014 2:24:18 PM
Importance: Normal
Subject: FW: Marlon House
MAIL_RECEIVED: Mon 12/8/2014 2:24:24 PM

Mark,

You have never replied to this; please advise asap. It would be quicker this way, otherwise the detective will do a search warrant, but please let me know your position as soon as you can.

Thanks.

Kara E. Sanchez

Deputy Prosecuting Attorney

Special Assault Unit

Pierce County Prosecutor's Office

930 Tacoma Ave. S. Room 946

Tacoma, WA 98402

(253) 798-2669

(253) 798-3601 Fax

From: Kara Sanchez
Sent: Wednesday, November 19, 2014 11:32 AM
To: Mark Quigley
Subject: Marlon House

Mark,

Would you (and your client)object to a motion and order to obtain his blood to be tested for STDs, specifically herpes. I mentioned this some time ago during a status conference, but am just now getting around to looking into it, given my schedule.

Please advise ASAP.

Thanks.

Kara E. Sanchez

Deputy Prosecuting Attorney

Special Assault Unit

Pierce County Prosecutor's Office

930 Tacoma Ave. S. Room 946

Tacoma, WA 98402

(253) 798-2669

(253) 798-3601 Fax

To: Mary Kay High[mhigh@co.pierce.wa.us]
From: Michael Kawamura
Sent: Thur 1/25/2018 11:19:09 AM
Importance: Normal
Subject: FW: House, Marlon 14-1-00938-2
MAIL_RECEIVED: Thur 1/25/2018 11:19:00 AM

I asked Glenn to retrieve file

From: Glenn Glover
Sent: Thursday, January 25, 2018 8:58 AM
To: Michael Kawamura <mkawamu@co.pierce.wa.us>
Subject: FW: House, Marlon 14-1-00938-2

See below, regarding the PHD PI, "G"

Glenn D. Glover

Investigation Specialist

Pierce County Dept. of Assigned Counsel

949 Market Street, Ste 334

Tacoma, WA 98402

Ph: (253)798-6978

Fax: (253)798-6715

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From: Alexis Isom
Sent: Thursday, January 25, 2018 8:38 AM
To: Glenn Glover <gglover@co.pierce.wa.us>
Subject: FW: House, Marlon 14-1-00938-2

Glenn,

Here is the forwarded message I sent Mark Quigley regarding the Investigator Shane Harrington.

Alexis Isom

Legal Assistant

Department of Assigned Counsel

Phone: 253-798-6975

Fax: 253-798-6715

From: Alexis Isom
Sent: Wednesday, January 24, 2018 2:23 PM
To: Mark Quigley <mquigle@co.pierce.wa.us>
Subject: House, Marlon 14-1-00938-2

Mark,

I just wanted to give you a heads up. An investigator stopped in today regarding Marlons case. It looks as though he is appealing his case and has a new attorney on the case. There is also an investigator investigating some of the facts revolving around witness statements given previously.

The facts being investigated are that Julie Armeho the Investigator originally on this case stated that she made contact with all 4 witnesses and reported back to you of that as well. Now apparently, they have retrieved sworn affidavits from all four witnesses stating that they were never contacted by any investigator in regards to this case. They are now wondering were the Witnesses deceiving them, or was there a misunderstanding in the original statements given. He is hoping to speak with you and left me his card I will leave in your mailbox, but in case it is lost I wanted to include his information in this email as well.

Shane Harrington

Criminal Defense Investigator

Phone: 360-918-7333, 206-307-1142

Fax: 206-400-2750

Alexis Isom

Legal Assistant

Department of Assigned Counsel

Phone: 253-798-6975

Fax: 253-798-6715

To: Michael Kawamura[mkawamu@co.pierce.wa.us]
From: Glenn Glover
Sent: Thur 1/25/2018 8:57:39 AM
Importance: Normal
Subject: FW: House, Marlon 14-1-00938-2
MAIL_RECEIVED: Thur 1/25/2018 8:57:43 AM

See below, regarding the PHD PI, "G"

Glenn D. Glover

Investigation Specialist

Pierce County Dept. of Assigned Counsel

949 Market Street, Ste 334

Tacoma, WA 98402

Ph: (253)798-6978

Fax: (253)798-6715

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From: Alexis Isom
Sent: Thursday, January 25, 2018 8:38 AM
To: Glenn Glover <gglover@co.pierce.wa.us>
Subject: FW: House, Marlon 14-1-00938-2

Glenn,

Here is the forwarded message I sent Mark Quigley regarding the Investigator Shane Harrington.

Alexis Isom

Legal Assistant

Department of Assigned Counsel

Phone: 253-798-6975

Fax: 253-798-6715

From: Alexis Isom
Sent: Wednesday, January 24, 2018 2:23 PM
To: Mark Quigley <mquigle@co.pierce.wa.us>
Subject: House, Marlon 14-1-00938-2

Mark,

I just wanted to give you a heads up. An investigator stopped in today regarding Marlons case. It looks as though he is appealing his case and has a new attorney on the case. There is also an investigator investigating some of the facts revolving around witness statements given previously.

The facts being investigated are that Julie Armeho the Investigator originally on this case stated that she made contact with all 4 witnesses and reported back to you of that as well. Now apparently, they have retrieved sworn affidavits from all four witnesses stating that they were never contacted by any investigator in regards to this case. They are now wondering were the Witnesses deceiving them, or was there a misunderstanding in the original statements given. He is hoping to speak with you and left me his card I will leave in your mailbox, but in case it is lost I wanted to include his information in this email as well.

Shane Harrington

Criminal Defense Investigator

Phone: 360-918-7333, 206-307-1142

Fax: 206-400-2750

Alexis Isom

Legal Assistant

Department of Assigned Counsel

Phone: 253-798-6975

Fax: 253-798-6715

To: Glenn Glover[gglover@co.pierce.wa.us]
From: Alexis Isom
Sent: Thur 1/25/2018 8:38:14 AM
Importance: Normal
Subject: FW: House, Marlon 14-1-00938-2
MAIL_RECEIVED: Thur 1/25/2018 8:38:15 AM

Glenn,

Here is the forwarded message I sent Mark Quigley regarding the Investigator Shane Harrington.

Alexis Isom

Legal Assistant

Department of Assigned Counsel

Phone: 253-798-6975

Fax: 253-798-6715

From: Alexis Isom
Sent: Wednesday, January 24, 2018 2:23 PM
To: Mark Quigley <mquigle@co.pierce.wa.us>
Subject: House, Marlon 14-1-00938-2

Mark,

I just wanted to give you a heads up. An investigator stopped in today regarding Marlons case. It looks as though he is appealing his case and has a new attorney on the case. There is also an investigator investigating some of the facts revolving around witness statements given previously.

The facts being investigated are that Julie Armeho the Investigator originally on this case stated that she made contact with all 4 witnesses and reported back to you of that as well. Now apparently, they have retrieved sworn affidavits from all four witnesses stating that they were never contacted by any investigator in regards to this case. They are now wondering were the Witnesses deceiving them, or was there a misunderstanding in the original statements given. He is hoping to speak with you and left me his card I will leave in your mailbox, but in case it is lost I wanted to include his information in this email as well.

Shane Harrington

Criminal Defense Investigator

Phone: 360-918-7333, 206-307-1142

Fax: 206-400-2750

Alexis Isom

Legal Assistant

Department of Assigned Counsel

Phone: 253-798-6975

Fax: 253-798-6715

To: 'Julie Armijo'[julie@armijoinvestigations.com]
From: Mark Quigley
Sent: Sat 12/12/2014 4:21:30 PM
Importance: Normal
Subject: FW: House, 14-1-00937-4
MAIL_RECEIVED: Sat 12/12/2014 4:21:00 PM

Julie, can you attend?

From: Lisa Wanner
Sent: Wednesday, December 10, 2014 9:53 AM
To: Mark Quigley; Kara Sanchez
Cc: Toni Peters
Subject: House, 14-1-00937-4

I have scheduled the Omni Conference with Shyria Kelly for **Friday, January 9th at 2:30. Set up for this takes 30 minutes so I have reserved the room for 2:00pm.** The interview will take place on the 7th floor in the Rainier Conference Room.

I spoke to mom about recording and she is fine with this.

Lisa L. Wanner

Pierce County Prosecuting Attorney's Office- Special Assault Unit

Office: (253) 798-6177

Fax: (253) 798-3601

To: Mark Quigley[mquigle@co.pierce.wa.us]
Cc: Mary Kay High[mhigh@co.pierce.wa.us]
From: Julie Armijo
Sent: Thur 1/24/2018 4:24:40 PM
Importance: Normal
Subject: FW: Case - Marlon House
MAIL_RECEIVED: Thur 1/24/2018 4:24:50 PM
voicemail-141.m4a

Hi Mark,

Please see the email below and attached voice message – I am still being contacted for information on Mr. House's cases. Being part of your defense team on these matters, I consider this privileged information and have not responded to Mr. Harrington. I wanted you to be aware of the requests for information.

Thank you!

Julie Armijo

Mitigation Specialist | Investigator

Armijo Investigations Inc.

253-820-4455

www.armijoinvestigations.com

CONFIDENTIALITY NOTICE: This email and the files transmitted with it may be protected by attorney client privilege or attorney work product doctrine. If you believe this was sent to you in error, do not read it. Notify sender and delete it immediately.

From: HARRINGTON INVESTIGATIONS: Dr. Shane Harrington (PhD, MBA) [mailto:shane@harringtonpi.com]
Sent: Monday, January 22, 2018 1:10 PM
To: Julie Armijo <julie@armijoinvestigations.com>
Cc: HARRINGTON INVESTIGATIONS: Dr. Shane Harrington (PhD, MBA) <shane@harringtonpi.com>
Subject: Case - Marlon House

Hi Julie,

My name is Shane Harrington and I am a licensed private investigator working with Mr. Marlon House's attorney, Mr. Corey Parker.

I have been requested by Mr. Parker to follow up with you directly, per this case, and inquire about whether you had initiated contact with any witnesses and/or alleged victims in the investigation.

And, if so, would you be willing to provide any specific documentation, supporting evidence, etc. about when this contact may have occurred?

We are in the process of filing a PRP (Personal Restraint Petition) on behalf of Mr. House and this verification is highly relevant.

Our specific purpose for contacting you is, as follows:

On Friday, 08/22/2014, Mr. Mark Quigley (criminal defense attorney) stated in a Status Conference, "I have retained an investigator, Julie Armijo, who has made contact with every witness that Mr. House has advised me that he would like me to subpoena for trial, and so that's been done."

This statement by Mr. Quigley, before Judge Vicki Hogan (Pierce County Superior Court Cause # 14-1-00938-2), would imply that you were already successful in your attempt to locate and by this time, had initiated contact with each of the witnesses. Based upon your recollection and notes/billing documents/etc., was this accurate?

It also appears that during that particular Status Conference, Mr. House attempted to seek new Counsel, but his request to do so was denied. Were you still retained on the case, following 08/22/2014?

If you were successful in initiating contact with each of the witnesses, could you please describe how they were contacted? In-person, phone, text, email, etc.?

If you could please let me know ASAP, I would sincerely appreciate it. Thank you again. My contact information is below, if you have any questions and my cell phone is 206-307-1142.

I look forward to hearing from you and hope you are doing well.

Respectfully,

Shane

Dr. Shane Harrington (PhD, MBA)
HARRINGTON INVESTIGATIONS
Licensed Private Investigator
WA Agency 2066 | Principal 3828

(360) 918-7333 office
(206) 400-2750 fax
harringtonpi.com

voicemail-141.m4a

Produced as native

To: Mark Quigley[mquigle@co.pierce.wa.us]; PCpatcecf[pcpatcecf@co.pierce.wa.us]
From: Barnes, Kara
Sent: Wed 8/19/2015 10:00:28 AM
Importance: Normal
Subject: D2 478927--STATE OF WASHINGTON VS HOUSE, MARLON OCTAVIUS LUVELL--Letter
MAIL_RECEIVED: Wed 8/19/2015 10:00:55 AM
STATE OF WASHINGTON VS HOUSE, MARLON OCTAVIUS LUVELL.pdf

To Counsel and Interested Parties:

Attached is a Letter filed today, 8/19/2015.

This will be the only notice you will receive from the court.

The court requests that motions and other correspondence be sent to coa2filings@courts.wa.gov, or, if counsel has a JIS USERID (can access SCOMIS/ACORDS), please use the newly established attorney portal at http://www.courts.wa.gov/coa2efiling. If you have difficulty accessing or using either method, please contact this office. When filing electronically, please do NOT follow up with a paper copy.

Please contact the court at (253) 593-2970 if you have any questions or comments.

Thank you.

Kara L. Barnes
Case Manager

Washington State Court of Appeals
Division Two

950 Broadway, Suite 300, Tacoma, Washington 98402-4454
David Ponzoha, Clerk/Administrator (253) 593-2970 (253) 593-2806 (Fax)
General Orders, Calendar Dates, and General Information at http://www.courts.wa.gov/courts OFFICE HOURS: 9-12, 1-4.

August 19, 2015

Mark Thomas Quigley
Pierce Cnty Dept of Assigned Counsel
949 Market St Ste 334
Tacoma, WA 98402-3696

Mark Evans Lindquist
Pierce County Prosc Office
930 Tacoma Ave S Rm 946
Tacoma, WA 98402-2102

CASE #: 47892-7-II
State of Washington, Respondent v. Marlon Octavius Luvell House, Appellant

Re: Pierce County. No. 14-1-00938-2

Case Manager: Kara

Dear Counsel:

We have opened the above referenced appeal under Cause No. 47892-7-II. To date, we have received neither a filing fee nor an order of indigency in this case and thus we are placing it on the motion docket for dismissal because you appear to have abandoned it. In accord with this court's General Order 91-1, effective April 1, 1991, the motion for dismissal will be determined without oral argument. We will strike the motion from the docket if you **pay a filing fee of $290 or file an order of indigency by August 31, 2015**.

Very truly yours,

David C. Ponzoha,
Court Clerk

DCP:kb

cc: Pierce County Clerk

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Backlund & Mistry
Sent: Fri 8/28/2015 11:40:16 AM
Importance: Normal
Subject: Appeal of Marlon House
MAIL_RECEIVED: Fri 8/28/2015 11:40:23 AM

Hi Mark-
We are appointed on Marlon's case.

Were there any hearings that would be important for us
to order be transcribed? Any "closed" hearings, like in-chambers
discussions-- especially rulings? What about powerpoints or slideshows?

We would also appreciate any insight related to appeal issues that you want to share!

Thanks.
Jodi

--
Backlund & Mistry
P.O. Box 6490
Olympia, WA 98507
(360) 339-4870

To: Mark Quigley[mquigle@co.pierce.wa.us]
From: Saxon, Sally A. (DOC)
Sent: Wed 7/1/2015 8:05:39 AM
Importance: Normal
Subject: Acosta and Bantilan
MAIL_RECEIVED: Wed 7/1/2015 8:06:23 AM

Mark,

Have you been able to determine when you will be able to schedule the PSI interview for these two cases? Last we spoke on 07/26/15, you stated you would not be able to do them today, is that still correct?

Thanks,

Sally Saxon

Community Corrections Officer

Pierce County Pre-Sentence Investigator

Pierce County Sex Offender Unit-North

1016 S. 28th Street

Tacoma, WA 98409

253-680-2621

From: Mark Quigley [mailto:mquigle@co.pierce.wa.us]
Sent: Wednesday, June 24, 2015 4:00 PM
To: Saxon, Sally A. (DOC)
Subject: RE: House 14-1-00937-4 and 14-1-00938-2

yes

From: Saxon, Sally A. (DOC) [mailto:sasaxon@DOC1.WA.GOV]
Sent: Wednesday, June 24, 2015 3:58 PM
To: Mark Quigley
Subject: RE: House 14-1-00937-4 and 14-1-00938-2

I will be optimistic too and I will see you then. They are both in the New Jail correct?

From: Mark Quigley [mailto:mquigle@co.pierce.wa.us]
Sent: Wednesday, June 24, 2015 3:46 PM
To: Saxon, Sally A. (DOC)
Subject: RE: House 14-1-00937-4 and 14-1-00938-2

Understood, I will assume our elected officials in Olympia can figure it out, see you 7/1 at 9

From: Saxon, Sally A. (DOC) [mailto:sasaxon@DOC1.WA.GOV]
Sent: Wednesday, June 24, 2015 3:31 PM
To: Mark Quigley
Subject: RE: House 14-1-00937-4 and 14-1-00938-2

If legislation funding is not completed by 07/01/15, I will be laid off until they get the budget dealt with. Not thinking it will be an actuality, but just wanted to let you know that "if" the budget is not done by midnight on 06/30/15, I will not have the authority to even call and let you know I will not be there.

From: Mark Quigley [mailto:mquigle@co.pierce.wa.us]
Sent: Wednesday, June 24, 2015 3:28 PM
To: Saxon, Sally A. (DOC)
Subject: RE: House 14-1-00937-4 and 14-1-00938-2

I don't know what that means, should I put it on my calendar?

From: Saxon, Sally A. (DOC) [mailto:sasaxon@DOC1.WA.GOV]
Sent: Wednesday, June 24, 2015 3:02 PM
To: Mark Quigley
Subject: RE: House 14-1-00937-4 and 14-1-00938-2

If I am still working that day, I will be there.

From: Mark Quigley [mailto:mquigle@co.pierce.wa.us]
Sent: Wednesday, June 24, 2015 2:18 PM
To: Saxon, Sally A. (DOC)
Subject: RE: House 14-1-00937-4 and 14-1-00938-2

Sally, how about we do Acosta and Bantilan on Wed 7/1 at 9 am?

From: Saxon, Sally A. (DOC) [mailto:sasaxon@DOC1.WA.GOV]
Sent: Monday, June 22, 2015 3:18 PM
To: Mark Quigley
Subject: RE: House 14-1-00937-4 and 14-1-00938-2

The jail would prefer 8 am or 10: 30 am at they start lunch service between 9 to 9:30 can you do it earlier?

From: Mark Quigley [mailto:mquigle@co.pierce.wa.us]
Sent: Monday, June 22, 2015 3:01 PM
To: Saxon, Sally A. (DOC)
Subject: RE: House 14-1-00937-4 and 14-1-00938-2

Sally, How about Friday at 9 am, I will send the poly and psychsexual eval

From: Saxon, Sally A. (DOC) [mailto:sasaxon@DOC1.WA.GOV]
Sent: Monday, June 22, 2015 2:56 PM
To: Mark Quigley
Cc: Sofia, Lawrence J. 'Joe' (DOC); Blatman-Byers, Karen (DOC)
Subject: House 14-1-00937-4 and 14-1-00938-2

Mark,

I received your voicemail about Mr. House and getting a PSI interview scheduled. I left a message on your phone as well. I will be available for an interview tomorrow any time, Thursday

at or after 1:30 pm and Friday morning. Next week I will be available Monday afternoon, Wednesday all day, Thursday at or after 1:30 pm and all day Friday.

I noted you are requesting a SSOSA sentencing on these cases, I have not received any documentation pertaining to his psychosexual evaluation and sexual history polygraph. Could you please sent those to me as soon as possible.

Thank you,

Exhibit “K”

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON, Plaintiff, vs. MARLON HOUSE, Defendant.	Superior Court No. 14-1-00938-2 Court of Appeals No. 47892-7-II

VERBATIM TRANSCRIPT OF PROCEEDINGS

August 22, 2014, May 15, 2015
Pierce County Superior Court
Tacoma, Washington
Before the
HONORABLE VICKI L. HOGAN

Raelene Semago
Official Court Reporter
930 Tacoma Avenue
334 County-City Bldg.
Department 5
Tacoma, Washington 98402

1 A P P E A R A N C E S

2 FOR THE PLAINTIFF:

3 KARA SANCHEZ
4 Pierce County Prosecutor's Office
930 Tacoma Avenue South, Rm. 946
5 Tacoma Washington 98402-2171

6 FOR THE DEFENDANT:

7 MARK QUIGLEY
8 Department of Assigned Counsel
949 Market Street, Suite 334
9 Tacoma Washington 98402

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1 BE IT REMEMBERED that on Friday, August 22, 2014, the
2 above-captioned cause came on duly for hearing before the
3 **HONORABLE VICKI L. HOGAN**, Judge of the Superior Court in
4 and for the County of Pierce, State of Washington; the
5 following proceedings were had, to wit:
6
7 <<<<<< >>>>>>
8
9 MS. SANCHEZ: Your Honor, we are just asking
10 to set the status conference over, but Mr. Quigley wants
11 it to be on the record. These are Cause Nos. 14-1-00938-2
12 and 14-1-00937-4. Both are State of Washington vs. Marlon
13 House. Mr. House is present in custody represented by
14 counsel, Mark Quigley. Kara Sanchez on behalf of the
15 State.
16 We are here for a status conference. Trial is
17 not until October 15th. So in the discussions with
18 Mr. Quigley this morning, we are not real prepared to do
19 much by way of the status conference today. We are both
20 still working on the cases, potentially negotiating. So I
21 think we are asking to set the status conference over to
22 September 19th, and then I think defense has some
23 additional issues to raise with the Court.
24 THE COURT: All right. Go ahead, Mr. Quigley,
25 present with Mr. House on the two cause numbers.

1 Put your hand down, sir.
2 MR. QUIGLEY: Okay. Your Honor, this is a
3 status conference hearing and Mr. House wants to address
4 the Court regarding my representation, and I will
5 certainly give him that opportunity in a minute, but I do
6 want to give the Court an update of what's going on.
7 There are two separate cause numbers, and two
8 separate victims that are completely unrelated
9 allegations. So that all by itself creates some
10 complications.
11 I have retained an investigator, Julie Armijo,
12 who has made contact with every witness that Mr. House has
13 advised me that he would like me to subpoena for trial,
14 and so that's been done.
15 I have not interviewed the two alleged victims
16 yet. I have advised Mr. House that before we do that I
17 would like to explore any possible resolution, because
18 it's the normal course of the prosecutor's policy that
19 once we interview victims resolution of the case is
20 difficult, if not impossible. So that's where we are.
21 October 15th is our trial date and we
22 anticipate being ready. If I'm not ready on that date, I
23 don't believe it would be that much of a continuance after
24 that date. So I talked to Mr. House several times, and I
25 made contact with him and I made notes of our

1 conversations. I have taken the action that he would like
2 me to take regarding his case.
3 I should also point out that his mother is
4 present in court. I have had several conversations with
5 her, including yesterday. She has provided me with some
6 documents as well today, and so I know that Mr. House is
7 probably going to tell you that I haven't done anything on
8 his case. I suspect that's what he is going to say, and I
9 want to let the Court know in my judgment that's just not
10 true.
11 THE COURT: All right. Thank you. All that
12 is documented this morning is a status conference hearing.
13 I will let you speak briefly, Mr. House, only to get a
14 general feeling for what the issue might be. If I need to
15 have a full hearing, then I will have to reset it, but
16 tell me what it is that you wanted the Court to know.
17 THE DEFENDANT: First and foremost, thank you
18 for letting me speak. But on behalf of my lawyer -- or on
19 behalf of myself, my lawyer, he says he has done things.
20 He has only talked to me four times since I have been
21 here. He talked to me after my arraignment and let me
22 know that I was his lawyer, and another time before that
23 was April 4th before I had court. He just called me
24 yesterday because I sent in a grievance to the Bar
25 Association. That is why he called me. If I didn't do

1 that, he never would have contacted me.
2 My mother has contacted him several times
3 trying to get with him to give him the documentations of
4 my court case. The last time I was in court,
5 January 22nd, I asked him to give my court papers to my
6 mother. He said he would. My mother called his name and
7 he did not acknowledge her. His excuse was, oh, I don't
8 remember her face. But how can you not remember?
9 THE COURT: All right. I got the tenor of
10 what your issue is. What are you asking the Court to do?
11 THE DEFENDANT: I would ask that the Court
12 relieve my legal counsel of his duty to represent me.
13 THE COURT: All right. Anything further,
14 Mr. Quigley?
15 MR. QUIGLEY: No. Only that his mother is
16 present. I talked to her yesterday. It was a pleasant
17 conversation. It was a pleasant conversation today. I
18 don't recall walking by her last time. If I did, I have
19 already apologized to her, but I'm doing what I can for
20 Mr. House, given the resources I have, and given the state
21 of the evidence, and I am certainly willing to represent
22 him in these charges. That's my job. So that's what I am
23 planning on doing.
24 THE COURT: Normally the State doesn't have a
25 position in this matter. So Mr. House, I'm denying your

request to have a new public defender. When you have the privilege of hiring your own counsel, then you can hire and fire. When the county pays for it, on the record before me Mr. Quigley is moving forward on your case. There is no set times that he is required to visit you in preparation for your case.

He has interviewed all of the witnesses that you have asked him, except for the alleged victim, and you need to understand that there is a significant import when the alleged victims are interviewed by the defense, any resolution short of trial is impossible after that time.

We are still on August 22nd, two full months to trial. In the future, these matters need to be properly documented and in writing, and then we have a scheduling order for setting this over to September 19th. Did I say the wrong date?

MR. QUIGLEY: No, that's correct. We just haven't generated the paperwork yet.

THE COURT: Okay. And that's for both cases. He has one more to sign.

(End of hearing.)

Exhibit “L”

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

In Re the Personal Restraint of: MARLON HOUSE, Petitioner.	COURT OF APPEALS NO. DECLARATION OF MARLON HOUSE.

I, Marlon House., declare as follows:

1. I am over the age of 18 and competent to testify to the contents of this declaration.
2. I am the petitioner in this case. I was convicted by the trial court of two counts of rape of a child in the first degree.
3. Mark Quigley was appointed to represent me by the trial court.
4. The first time I ever spoke to Mr. Quigley, it was over the telephone. He introduced himself and told me he was appointed to represent me in my cases. I told him I was innocent and Mr. Quigley's response was that only 3% of the people with a case like mine really didn't do it. I told Mr. Quigley that I was part of the 3% then. Mr. Quigley's response was something like "we will see." I believe this phone call took place in April 2014.
5. I spoke with Mr. Quigley when I was in court, but he only called me a couple of times and did not return my phone calls.
6. I was really worried about not being able to talk to my lawyer about my case. Whenever I called Mr. Quigley, I could not speak to him and he never called back. I did not know what to do, so I filed a grievance with the Bar Association.

7. The Bar Association told Mr. Quigley about the grievance, and Mr. Quigley called me then. He told me that filing a grievance would not change anything.

8. We had court the next day and I asked to speak to the trial judge about my serious concerns that Mr. Quigley was not doing anything on my case. The judge let me talk for a very short time and then told me Mr. Quigley would stay my attorney.

9. In court on that same day, Mr. Quigley told the judge that he had hired an investigator who had reached out to all the witness names my mom and I had provided to him. I believed him.

10. A short time before my trial in January 2015, Mr. Quigley called me and asked if I still wanted to go to trial. I said yes. Mr. Quigley told me that once he speaks to the victims, the State wouldn't give me a plea offer. Mr. Quigley told me that I could not win at trial. He did not discuss the case with me or tell me about potential defenses. I asked him why I could not win at trial and Mr. Quigley's response was that I just simply would not win. I did not know why I could not win at trial, but I trusted Mr. Quigley had spoken to all my witnesses and knew the facts so, I left it at that. I asked Mr. Quigley what the plea bargain would be and Mr. Quigley asked me what I would be willing to accept. I told Mr. Quigley that I did not want to accept a plea because I did not do it, but Mr. Quigley told me "come on give me something to work with" or something very close to those words. I told Mr. Quigley I would think about it.

11. A short time later, Mr. Quigley called me again saying that I could get a plea bargain. Mr. Quigley advised me that because I had no criminal history, I could get a plea. Mr. Quigley told me that I would have to take tests, including a lie

detector to make sure I had no other victims. Mr. Quigley told me that if I took the plea, I could be home by May 2015.

12. When I first met Dr. Comte to do one of the tests, I told him I didn’t do the things the prosecution said but that I wanted to do the evaluation because I wanted to accept a plea. I wanted to accept the plea because Mr. Quigley told me I could not win at trial and this was the only way I could get to go home. Dr. Comte told me that the only way to fit in the SSOSA program was if I admitted to the acts. I told Dr. Comte that I was willing to say I did it in order to go home, but Dr. Comte advised him that would not work and ended the meeting.

13. A few days after my meeting with Dr. Comte, I think it was some time in February 2015, Mr. Quigley came to see me in jail for the very first time. The first thing Mr. Quigley asked me was "You want to go home right?" I answered that question yes, I did want to go home. Mr. Quigley then told me that he knows I say I did not do it, but if I wanted to go home, I had to “own it.” Mr. Quigley told me I had to really own it, even if I didn't do it. He told me to agree with whatever was said about me and don't lie on the lie detector test. If I did that, he said I would be home by summer.

14. Mr. Quigley then set up another meeting for me with Dr. Comte. At this meeting, based on Mr. Quigley’s advice, I just went with whatever was said and told him what I thought he wanted to hear to qualify for SSOSA. I didn't lie on the lie detector test.

15. After these meeting with Dr. Comte and the lie detector were over, Mr. Quigley told me I did good and everything would be ok because I had never been in trouble before. He told me I had nothing to worry about.

16. I never met with an investigator in jail that Mr. Quigley hired and never spoke to an investigator about my case before I was sentenced. I only knew Mr. Quigley hired an investigator because he told me and my mom also told me. In late 2014 sometime, my mom told me the investigator was coming to visit me. However, no investigator visited me or even called me on the phone. I only remember an intern of one of the investigators coming in on one occasion briefly, but never the investigator personally.

17. I know I am the petitioner and it is easy to conclude that I am simply making self-serving statements to better my situation. That is not the case. All the things in this affidavit are true. The investigator my new attorney hired has shown that my case was not properly investigated and that I was not told the truth about what work was being done on my case. It always felt like my attorney did not want to talk to me or represent me, and now that I see that he told another lawyer in an email that he didn't want to take cases like mine and that I was a "wimp," the way he treated me makes so much sense now. My attorney's actions in telling the court and me that the investigator interviewed all of the witnesses my family and I asked her to interview and that she was investigating my case is now confirmed to be a false statement.

18. I based my decision to take the plea solely on Mr. Quigley repeatedly aggressively telling me that I could not win at trial and the only way I could go

home was to take the plea. Now that I am serving a sentence of 160 months to life in prison on two counts of child rape, I find out that my attorney didn't want to represent me at all, barely did any investigation into my case, and misrepresented to me and to the court what work was being done on my case. If I had known that my lawyer felt so negatively about people who were charged with child sexual offenses and that he did not do the things in my case that he said he did, I would have never taken the plea. Had my attorney represented me effectively, there is a strong chance the outcome in this case would have been different.

I declare, under the penalty of perjury under the laws of the State of Washington, that the foregoing is true and correct.

Dated this 17th day of May, 2018 at Shelton, Washington.

Marlon House
Petitioner

Exhibit “M”

15-1-02431-2 48694328 ORDM 02-10-17

FILED
DEPT. 14
IN OPEN COURT
FEB 03 2017
Pierce County Clerk
By.....
DEPUTY

IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF PIERCE

STATE OF WASHINGTON, Plaintiff , vs. HARRIS, JONATHAN DANIEL, Defendant .	Cause No: 15-1-02431-2 **ORDER ON DEFENDANT'S MOTION FOR RELIEF FROM JUDGMENT AND SENTENCE** **CLERK'S ACTION REQUIRED**

THIS MATTER came before the undersigned Judge of the above-entitled Court upon review of the Defendant's Motion for Relief from Judgment/Request for Factual Hearing and Supporting Declaration filed on January 12, 2017. After reviewing the Defendant's written pleadings, the Court now enters the following order pursuant to CrR 7.8(c)(2):

A. [X] IT IS HEREBY ORDERED that this petition is transferred to the Court of Appeals, Division II, to be considered as a personal restraint petition. The petition is being transferred because:

[ ] it appears to be time-barred under RCW 10.73.090;

[ ] is not time-barred under RCW 10.73.090, but is untimely under CrR 7.8(a) and therefore would be denied as an untimely motion in the trial court; or

[X] is not time barred but does not meet the criteria under CrR 7.8 (c)(2) to allow the court to retain jurisdiction for a decision on the merits.

If box "A" above is checked, the Pierce County Superior Court Clerk shall forward a copy of this order as well as the defendant's pleadings identified above, to the Court of Appeals.

2/13/2017 15827 0159

B. [ ] IT IS HEREBY ORDERED that this court will retain consideration of the motion because the following conditions have been met: 1) the petition is not barred by the one year time bar in RCW 10.73.090, and either:

[ ] the defendant has made a substantial showing that he or she is entitled to relief; or

[ ] the resolution of the motion will require a factual hearing.

IT IS FURTHERED ORDERED that the defendant's motion shall be heard on its merits. The State is directed to:

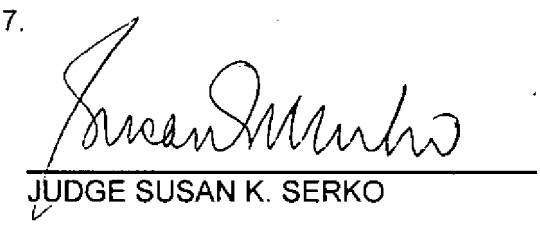
[ ] file a response by _____. After reviewing the response, the Court will determine whether this case will be transferred to the Court of Appeals, or if a hearing shall be scheduled.

[ ] appear and show cause why the defendant's motion should not be granted. That hearing shall be held on _____ at _____ a.m. / p.m.

[ ] As the defendant is in custody at the Department of Corrections, the State is further directed to arrange for defendant's transport for that hearing.

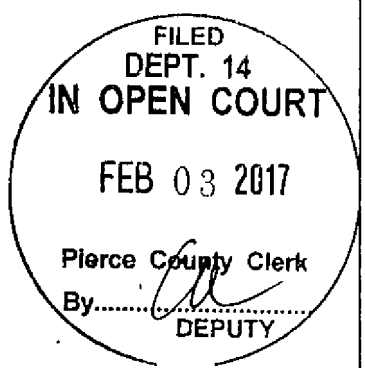
If box "B" above is checked, the clerk is directed to send a copy of this Order to the Appellate Division of the Pierce County Prosecutor's Office.

DATED this 3rd day of February, 2017.



JUDGE SUSAN K. SERKO

cc: John H. Hill, III
Timothy Lewis, DPA



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

State of Washington Plaintiff vs. JONATHAN DANIEL HARRIS Defendant	February 13, 2017 No.: 15-1-02431-2 Court of Appeals No.: CLERK'S PAPERS PER REQUEST OF APPELLANT TO THE COURT OF APPEALS, DIVISION II

HONORABLE SUSAN K. SERKO
Trial Judge

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

State of Washington Plaintiff vs. JONATHAN DANIEL HARRIS Defendant	February 13, 2017 No.: 15-1-02431-2 Court of Appeals No.: CLERK'S PAPERS PER REQUEST OF APPELLANT TO THE COURT OF APPEALS, DIVISION II

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dsgckpsup.rptdesign

E-FILED
IN COUNTY CLERK'S OFFICE
PIERCE COUNTY, WASHINGTON

January 12 2017 8:37 AM

KEVIN STOCK
COUNTY CLERK
NO: 15-1-02431-2

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON, Plaintiff, vs. JONATHAN DANIEL HARRIS, Defendant.	NO. 15-1-02431-2 **MOTION FOR RELIEF FROM JUDGMENT/REQUEST FOR FACTUAL HEARING AND SUPPORTING DECLARATION**

MOTION

COMES NOW John H. Hill, III, attorney for Defendant, JONATHAN D. HARRIS, and moves the Court pursuant to CrR 7.8 for relief from the Judgment and Sentence herein dated October 31, 2016. Specifically, this motion is pursuant to CrR 7.8 (b) (1), (2), (4) and (5). This motion is supported by the following declaration of facts and errors pertaining to guilty findings to Counts II and III of the Second Amended Information without legally required factual bases, resulting in the Court utilizing an erroneous and prejudicious SRA Offender Score and Standard Sentencing Range. The materials, pleadings, etc. referred to herein and/or attached hereto are incorporated in support of this motion as though fully set forth herein.

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DECLARATION OF FACTS IN SUPPORT OF MOTION

John H. Hill, III, declares as follows:

The Defendant was initially represented by attorneys Mark Quigley and David Katayama. The Defendant was initially charged with felony Murder in the Second Degree. Said charge was amended to Murder in the First Degree by premeditation based on an amended declaration of probable cause identical to the first declaration re: felony murder but adding information of multiple bone fractures discovered during an autopsy and forensic examination conducted under the authority of the Pierce County Medical Examiner and adding the speculative statement that such fractures might, possibly, be caused by 'stomping' the victim. The elected prosecutor supplemented this information at a press conference stating, incorrectly, that a forensic evaluator concluded the victim was probably "stomped" to death.

On July 28, 2016, a plea of guilty was entered to three counts (Murder in the Second Degree, Assault in the Second Degree, and Assault in the Third Degree) contained in a Second Amended Information filed. Counts II and III alleging assaults were fictitious crimes (i.e. they did not happen) that were contrived to enhance the offender score of Count I (Murder in the Second Degree) pursuant to a plea agreement. The result of the agreement was to change the Defendant's true offender score from 4 to 7 with a high-end range that was within the Defendant's true sentencing range for the greater charge of Murder in the First Degree that was being reduced per the plea agreement. The Defendant asserts he did not know this fact (i.e. that his plea sentencing range was within the range for the greater charge of Murder in the First Degree) when he pled guilty.

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After entering the plea, the Defendant was allowed to represent himself at his request and Mr. Quigley and Mr. Katayama were allowed to withdraw. The Defendant moved *pro se* to withdraw his pleas of guilty which motion was orally denied after a hearing. The Defendant then requested new counsel be appointed to assist him. John H. Hill was appointed and began review and investigation, hiring a seasoned homicide investigator and a mitigation writer/investigator. All proceedings were put on hold pending a court ordered 15-day competency evaluation at Western State Hospital. The Defendant was determined competent on a Friday afternoon and the Court set sentencing for the following Monday morning.

The defense investigation was completed during the weekend prior to sentencing and showed that the multiple fractures revealed during autopsy were not supported by evidence of 'stomping'. Instead, forensic evidence supports the cause of multiple fractures to be consistent to the Defendant's description of events to his defense team, i.e., a single blow from the Defendant's fist, a hard fall to the back of the victim's head, attempted resuscitation, and the manner in which the victim's remains were disposed of closely following death. The defense stands ready to prove this at an evidentiary hearing through exhibits and other testimony of the Defendant, testimony of an experienced homicide detective regarding evidence pertaining to the scene and site where the victim's remains were discovered, and testimony from the Pierce County Medical Examiner regarding forensic evidence previously unknown to him. Some of this evidence has been outlined in previous pleadings and incorporated herein as though fully set forth. *See attached*: Exhibit Records (e-Filed 10-31-16); Defendant's Sentencing Memorandum (e-Filed 10-28-16); Declaration in Support of Facts Re: Sentencing (e-Filed 10-31-16); Mitigation Package (e-Filed 10-28-16); and

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Defense Argument Re: Determination of SRA Offender Score And Standard Range (e-Filed 10-28-16).

The defense asserts that an adequate factual evidentiary hearing is necessary both to determine the merits of this motion and for adequate appellate review regarding the constitutionality and legal validity of 1) the Defendant's plea of guilty, and 2) the validity of contriving and fixing an SRA offender score and standard sentencing range by plea agreement without a proper factual basis required pursuant to Washington CrR 4.2 and case law as set forth in attached pleadings.

The Court has not yet signed Findings of Fact and Conclusions of Law regarding the Defendant's *pro se* motion to withdraw his plea of guilty. The allegations therein seem related to the assertions of facts and law pertaining to this motion and could be consolidated at a hearing for final entry.

The Defendant and his prior attorneys, if necessary, will testify that the Defendant was not made aware of the above described evidence relevant to determining pre-meditation or the lack thereof and therefore could not and was not taken into consideration regarding whether the totality of evidence would probably convict him of the greater charge of Murder in the First Degree at the time of his plea to fictitious charges. Instead the Defendant was aggressively advised by his defense team that his story was inconsistent with the forensic evidence described by the medical examiner, together with the resulting inferences of 'stomping'. The new evidence will demonstrate that said multiple injuries (bone fractures) were not the cause of death but in fact occurred after death and are not an appropriate basis for determining mental state relevant to acts occurring before the victim's death. This new evidence calls into question whether the State could prove the greater charge of Murder in

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the First Degree by premeditation and that the Defendant was inadequately aware of material forensic evidence. In essence, the Defendant was unaware of forensic evidence that dramatically changes the inferences previously made from multiple bone fractures, and credibly support what the Defendant had consistently and insistently made known to his defense team from the beginning of his being charged to the current date. Had this information been known to the Defendant, his attorneys, or the Court there could be no 'factual basis' for the fictitious counts as required by law. If the true evidence does not support an evidentiary basis for believing he would probably be convicted of the greater charge of Murder by premeditation, there can be no "factual basis" constitutionally and legally necessary in law to support the contrived and fictitious crimes in Counts II and III or the resulting altered SRA offender score and range. The forensic evidence relied on to support premeditation turns out to be incomplete and inconsistent with more determinative evidence regarding proof of mental state that was unknown and not of record at the time of guilty plea. The plea was not legally knowing. The plea was not legally voluntary. If the plea to Counts II and III are legally invalid, then a manifest and obvious injustice has occurred in that the Court improperly placed the Defendant's offender score for Murder in the Second as a 7, instead of his true score of 4, and imposed a high-end sentence outside the proper SRA sentencing range – much to his prejudice.

The Defendant had consistently told his defense team that he did not strike the victim multiple times. His attorney repeatedly told him his story was inconsistent with the evidence and aggressively emphasized the Defendant's conviction was inevitable based on the medical examiner's report. But now we know that the Defendant's version is more wholly reconcilable to newly revealed forensic facts. Importantly, the Defendant's explanation was

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made to his defense team prior to the time multiple injuries became the basis for the amended charge of Murder in the First Degree and has been consistently and insistently maintained by him at all times since and up to the present. Evidence anticipated to be shown at a hearing by the Pierce County Medical Examiner, the forensic homicide detective, and others will clearly and convincingly demonstrate these facts to be obviously true.

The Defendant's plea was based on an inadequate, incomplete investigation and resulting false speculation, and inadmissible inferences that his attorneys incorrectly advised him would surely result in his conviction of Murder in the First Degree. These facts, together with the history of the Defendant's serious mental disabilities as outlined in his mitigation report (see attached), caused him to acquiesce to a plea based on facts not in his own words but in legalese written by the prosecuting attorney. This is how people with such disabilities get by when confronted by authority. This is the Defendant's history and habit throughout his life – to acquiesce to what he does not understand when it is obvious that is what all the authority figures around him obviously expect if not demand from his perspective.

The defense asks that the Defendant be sentenced in accordance with the fundamental principles of the Washington Sentencing Reform Act – not a contrived, false, made up, and unsupported criminal history. The defense requests a factual evidentiary hearing to correct manifest injustice and prejudice imposed against him in the judgment and sentence previously entered herein.

SUMMARY

The defense requests the granting of an evidentiary hearing anticipated by CrR 7.8 (c)(3). At the hearing, the defense will show that:

A. That the Defendant relayed to his initial defense attorneys that:

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1) The Defendant struck the victim with his fist to the victim's face one time. That she fell hitting the back of her head and he believed her to be unconscious. Shortly thereafter, he attempted to administer resuscitation efforts by compressing her chest repeatedly with the heal of his hand;

2) That upon realizing she had died, he wrapped her remains in a tarp and placed her in his truck. The bed of his truck is 4-5' high; and

3) That he drove to the location where the victim was ultimately found. While standing in the bed of his truck with one foot on his raised wheel well, heaved the tarp and its contents up and out of the truck as far as he could (having experience throwing large double-stringed bales of hay) and believes the tarp landed laterally some 15-20' away from the truck and then dropping down a steep hill to a rocky bottom.

B. That former Tacoma Police Department Homicide Investigator, David Antonson, will testify to circumstances discovered at the scene where the victim was located. This will include the fact that the 'drop' from the truck to where the victim was located was unobstructed, that the road dropped off at roughly a 45° angle, and that the elemental calculation of the location of the victim's body would indicate she dropped 15'-20' vertically onto large rocks contained in photographs. (See attached). Together with the Defendant's version, this is consistent with the victim falling an estimated 15'-20' or the equivalent of a 2-2½ story drop from a building onto large rocks as will be shown in FBI photographs, and former TPD Detective David Antonson's

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testimony and attachments. None of this was shown or known to the Defendant prior to the time of his plea.

C. That counsel believes from his interview of the Pierce County Medical Examiner that the medical examiner will testify that the multiple fractures discovered on the victim are consistent with the Defendant's version and evidence now known. The medical examiner was unaware of such evidence at the time of autopsy. Further, it is expected he will testify that no testing or comparison was done to substantiate a possible 'stomping' theory and that any statement regarding such was not offered or intended to be an opinion regarding the cause of the victim's death but merely a possible means of blunt trauma injuries.

The State's attorney indicated to defense counsel prior to sentencing that they did not specifically allege stomping and could not prove it as the cause of death. This was not conceded to defense attorneys prior to the Defendant's plea.

D. Newly discovered evidence, excusable neglect, or irregularity in causing the Defendant to be materially misinformed regarding the facts bearing on the ability to provide premeditated murder, resulted in his acquiesced plea to fictitious Counts II and III to be unknowing and not voluntary and therefore without the factual basis required by law.

The Defendant asks the Court for the ability to make an appropriate record and for relief from the Judgment And Sentence resulting from incorrect and invalid determination of SRA offender Scoring and range. The Defendant therefore requests

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relief in the form of resentencing pursuant to his correct Sentencing Reform Act sentencing range.

I, John H. Hill, III, declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 11th day of January 2017 at Tacoma, Washington.

s/John H. Hill, III
JOHN H. HILL, III, WSBA#5663
Attorney for Defendant

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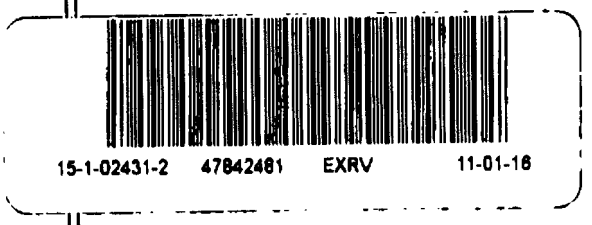

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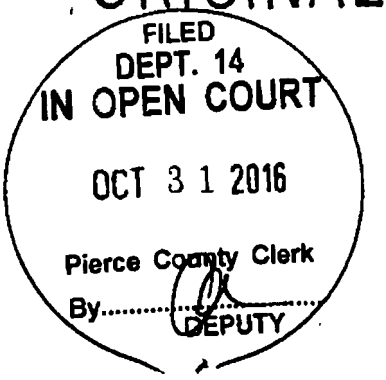


IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF PIERCE

STATE OF WASHINGTON, Plaintiff , vs. HARRIS, JONATHAN DANIEL, Defendant .	Cause No. 15-1-02431-2 **EXHIBIT RECORD** ALL HERE 10-31-2016

P D	No.	Description	Off	Obj	Admitted Agreed Denied Illustrative Published Redacted Reserved Withdrawn	Date	Rec'd by Clerk's Office
D	1	Report from Antonson Investigations, Dave Antonson, Investigator, including photographs (pages total)	Yes	No	Admitted	10/31/16	

ANTONSON INVESTIGATIONS
WA St. Bus License # 602-519-743
3800 "A" Bridgeport Way W, #471
University Place, WA 98466
cell- 253-219-5607

NAME of File: .....Jonathan Harris
Pierce County Cause Number: ....

My interruption of FBI Photo images taken on August 3, 2015 by FBI Agent Daniel Read during the recovery of Nicole White.

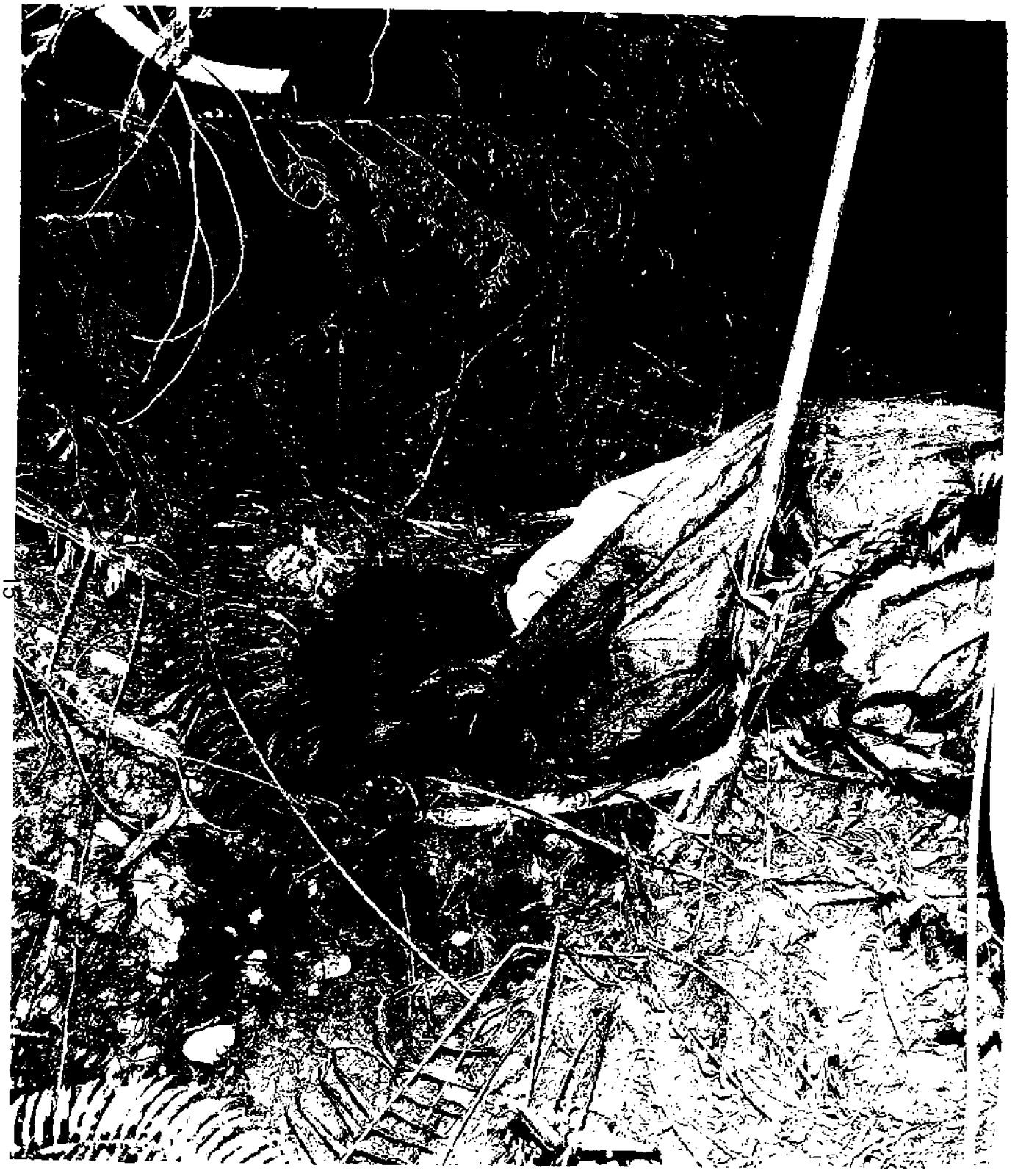
Photo Number	Description
0017	View is west on private road. Red rope in roadway used to assist in removal of Nichole White from over the hillside (right side). This photo also shows how the road was cut into the hill side
0136	Show the sharp angle of the hill side. Large rocks are observed
0067	Resting area. I believe the photo was taken sideways on the hill side. Many rocks are visible
0138	Final stop
0152	Same photo as 0138 taken after the body was removed showing that rocks were under the tarp

10-30-15
Dave Antonson
Investigator

FBE PHOTO 8-3-15
BY DANIEL REAH
PHOTO # C017

FBI PHOTO 8-13-15
BY DANIEL REED
PHOTO # 136

FBE PHOTO 8-3-15
BY DANIEL READ
PHOTO # 0067



FBI PHOTO 8-3-15
BY DANIEL READ
PHOTO # 138

FBI PHOTO 8-3-15
by DANIEL READ
PHOTO # C152

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PIERCE COUNTY, WASHINGTON

October 28 2016 11:16 AM

KEVIN STOCK
COUNTY CLERK
NO: 15-1-02431-2

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON, Plaintiff, vs. JONATHAN DANIEL HARRIS, Defendant.	NO. 15-1-02431-2 **DEFENDANT'S SENTENCING MEMORANDUM**

INTRODUCTION

The following is provided to address issues that are anticipated for sentencing in this matter.

I. The State Is Limited To Providing Information To This Court For Sentencing That Is Admitted In The Plea Agreement Or Admitted, Acknowledged Or Proven.

Under 9.94A.530(2), a SRA Sentencing Court may rely on no more information than is admitted in the Plea Agreement, or admitted, acknowledged or proved in a trial or at the time of sentencing. The defense asserts that the Plea Agreement herein limits the State from making supplemental assertions of fact regarding the crime(s) pled to herein than is contained in the Plea Agreement. If the State intends to prove additional facts pertaining to the crime(s) pled to that are relevant to sentencing, the Sentencing Court must schedule a sentencing evidentiary hearing with

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witness lists and notice of any supplemental facts intended to be proved and relied on for sentencing.

Under the 'real facts' doctrine of the SRA sentencing in Washington, it is well settled that a sentencing court may not impose a sentence based on elements of additional or more serious crime(s) that the State is not charging. St. v. Wakefield, 130 Wn.2d 464, 475, 476; 925 P.2d 183 (1996); St. v. Johnson, 124 Wash.2d 57, 873 P.2d 514 (1994); St. v. Elza, 87 Wash.App. 336, 343, 941 P.2d 728 (1997). The general purpose of this 'real facts' doctrine is to limit sentencing decisions to facts that are acknowledged, proved or pleaded. St. v. Houf, 120 Wash.2d 327, 841 P.2d 42 (1992). RCW 9.94A.535(3).

A sentencing proceeding under the SRA is not an appropriate vehicle for the prosecution to submit extraneous, unproven, hearsay, or otherwise inadmissible comments or emotional appeals to a sentencing court. Here, the State has agreed that the facts relevant to the crime herein are contained in the Plea Agreement. The State is restricted to these facts for sentencing, and the State is required to prove any other assertions of fact relevant to sentencing that are disputed by the defense. St v. Ammons, 105 Wash.2d 175, 713 P.2d 719 (1986).

II. The Defense Specifically Disputes And Does Not Acknowledge That The Deceased Was 'Stomped'.

The State and media coverage regarding this case have fostered the horrifying image that all of the injuries to the deceased victim, Nicole White, as described in reports issued by the Pierce County Medical Examiner's Office were the result of the Defendant 'stomping' of Ms. White. The insinuation or inferences regarding stomping are not true. It did not happen. The defense disputes such inferences and has not and does not acknowledge or acquiesce to any sentencing based in any way on such assertions.

While it is indisputable that Ms. White's various injuries were the result of 'post mortem'

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blunt force trauma, the Medical Examiner's report so opines. What the report does not say and what the Medical Examiner's Office has not and is not willing to render, is an opinion on what the instrumentality of the blunt force traumas are. They don't offer such an opinion because they cannot. Instead, the State is expected to rely on a hearsay statement from a detective present at the forensic examination (and not contained in the forensic examiner's formal written report) that one possible form of blunt force trauma is 'stomping'.

While the defense does not dispute the various injuries to the victim resulting from the trauma, the defense believes and can produce compelling evidence that several fractures were, in fact, the result of distinctly separate causes or instrumentalities causing the varying levels of bone fracture injuries.

In other words, Ms. White's tragic death was not the result of a continuous and relentless 'stomping' causing all of the injuries evidence by various bone factures described in the Medical Examiner's report(s). In fact, the bone fractures resulted from differing 'blunt force traumas' that were 'perimortem' – i.e., 1) frontal facial fractures caused by defendant violently assaulting Ms. White with his closed hand one or possibly two times; 2) other cranial injuries potentially the result of the victim falling down or striking of a hard surface upon being struck by the defendant – e.g., the floor, a large glass ashtray, hard furniture edge; 3) unintended sternum and rib fractures caused by defendant's attempt to resuscitate Ms. White by performing chest compressions; 4) other unintended fractures potentially caused upon defendant's lifting of the victim into his heightened truck bed and tool box and riding a considerable distance against hard objects over harsh road surfaces in a very stiff riding four-wheel drive truck; and 5) other unintended fractures likely caused by how the defendant removed the victim from his truck – throwing the victim up and out headlong from a height 5-10 feet off the ground down a very steep, hard grade embedded

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with large rocks.

On October 21, 2016, Pierce County Medical Examiner Dr. Thomas B. Clark was interviewed by defendant's counsel and investigator David Antonson (former TPD Homicide Detective). The purpose of this interview was to expand on Dr. Clark's examination and report pertaining to the victim. Dr. Clark clarified and informed us:

1) There is a wide variety of instruments and causes of blunt force trauma;

2) In this case, the instrument of the blunt force trauma was not determined. There was no actual comparison or analysis of specific instrumentalities or causes done. Dr. Clark informed us that there was no real possibility of doing such a comparison due to the condition the remains of the deceased.

3) Dr. Clark was not willing to opine that the traumas to Ms. White were due to 'stomping'.

4) Dr. Clark states that the various fractures could be caused by differing and multiple causes – specifically, including the potential instrumentalities listed on page 3, lines 12-26. Blunt force trauma is fact specific.

The mere suggestion of the possibility of 'stomping' does not prove or establish a fact that a sentencing court may rely on for sentencing. The State carries the burden of proof. It is not proven. It is not true.

III. The Hearsay Statement Of A Detective Re: Alleged 'Stomping' Is Inadmissible. The Forensic Examiner's Alleged Statement Re: Stomping Is Not Admissible Under ER 702. Both Statements Are Specifically Objected To And Disputed By The Defense.

The information included in the State's Declaration in Support of Probable Cause Re: 'Stomping' of the Victim is without adequate factual foundation was made without necessary medical, or scientific comparison and analysis with defendant's feet or shoes or other potential instrumentalities to the injuries at issue. Further, the statement is not an opinion that the blunt force trauma was caused by 'stomping' – but only that it was one <u>possibility</u> for creating blunt force trauma. The solicited statement is not specific to the defendant or supported by a

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comparative analysis accepted in the forensic examiner community.

The statement at issue should be excluded from fact finding because it engages in speculation; it does not meet Washington's Frye requirements for opinion evidence and on methodology accepted in this professional community. St. v. Copeland, 130 Wash.2d 244 (1996); and the opinion has since been clarified by the Pierce County Medical Examiner as not offered to show that the injuries or death at issue resulted from the defendant 'stomping' the victim and is therefore not relevant to the Sentencing Court's actions.

CONCLUSION

The defendant disputes that he 'stomped' the victim. The Defendant objects to opinion evidence offered by the State regarding 'stomping'. The State is limited to evidence at sentencing regarding facts of the crime to those contained in the Plea Agreement

RESPECTFULLY SUBMITTED this 28th day of October 2016.

s/John H. Hill, III
JOHN H. HILL, III, WSBA#5663
Attorney for Defendant

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15-1-02431-2 47842492 DCLR 11-01-16

FILED
DEPT. 14
IN OPEN COURT
OCT 31 2016
Pierce County Clerk
By..... DEPUTY

11/2/2016 14565 0091

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON, Plaintiff, vs. JONATHAN DANIEL HARRIS, Defendant	NO. 15-1-02431-2 DECLARATION IN SUPPORT OF FACTS RE: SENTENCING

The declarant, John H. Hill, makes the following statements in support of factual determinations relevant to the Sentencing Court in this matter. The statements are made as true and accurate under penalty of the laws of the State of Washington.

I have reviewed the information provided to me as discovery, have spoken to prior legal counsel and investigative staff, and extensively to the defendant Jonathan Daniel Harris.

The following is a summary of some of the information that has been consistently relayed to me by the parties described above:

The defendant made contact with Nicole White by text in the early evening hours of June 6, 2015, to determine whether she would like to "hang out" with him at "Jeepers" Tavern. She agreed and drove to the defendant's resident about 10:00 p.m. to pick him up. On the way to

Jeeper's, she indicated she had to be at work early and they agreed she could sleep at the defendant's residence instead of returning to Orting that night. She had brought an overnight bag with a change of clothing. Their relationship was not intimate and there was no insinuation or suggestion by either that such was anticpated that evening. At no time did sexual contact enter into their relationship in any way.

The initial contact between them was made by Nicole through a social contact app where they both had profiles. They were somewhat acquainted in that they both frequented various nearby taverns in their vicinity.

They went to Jeeper's and consumed alcohol. The defendant had previously consumed alcohol, i.e, some bourbon whiskey his mother had left at the residence where Jonathan was living with her. He had also consumed various prescription drugs at the house, i.e. lorazepam, vicodin, flexoral, and perhaps methocabemol. All of these drugs interact with alcohol in a manner that can impair thinking or reactions. The defendant drank beer and mixed drinks for approximately four hours at Jeepers. The defendant drank more bourbon after they got to his residence.

Jonathan recalls that at some point he and Nicole had a disagreement or what might be called an argument. His memory is not clear regarding the nature of the argument but thinks it may have been over incidents at the tavern, or perhaps also about his dogs' behavior in bringing bloody rabbit parts into the house and their reactions to that. At some point the discussion had a physical component and he recalls her grabbing or pushing at him and that he reacted by "hitting" or "punching" her. He recalls her falling down and hitting her head hard on an object and the floor. He believed her to be unconscious but fairly soon he became concerned for her and attempted resuscitation by repeatedly compressing her chest with the heels of his hands.

To the defendant's shock, he determined Nicole was not breathing and realized she had died. The defendant became frightened and panicked and attempted to conceal what had happened.

He wrapped Nicole in a plastic tarp and canvas painter cloth. He then transferred her to his truck bed and then into a toolbox container with other various hard objects. He subsequently drove the truck to the hillside where Nicole was later located by police.

The defendant estimates the truck bed of his "lifted" truck with 37" wheels/tires to approach 5' off the ground. He lifted the "tarp" out of the toolbox and tossed it headlong, while standing in his truck bed and on the wheel well, as hard as he could down the steep grade. Photos of this area will be provided to the Court and demonstrate the deceased dropped 15 to 20 feet onto large rocks.

The defendant has displayed tears, grief, sadness and sorrow about Nicole White's death. He cannot conceive of a motive regarding why he struck her with such horrific results.

On October 21, 2016, Pierce County Medical Examiner Thomas Clark was interviewed by myself and investigator David Antonson (former TPD homicide detective). The purpose of this interview was to expand on his explanation and report pertaining to Nicole White. Dr. Clark informed us:

1) There was evidence (varying degrees of bone fractures) of a number of blunt force trauma injuries to Nicole White.

2) There can be a wide variety of "instrumentalities" that cause blunt force trauma.

3) In Nicole's case, the instrument of blunt force trauma was not determined. There were no actual comparisons or analysis of specific or potential instrumentalities

performed. Dr. Clark believed there was no real possibility of doing such a comparison due to the deceased remains.

4) Dr. Clark was not willing to opine that the traumas to Ms. White were due to stomping.

5) Dr. Clark stated that the various fractures or blunt force traumas indicated could be caused by differing and multiple causes or instrumentalities. Such include:

   a. Efforts at resuscitation are commonly responsible for injuries like those reported regarding Ms. White's sternum and rib area, and consistent with defendant's description in that regard.

   b. One blunt force blow can directly result in related other injuries – i.e. a blow causing one to fall on or hit another hard blunt object, eg. the floor or other hard object as was described as happening to Nicole White.

   c. Injuries consistent with the circumstances described by the defendant regarding disposal of Ms. White's body and the rocky topography photographed and described by FBI documents and photographs, and information provided by former detective Antonson.

Further the declarant sayeth not.

Dated this 30th day of October, 2016, at
Tacoma, Washington.

John H. Hill III
WSBA No. 5663
2703 N. 31st Street
Tacoma, WA 98407

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NO: 15-1-02431-2

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

STATE OF WASHINGTON V. JONATHAN HARRIS Defendant.	CAUSE NO. 15-1-02431-2 MITIGATION PACKAGE

MITIGATION PACKAGE

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Mitigation Package
State v Jonathan Daniel Harris

Cause no. 15-1-02431-2

Jack Hill Attorney / Investigator Nancy Austring

10/9/2016

Mitigation Report Robert Jonathan Harris
(Cause number 15-1-02431-2)

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-The following exhibits are from records received and reviewed for this report.

Exhibit # 1	School Records
Exhibit # 2	Rand Harris Sr. Court Documents
Exhibit # 3	Dr. Molli Wilson Records
Exhibit # 4	Dr. Fay Records
Exhibit # 5	Rainier Behavioral Records
Exhibit # 6	Sound Family Medical Records
Exhibit # 7	Cause # 08-1-04067-6
Exhibit # 8	Plea documents

MITIGATING FACTORS

- Trauma
- Parental abuse
- Maternal abandonment
- Exposure to domestic violence
- Sexual abuse
- Major depressive affective disorder
- Learning disability
- PTSD
- Alcohol and drug abuse

PERSONAL AND SOCIAL HISTORY

Jonathan Daniel Harris who is called Jon by his friends and family is the youngest of two sons born to Rand and Leslie Harris April 24, 1986. Leslie had gestational diabetes during her third trimester which resulted in Jon's excessive birth weight (macrosomia). Jon weighed thirteen (13) pounds when he was born and continued to grow rapidly during his childhood.

- There is evidence that high birth weight may lead to complications later in life (Barker et al)
- Macrosomia can cause increased risk of health problems such as metabolic syndrome during childhood (Leddy et al 2008).

Jon had recurring upper respiratory and ear infections as a baby. When he turned two, a neighbor pointed out that Jon couldn't hear well. Jon had surgery to correct the hearing problem. During surgery, a nerve to Jon's eye was nicked causing one of his eyes to turn in. Jonathon had a second surgery to correct the eye problem but had to begin wearing glasses before he even entered school. Due to Jon's hearing problem his speech was delayed. He had speech therapy for years to correct the problem. The combination of Jon's size, his speech problem and having to wear glasses as a small child made Jon a target for ridicule something that continued into his teens (**Interview with Rand Harris Sr. & Marie Page).**

TRAUMA, DOMESTIC VIOLENCE AND ABUSE

The Harris family was living in Ravensdale Washington when Jon was not quite five years old. A neighbor, Sharon Phillips, who was Jon's babysitter, recalls that Leslie Harris came to the Phillip's home crying and asking for help. Leslie told Phillips she was afraid of her husband Rand who followed Leslie to the Phillips' home. Phillips' husband told Rand if he didn't leave they'd call the police (**See Phillips interview**).

Rand Harris Sr. was an abusive alcoholic who is described by Jon's older brother Rand Jr. as "...a monster who hit us all over the place." Jon recalls being repeatedly hit in the head by his father.

Leslie separated from her husband taking their oldest son Rand Jr. but leaving Jon with his abusive alcoholic father. The couple reunited briefly but Rand's abuse never stopped. Leslie finally divorced Rand Sr. again leaving Jon with his abusive father.

According to Leslie, Rand Sr. made visitations with Jon difficult. Rand Sr. states that Leslie would say she was coming to get Jon but would fail to show up, breaking Jon's heart. When visits were arranged they were done under the supervision of police. Fighting and blame between the two adults regarding Jon went on for years according to family friend Shantelle Deutch **(See Deutch interview).**

SCHOOL YEARS AND SEXUAL ABUSE

When Jon was about ten years he had a teen neighbor, Jake Nichols, as a babysitter. Jake who was about seven years older and Jake's friend Ricky Haulet sexually abused Jon. Jon was traumatized and humiliated. He didn't want to tell his father about the abuse for fear he'd be beaten. His father, who was a former Marine, had strong feelings about gays. Jon states he's not gay but he knew his father would not see it that way. His mother had abandoned him and he had nowhere to turn for help.

Jon had recurring headaches, problems with memory, and struggled to keep up in school. He was diagnosed with a learning disability for which he was given an Individualized Education Program (IEP). The only verification the school district has of Jon's IEP status is a computer generated document and a letter written to Jon 5/20/15 advising him that the records would be destroyed **(Exhibit # 1-30, 31)**
Leslie Gnagy kept one copy of his IEP from 2003 when Jon attended Tahoma Senior High School. It is attached as **Exhibit #1-1through29).** The IEP disclosed that when Jon was in the 11th grade, his math skills were at a 4th grade level and his reading was equivalent to a 5th grade level **(Exhibit #1 -4)**. Regarding his behavior, it is noted that Jon's behavior did not impede his learning or that of others **(Exhibit 1- 12)**

Rand Sr. continued to drink heavily. He had relationships with other women who also experienced Rand's abuse. Pierce County Cause # 96-2-13691-9 is a protection order involving his new wife Deborah Harris **(See Exhibit # 2- 1).** King County superior court cause # 07-1-09243-5 is a case involving Rand Harris who was charged with Assault in the 3rd degree and domestic violence against Lisa Collinsworth with whom Rand had lived and been abusive **(Exhibit # 2-2)**. King county 07-1-09243-5 discloses an order for Rand to surrender his firearms to the Sheriff's office **(Exhibit # 2-12)**.

Rand's mother Pat Mullin. was also a victim of Rand's bad temper. Pat, now 82 years old, recalls an incident in which her son Rand had been drinking hard liquor and shoved her **(Interview with Pat Mullin)**. Jon who remembers this incident and the fear and helplessness he felt, was about 10 when this happened. Jon loves his grandmother Pat and calls her his best friend.

When Jon was fourteen he lived briefly with his mother who had remarried, divorced and remarried again always keeping Rand Jr. with her but sending Jon back to his father.

Jon kept his feelings of abandonment, fear, and humiliation inside until he finally shared some if it with his close friend Shantelle Deutch who has known Jon since the 7th grade (**See Deutch interview**) and later Tesia Carbone Jonathon's high school sweetheart who cheated on Jon.

Marie Page, a former teacher of Jon's at Tahoma High and Elizabeth Richardson, a para professional who worked with Jonathon, both recall Jon's frustration at not being able to do things and his getting behind the other students **(See interviews Page and Richardson).** Page recalls that Jonathon's home life was not healthy. She also recalls that Jon was frequently teased by other kids. Despite this Page found Jon to be a very likable big kid who she calls a gentle giant and was someone who wanted to be helpful.

EMOTIONAL / PHYSICAL PAIN

Despite the overwhelming emotional and physical trauma Jon experienced during his childhood, he received no professional help. Jon continued to experience recurring headaches and blackouts that his friend Shantelle thought might be related to head trauma Jon experienced from the abuse by his father **(See interview with Deutch)**.

It was not until 2005 when Jon was nineteen and went to live with his mother Leslie, that he finally saw a counselor, Dr. Molli Wilson PhD. It was the first time he'd shared with any adult his sadness over the abandonment by his mother. his father's abuse, and the sexual abuse when he was little. Wilson's records **(Exhibit # 3)** t was not until 11/22/05 that Jon was finally able to tell his mother about his feelings of abandonment which she admitted **(Exhibit #3-13).** Jon shared his frustration over his mother blaming his father and how his father makes him "...feel like shit." **(Exhibit # 3-14).** Dr. Wilson notes a contact 1/31/06 that Jon is frustrated by issues with his girlfriend named Tesia and his worries about her cheating **(Exhibit # 3-17).** On 1/27/06 Wilson notes that Tesia came with Jon to one of his counseling sessions and that he told her about being molested as a child **(Exhibit # 3-18).** Wilson diagnosed severe depression, noted panic attacks during drinking **(Exhibit # 3-19)** and referred Jon to Dr. Gayle Fay neuropsychologist.

Dr. Fay saw Jon several times in October 2005 for reported daily headaches with a history of notable impact to head **(Exhibit# 4-1).** In her summary and conclusions Dr. Fay noted that Jon 's verbal expression and processing were all well below average, and in the Extremely Low to Borderline range of cognitive functioning **(Exhibit # 4-3).**

She also noted that it is "...unclear if past head injuries are associated with his headaches and difficulty with school." Dr. Fay also noted that she believes Jon "...is enduring a notable amount of distress on some level" **(Exhibit#4-4).**

In 2008 at the age of 22, Jon went without referral, to Rainier Biobehavioral Institute (RBI) due to continuing problems with mood swings, bi-polar depression, and ADD. He was prescribed Lorazepam for anxiety, Invega (an anti-psychotic) and Ritalin **(Exhibit # 5 – 1).** He was instructed about interactions with alcohol **(Exhibit # 5-2).** By 2009 Jon had a DUI while still in on-going treatment with RBI.

According to medical records **(Exhibit # 6.)** On 2/16/12 Jon was seen at Sound Family Medicine where it is noted that Jon is on Vicodin **(Exhibit # 6-1).** Jon again reported headaches and that he was drinking three pitchers of beer a day as well as hard liquor **(Exhibit # 6-3).** Record notation 9/10/14 note that Jon was taking Lamictal, a drug used for bi-polar disorder/mood swings, and Ritalin for ADD.

Jon was suffering chronic pain in his back and feet. He was diagnosed with Lumbar Radiculopathy, a nerve irritation caused by damage to discs between the vertebrae. This is a degenerative problem caused by wear and tear. By August 2014 he was seen by Dr. Jeremy Van Gieson who referred Jon for pain management and possible surgery **(Exhibit # 6-6**).

Dr. Fay saw Jon again several times in November 2014 for delineation of neurocognitive status and development of a comprehensive intervention plan. She documents Jon's problems as headache with associate blanking out; degenerative disc disease, chronic traumatic encephalopathy, and sleep disruption. She also notes his self-esteem is low **(Exhibit # 4-28**). After testing Dr. Fay notes problems with immediate and delayed memory **(Exhibit # 4-30).** She further notes that "given his severe problems with verbal learning and memory, consolidation of information in long-term memory can be expected to be problematic" **(Exhibit # 4-33**). Under summary conclusions (Exhibit # 4-37 & 38), Dr. Faye notes Attention Deficit Disorder, auditory attention problems, highly distractible; & learning disability **(Exhibit # 4-38).**

WORK HISTORY

Jon likes to work with his hands and has had some success doing mechanical work **(See interview Rand Harris Sr.).** He has also worked as a landscaper, a bouncer and repossessing cars. Richard Reese, Jon's employer, reports that Jon is a hard worker who likes to help people, often going out of his way to assist someone in need **(See interview Reese).**

CRIMINAL JUSTICE SYSTEM CONTACTS

On August 30, 2008, Jon learned that his girlfriend Tesia, with whom he'd shared his most intimate secrets, had cheated on him. Jon was devastated. He got drunk and while in possession of a shotgun drove to a party he believed Tesia was attending with her new boyfriend. He was said to have pointed the shotgun at someone. He was arrested and charged with assault in the 2nd degree This incident led to Jonathon's conviction and a prison sentence.

Pierce County Cause # 08-1-04067-6 Assault in the 2nd Degree (Exhibit # 7)
Jonathon had no criminal history **(Exhibit # 7-3)** when he pled guilty to 2nd degree assault and was sentenced to prison for 14 months as a result of this incident **(Exhibit #7-7).**

While Jon was in prison his father moved to Colorado where he is currently living. By 11/29/11 Jon had taken care of his financial obligations related to that case **(Exhibit #7-18).**

Pierce County Cause # 15-1-02431-2 Murder 2
On 7/17/16 Jon now age 30. pled guilty to murder in the 2nd degree **(Exhibit # 8).** He states he was drinking heavily the night of 6/6/15 and consumed most of a 5th of whiskey that his mother had (See interview with Leslie Gnagy) and also took pain killers prescribed for his back problem.

- It is hoped that consideration of all mitigating evidence will result in a compassionate and fair sentence for Jon.

INTERVIEWS CONDUCTED

Portions of interviews completed during this investigation are referred to in the body of the report. The following are complete summaries of interviews:

RAND HARRIS SR. (father)
719-221-6826 (cell)
719 542-2108 (home)

I spoke with Rand Harris Sr. by telephone on two occasions. Harris who calls his son Jon, confirms he was a former Marine who had gone to college following his service and also worked a part time job. He'd met Leslie, Jon's mother, at a Seattle bar where she was employed as a manager. Leslie pushed Rand to get married when she became pregnant with their first son Rand Jr. Rand Sr. "...had to quit college and go to work for an oil company in 1981." His work took him on the road. Jonathon was born four years following the birth of their first child Rand Jr.

Harris states his wife Leslie was not motherly at all. Jon was huge when he was born; weighing 13 pounds and had to spend ten days in the hospital because his bilirubin count was very high.

Jon suffered recurring ear infections. When Jon was about two a neighbor pointed out to Harris that Jonathon didn't hear. They took him to a doctor who confirmed problems with his ears. When Jon was a two and a half he had surgery. An eye muscle was nicked during surgery which required another surgery.

Jon was so big Leslie wouldn't pick him up. He continued to grow at a rapid rate and had both speech and eye problems.

When Jon was about five or six years old Harris reports that Leslie had an affair and they divorced. Harris states that Rand Jr. was always "...his mom's kid," so she left taking Rand and Jon stayed with dad.

They battled back and forth regarding custody. Jon only saw Leslie every 3-4 months. Leslie had another affair with a co-worker Bob Waters then subsequently married Waters who was abusive to Jon according to Harris. Harris remarried a woman named Debbie who used to smack Jon a lot. During his marriage to Debbie they took Jon to Sylvan to try to catch up at school, but Leslie kept filing papers resulting in huge attorney bills causing Harris financial problems.

Leslie wouldn't see Jon except some holidays. She'd have to be forced to call and she wouldn't pick up Jon for visits.

Jon was 6 feet tall in 6th grade. He was always behind in school about 5-6 years due to hearing problem. Jon got trifocals in the 3rd grade and other kids ripped them off and broke them. Harris recalls having to buy 3 pair. Jon was big and had trouble fitting in. Jon's legs hurt him all the time.

Rand admits using corporal punishment on Jon and that after Jon graduated he went to live with his mother and that's when things started going wrong. Harris also admits to drinking beer every night and that he got a DUI. He states his grandparents were alcoholics and are part Cherokee so feels there is a genetic issue with sensitivity to alcohol. He also believes depression runs in the family. Leslie had a half-brother who killed himself. Her dad was an alcoholic would drink two fifths of whiskey a day. He also wanted me to know that Leslie's sister is Gay...

According to Harris, Leslie was always trying to get Jon to take her side, probably because she's Jewish and that seems to be what they do. He describes Jon as a sweetheart who hurts inside due to his mother's abandonment. Leslie and Rand reunited briefly but separated again. Leslie also came and slept with Rand one time and told Jon she was coming back then he didn't see her for months.

Rand recalls using Sharon Phillips as a babysitter in Ravensdale WA when Jon was very little. Later he vaguely recalls some neighbor kid babysitting Jon.

Leslie Gnagy -mother
253 666-3375

Leslie Gnagy states that she had gestational diabetes when pregnant with Jonathon who was very large when he was born at Valley General in Renton. He got very sick when he was 3- 4 weeks old, got dehydrated and had to spend time in intensive care.

Her husband Rand was abusive to her. He drank a lot and would yell at her, shove her and one time threw her against a wall and choked her. She was scared to death of Rand;

who was getting mean with their son Randy. At one time he was diagnosed bi-polar but she's not aware if he has sought help for this or takes any medication.

When Jon was about six years old she left Rand Sr. and left Jon with his dad. She could not explain why she left Jon with Rand who was abusive. She was supposed to visit every other weekend and remembers having to call the police to assist with the kid swap. Rand would do things to make it impossible for her to see Jon. She filed a TRO against big Rand because little Rand was so terrified of him. Jon didn't tell her about any abuse he suffered until the last 4-5 years.

She was married for 6 weeks to Bob Waters when Jon was about 10. She divorced Waters then married Curt Nagy when Jon was about 14. He came to live with them briefly but then went back to his dad's.

She did not attend any school meetings regarding Jon but knew he was in special education because he had trouble learning and had no reading comprehension. She recalls him having a hearing problem and that he couldn't talk well for a long time. She doesn't know where Jon's surgery was done for his ears.

Leslie reports that Rand Sr. moved to Colorado when Jon went to prison. Once Jon was released he moved in with Leslie who has found him to have no self-esteem or self-confidence.

Jon has suffered from degenerative disc disease and has lower disc compression and a narrowing of the nerve in his back. As a result, he suffers from pain and had been taking pain medication prescribed by his doctor. According to Leslie Jon is a big gentle guy who tries to be helpful; does things for people who use him and take advantage of him. He's had a hard time in life.

Pat Mullin – Paternal Grandmother
719 542-2108

Pat is 82 years old and lives with her son Rand, Jon's father in Colorado which has always been her home. She seven children and tried to visit them all but never spent long with any one of them. Pat was a school teacher and recalls Jon being unable to hear or respond normally when he was a little boy. It concerned her and she told Leslie there was something wrong. Leslie drug her feet and did nothing for a long time. As a result, Jon's speech was very delayed and his hearing is still not right. He also had vision problems.

When Rand and Leslie split up Leslie didn't want Jon and that hurt him. Jon longed for his mom. Pat felt helpless to do much as she was in Colorado and didn't' know much about the babysitters Jon had. She knows that Mother's Day was a hard day for him because he didn't have a mom. Pat was aware that Jon was in special education. She does not know about his use of alcohol but says he smoked. Close to graduation from high school Leslie finally decided to have Jon in her life. Pat believes it was just so she

could have his help around the house to do work. According to Pat alcohol was her son Rand and Jon's worst problem.

When Jon was little Rand was abusive; was on some kind of pill and he drank hard liquor and lots of beer. He didn't know what he was doing. One-time Rand shoved Pat when he was drunk. She thinks Jon was about 10 when this happened. She didn't see Rand hit Jon but knows people do bad with hard liquor and she told her son he shouldn't drink it any more after he shoved her. He still drinks according to Pat who has suffered throat cancer.

Rand Harris Jr. - brother
253 282-8678

Rand Jr. is Jon's older brother. He states he has been harassed by people regarding his brother's case and does not want to be involved. He is married, has a new baby and lives very close to where Nicole White or her relatives live. He did tell me that their father was a monster who used to hit them all, all over the place. His statement to law enforcement confirms that Jon has had learning disabilities his whole life, and that he "...copped a lot of physical abuse from their dad who neglected him" (Bates 543). Rand also confirmed that Jon takes medication for back and leg pain and that Rand had given his brother some anxiety pills prescribed for Rand who is bipolar and states their father is too (Bates 544). Rand also confirmed that Jon "...gets really bad headaches and can't remember things" (Bates 546).

Sharon Phillips
253 630-9884 or 360 886-0935

Phillips babysat Jon during the summer when he was in kindergarten. She recalls his family was going through tough times. His parents divorced and it was acrimonious. She recalls Leslie, the mother. complaining that her husband Rand was physically abusive. One time Leslie came over to the Phillips and said she was afraid of Rand. Phillips' husband had to threaten calling the police for Rand to leave. Phillips' memories of Jon as a little boy were that he had emotional problems. One time he hid in a shed on the property and she couldn't find him so called the police because he was missing. She recalls that Rand Sr. had a quick temper and was very loud and frightening. Although she didn't see Rand drink she thinks he did drink and that Rand Jr. tried to be protective of Jonathon.

Shantelle Deutch – friend
253 753-3577

Shantelle recalls meeting Jon when he was in the 7th grade at Glacier Park Elementary school. They became very close friends who shared a lot by the time they got to middle school. She got to know his family very well and states Jon was used as a pawn between his parents with whom she has kept in touch over the years. Shantelle observed that Leslie and Rand Sr. hated each other then and still hate each other. Jon was damaged

emotionally when his mother left and chose his older brother to take with her. According to Shantelle, Rand Sr. was not equipped to be a single parent. He had a drinking problems and women were in and out of the house. She remembers Rand Sr. smoking marijuana in the garage with Jon when they were young. Jon shared with Shantelle that he was raped by a babysitter his father got for him when he was in elementary school. He was afraid, embarrassed, and humiliated and didn't want to tell his father.

Jon used to have blackouts and Deutch recalls him being treated for that. She believes these blackouts happened as a result of head trauma from his abuse in combination with the feeling of abandonment from his mother's having chosen his older brother to take with her when she left his father. Shantelle lived with Jon and his father for a time and has never experienced any violence from Jon whom she says is gentle and someone who has stood up for her and other women who were being bullied by others. She's never seen Jon exhibit any random violence.

Richard Reese (employer/friend)
253 405-776

Reese owns car repossession business. He has known Jon who worked for Reese on and off for ten years. Reese describes Jon as a "big strong goofy kid who looked at Reese like an uncle." Reese has known Jonathon to be one of the sweetest kindest people he knows and states that Jon reminded him of the Lennie Small character in of "Mice and Men"

Reese states that Jon, "has a big heart", and "...would fix anything for anyone," and wanted to help everyone." His biggest problem was that Jon had a "...kind of bi-polar manic depression problem and he would slump off when he'd get frustrated.

"When Jon drank he did stupid stuff "and that's why Reese couldn't hire Jon full time. Reese knew that Jon worked as a bouncer in a couple of bars and was fine when he wasn't drinking. Reese has never seen Jon be violent but if he got frustrated he would get depressed." One time Reese got called when Jon was drunk, crying and babbling like a baby." Reese talked to him like a man and told him to shape up; Jon agreed that Reese was right. It broke Jon's heart when his girlfriend cheated on him and he flew off the handle just before Jon's arrest for assault.

Reese knows Jon's mother and brother and said Jon didn't get along with his brother who was the mother's baby boy who got to stay with the mom. Everyone could count on Jon who would hurt himself to help others out. He was a good mechanic but was too big to fit into some places he needed to get. He was also good with tow trucks. but he's got mind of young boy. Jon is very immature and unable to grasp some things.

Marie Page, - former teacher
425 413-6200
206 498-4092

Page was a former teacher of Jon's at Tahoma High when he had his IEP. She recalls Jon's frustration at not being able to do some of the work and getting behind the other students. She also recalls Jon was a hands on person who did better when he had something physical to do but had trouble with reading and understanding instructions. Page was aware that Jon's dad seemed to go from woman to woman and that there were lots of arguments in Jon's home. She describes Jon's home life as not a positive environment. She said Jon would get frustrated and angry when other kids harassed him and at least once he got suspended for telling someone off. She would call him on his temper and was able to calm him down. She recalls when he got his DUI that she called him on the carpet for her and he listened and appreciated her concern. Both she and a para educator Elizabeth Richardson found Jon to be a very likable big kid who she calls a gentle giant. She found him to be very considerate. Jon visited Page at least a half dozen times after he left school.

Elizabeth Richardson –para professional
206 550-2470 or 206 382-7273

Richardson worked as a para professional at Tahoma school district and was assigned to help Jon one on one due to his status as a special education student. She found him to be a very pleasant person. He had problems with attention span but was able to succeed with tasks that required hands on. He was always good with Richardson; someone who followed the rules while she worked with him and she never saw him act out.

CONCLUSION

By pleading guilty, Jon has taken responsibility for taking a life. He should be shown some mercy in sentencing for the life that was taken from him as a child.

Before the age of five Jon experienced pain, fear, rejection, and abandonment. By the age of ten he was humiliated by sexual abuse. Jon had no control over and no help with any of these experiences. His parents, who should have helped, were too busy battling each other.

Children raised with chronic loss, without psychological or physical protection tend to internalize fear. The long-term impact of this can result in alienation, guilt, sleeping disorders and physical ailments, including drug and alcohol abuse, anxiety, depression, anger and grief **(Myers 2005).** Jon experienced all of these throughout his life

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON, Plaintiff, vs. JONATHAN DANIEL HARRIS, Defendant.	NO. 15-1-02431-2 **DEFENSE ARGUMENT RE: DETERMINATION OF SRA OFFENDER SCORE AND STANDARD RANGE**

I. RELEVENT FACTS

The Pierce County Prosecuting Attorney has filed three (3) Informations in this cause – each containing different charge(s). The original Information charging Felony Murder by Assault in the Second Degree and Declaration for Determination of Probable Cause were filed on June 23, 2015. An Amended Information charging Murder in the First Degree by Premeditation was filed with a Supplemental Declaration for Determination of Probable Cause was filed November 4, 2015. The Supplemental Declaration differed in content by adding two paragraphs at the end of the declaration regarding forensic examination by a King County Medical Examiner's Office employee. On July 27, 2016, a Plea Agreement was filed. Only July 28, 2016, a Second Amended Information charging Murder in the Second Degree (Intentional) in Count I, Assault in the Second Degree, Count II, and Assault in the Third Degree, Count III. All three counts involve the same

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victim, but allege differing dates. The dates alleged for Counts II and III are fictitious. The fictitious and contrived dates for Counts II and III are designed to enhance the Defendant's true SRA offender score from 4 to 7, and resulting Standard Range re: Count I (Murder in the Second Degree). Alleging separate fictitious crimes and dates is argued to preclude application of 'merger' sentencing doctrines, as well as SRA 'same course of criminal conduct' offender scoring re: other current offenses. For convenience, the above documents (i.e. filed Informations and Declarations) are contained in Attachment I.

On July 28, 2016, a Statement of Defendant on Plea of Guilty was filed together with an Addendum to Plea form for In Re: Barr Pleas as to Counts II and III of the Second Amended Information. The Statement of Defendant form, the Addendum and a copy of the Plea transcript are contained for convenient reference in Attachment II.

The defendant has formally and explicitly objected in writing to the State's asserted offender score calculation of seven (7) for Count I, Murder in the Second Degree, based on scoring the fictitious current offenses and dates contained in Counts II and III. The defense asserts the correct SRA Offender Score for Count I is four (4).

Relevant Standard Ranges are as follows:

1) Murder Second Degree: Offender Score of 4 = 165 - (215) - 265
Offender Score of 7 = 216 - (266) - 316

2) Murder First Degree: Offender Score of 4 = 281 - (328.5) - 374

II. ISSUE PRESENTED

Whether an SRA Sentencing Court Determining a Disputed Offender Score and Standard Range for Count I of Three Counts Must Score the Other Separate Counts Alleged in the Same Information as Prior Offenses Pursuant to RCWs 9A.94A.525(1) and 9A.94A.589 in circumstances where 1) the Other Counts Allege the Same Victim; 2) the Other Counts are Lesser Included Offenses but for Alleged and Admittedly Fictitious Dates; 3) the Other Counts are Pled to on the Same Date as Count I; 4) the Other Counts are Based

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on the 'Same Course of Criminal Conduct' but for the Contrived Dates; 5) the Other Fictitious Counts are Added as Counts for the Sole and Express Purpose of Enhancing the Defendant's SRA Offender Score and Standard Range Beyond His True Offender Score; and 6) the Other Counts Are Based on Record That Does Not Adequately Demonstrate the Defendant's Subjective and Affirmative Understanding of His Reasons for Pleading to Fictitious Offenses and Has Attempted to Withdraw His Plea to Fictitious Counts?

III. ARGUMENTS

A. When an SRA Offender Score/Standard Range are Disputed the Sentencing Court Bears the Responsibility to Determine the Correct Offender Score/Standard Range. In Doing so the Court is Not Bound by the Parties Recommendation or Plea Agreement Regarding the Correct Offender Score/Standard Range. The Defendant Formally and Explicitly Has Disputed and Objected to the Offender Score/Standard Range Set Forth in this Plea Agreement.

When, as here, an Offender Score is disputed, the law appears clear and well settled regarding the Court's responsibility.

RCW 9.94A.441 provides:

> The prosecuting attorney and the defendant shall each provide the court with their understanding of what the defendant's criminal history is prior to a plea of guilty pursuant to a plea agreement. All disputed issues as to criminal history shall be decided at the sentencing hearing.

The prosecutor and defendant may agree to 'sentencing' as part of a plea agreement but the Sentencing Court bears the ultimate responsibility to determine the correct Offender Score and Sentencing Range. St. v. Malone, 138 Wash.App. 587, 157 P.3d 909 (2007). The burden of establishing criminal history et al for the purpose of a dispute offender score is by a preponderance and lies with the prosecution. St. v. Ammons, 105 Wash.2d 175, 713 P.2d 719 (1986); In Re Goodwin, 146 Wash.2d 861, 50 P.3d 618 (2002). And see St. v. Harris, 102 Wash.App. 275, 6 P.3d 1218 (2000); St. v. Wakefield, 130 Wash.2d 464, 925 P.2d 183 (1996).

A Sentencing Court acts without authority when it imposes a sentence based on a wrongfully determined Offender Score. State v. Bush, 102 Wash.App. 372 (2000); State v.

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Mitchell, 81 Wash.App. 387 (1996). Such a sentence above the correct Standard Range is subject to statutory and constitutional restrictions and procedures indisputably not complied with herein. See Blakely v. Washington, 542 U.S. 961, 125 S.Ct. 21 (2004); and RCW 9.94A.53.

B. The Record Herein Fails to Establish The Essential Criteria Required By Law For Validity Of Conviction to Counts II and III Which Are Indisputably Fictitiously Based For The Purpose of Enhancing an SRA Offender Score and Standard Range Sentence.

The Defendant has been found guilty of Count II (Assault in the Second Degree) and Count III (Assault in the Third Degree). The record for such finding is contained in the materials attached – i.e. the Information (Felony Murder in the Second Degree) and Declaration for Determining Probable Cause (filed 06/23/15); the Amended Information (Premeditated Murder in the First Degree) and Supplemental Declaration for Determination of Probable Cause (filed 11/04/15); the Second Amended Information (filed 07/27/16); the Statement of Defendant on Plea of Guilty (filed 7/28/16); the Plea Agreement (filed 07/27/16); the Addendum to Plea Form for In Re Barr Pleas (filed 07/28/16); and the Transcript on Plea of Guilty – dated July 28, 2016.

Because Counts II and III are indisputably fictitious and did not occur as alleged in the Second Amended Information, the finding of guilty must be supported in the record by a unique factual basis. The Washington Supreme Court has set forth the essential criteria that must be of record to support the finding at In the Matter of the Personal Restraint Petition of Terry Patrick Barr, 102 Wash.2d 265; 684 P.2d, 712 (1984). (See Attachment III)[1]

While the legal factual and procedural postures of Barr and the case herein are materially distinguishable, the case does establish minimal constitutional criteria that must be

[1]It should be noted that Barr is a pre-SRA case, coming to the Court after appeal in the posture of a Personal Restraint Petition. As such, it does not contain an analysis of using fictitious pleas added to enhance SRA Offender Scores/Standard Ranges outside true calculations. Thus Barr is not precedent for using such contrived findings of guilt for disputed SRA determinations that are central to the SRA's fundamental featuring reforms. None of the Justices involved in Barr currently serve on the Court.

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shown in the Court's record to support a finding of guilt based on a fictitious and not committed "lesser" charge 'in order to avoid certain conviction for a greater offense.' Barr on Page 3 of attachment.

The essential hold and criteria of Barr regarding such pleas is set forth as follows:

> ...for the trial court to make the proper evaluation, the plea bargain must be fully disclosed. The trial court must find a factual basis to support the original charge, and determine the defendant understands the relationship of his conduct to that charge. *Defendant must be aware that the evidence available to the State on the original offense is sufficient to convince a jury of his guilt.*

Barr at page 3 in Attachment III. (*Emphasis added*).

For constitutional purposes (v. SRA purposes) the record must establish a factual basis for the crimes 'originally charged' (i.e., the greater charge of Murder in the First Degree here) and reveal the defendant's understanding of his complicity of that charge.

A close reading of the record herein described above does not demonstrate that the defendant understood that he was pleading to contrived charges he did not commit to avoid his conviction and harsher sentence of the Standard Range applicable to Premeditated Murder in the First Degree[2]

The Plea Agreement: The Plea Agreement contains nothing pertinent to the Barr criteria. In fact, in the section of the plea agreement entitled 'Factual Basis for the Plea' regarding Counts II and III, it merely states "...the defendant understands that by entering In re Barr plea of guilty to Counts II and III of the Second Amended Information, he is entering pleas of guilty to crimes he did not commit and for which there is no factual basis, but is doing so in order to take advantage of the plea agreement reached with the State." Nowhere in the plea agreement does the Defendant

[2]Indeed, the standard range for Murder in the Second Degree being recommended by the State is well above the minimum Standard Range Defendant would be subjected to for Murder in the First Degree.

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acquiesce to or even address his alleged complicity in or the sufficiency of evidence regarding the greater charge of Premeditated Murder as required by Barr.

Addendum to Plea Form for In Re Barr Pleas: This Addendum is set forth in Attachment II. The defense asserts that this document is confusing on its face and never makes reference to the defendant's acknowledgement regarding either the probable sufficiency of evidence regarding Murder in the First Degree or that believes he would be convicted of Murder in the First Degree. The Addendum begins by defining the 'original charge' as Murder in the Second Degree. 'Original Charge' is the language of Barr used to define this 'greater charge' which is being reduced for the benefit of a defendant. The awkward use of language in the Barr Addendum regarding 'original charge' and amended charge make the purpose of the addendum confused and difficult for a lay person to understand much less a person of defendant's documented capacity issues. (See Mitigation Package filed herein.) By defining the 'original charge' as Murder in the Second Degree, a charge to which the defendant plead on its merits, the document makes any interpretation relevant to the essential criteria of Barr impossible.

Normally, the language of the Barr Addendum submitted would be sufficient where there is only one original information containing the 'greater charge'. But here, because there are three information's, the Addendum's boilerplate language fails. The record regarding defendant's understanding of whether the evidence regarding the greater charge pertaining to Murder in the First Degree to convict him is confused, convoluted, conclusory, and factually insufficient.

Plea Colloquy. The defense believes that the relevant part of the plea colloquy to Counts II and III are on pages 20 and 21 of the attached transcript. Essentially, the defendant was told that the Court had read the "*original* declaration that support the *original* charges, the prosecutor's statement. I believe that does support the charges . . . more serious charges frankly, and I'm

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incorporating that into this statement of defendant on plea of guilty." Transcript at page 20, 21. *(Emphasis added)*

It is not hard to see that where the prosecutor's Barr addendum defines 'original charge' as Murder in the Second Degree (not Murder in the First Degree) that the Court's Statement to defendant Harris would carry the same definition. Further, it is not the Court's understanding that is at issue. Nowhere in the colloquy regarding Counts II and III is there any clear or meaningful discussion regarding the defendant's understanding of the evidence establishing probable conviction to Murder in the First Degree or that he acknowledges such a belief. Nowhere as in Barr, is there the lengthy discussion of the defendant's relation to the evidence supporting Murder in the First Degree and the Defendant's reasons to believe he would probably be convicted of Murder in the First Degree.

In summary, the record is insufficient to meet the law's constitutional criteria for supporting the finding of guilt on Counts II and III and, therefore, they should not be considered in determining his SRA Offender Score and Standard Range for Sentencing.

C. The Pierce County Prosecutor is Prohibited From Inventing and Posturing Fictitious Offenses for the Sole Purpose of Enhancing SRA Offender Scoring and Standard Range Sentencing Beyond What Would Otherwise be an Offenders Maximum Sentence. The Contrived Offender Scoring Posture Urged by the Prosecutor Amounts to Prosecutorial Overreaching of its Authority, Conflicts with the Central Purpose and Authority of Washington's Sentencing Reform Act, Conflicts with Washington Sentencing Case Law Regarding Sentencing Merger, and Conflicts with U.S. Supreme Court Constitutional Requirements for Sentencing That Exceeds a Washington Offender's True Standard Range Maximum Sentence.

The Defense concedes the Prosecutions actions are done in good faith. Nonetheless, the proposed use of Counts II and III by the Prosecutor would purposefully result in a materially false SRA Offender Score/Standard Range for the purpose of exceeding the Defendant's true Standard range maximum sentence in Washington as defined by the U.S. Supreme Court. The proposed

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scoring also is in conflict with Washington established sentencing case law and the fundamental purposes of Washington's Sentencing Reform Act.

Conflict With Washington's Sentencing Reform Act: The central purpose of Washington's Sentencing Reform Act (SRA) is to impose sentences that apply equally to offenders without discrimination as to any element that does not relate to the crime. The SRA's primary means of accomplishing this is done through a Standard Range grid determined by intersecting offender scores and Offense Seriousness Levels. Neither the State nor a Sentencing Court have authority to defeat the SRA's purpose by manipulating or contriving false and fictitious Offender Scoring/Standard Ranges. It is the Sentencing Courts duty and responsibility to assure the integrity of the SRA's scoring process and neither the Court nor the Prosecutor is allowed to manipulate or contrive an Offender Score. See RCW 9.94A.421(6), prohibiting omission of prior offenses in calculating Offender Score. Surely it is equally appropriate to prohibit a manufactured Offender Score based on invented offenses for the purpose of exceeding a correct standard range maximum sentence. The fundamental purpose of the SRA cannot be subject to such executive overreach. While there may be circumstances that allow Barr pleas finding of guilt to be the basis for an SRA scoring – they are not present here. The degree of manipulation here far exceeds acceptable tolerance consistent with SRA purposes, sentencing case law, and constitutional restrictions imposed on sentences exceeding the legislature's true standard range/maximum sentence.

A plea agreement regarding a contrived offender score may not justify an enhanced sentencing range where the purposes of the Sentencing Reform Act (SRA) are not served by such a sentencing in accordance with an agreement. St. v. Gronnert, 122 Wash.App. 214, 93 P.3d 200 (2004).

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Judicial Case law – Merger/Same Court of Criminal Conduct: The contrived offenses of Count II and III here are essentially lesser included offenses to Count I involving the same victim and same course criminal conduct that were pled to on the same day as Count I. Therefore, under well-established doctrine and case law regarding sentencing 'merger,' if interpretation of crimes pled to on the same date as Count I that encompass the 'same course of criminal conduct' (see RCW 9.94A.589(1)(a)), Counts I, II and II would be treated as one offense. Here, part of the prosecutor's effort to evade those doctrines, Counts II and III contain fictitious dates for said offenses thereby contriving argument that enhances the true Offender Score/Standard Range that far exceeds the correct Standard Range sentence to one that overlaps the Standard Range provided for the Amended out greater charge of Murder in the First Degree.

In such circumstances, the Court should find that the purpose of the Act, together with judicial doctrines regarding sentencing merger, requires the Court to score all three counts as one for purposes of determining the appropriate SRA Offender Score/Standard Range. The Supreme Court of Washington's view of sentencing merger is contained in St. v. Freeman, 153 Wash.2d 765 (2005).

Constitutional Restrictions – Blakely v. Washington, 542 U.S. 961, 125 S.Ct. 21 (2004).

In 2004, the U.S. Supreme Court held that Washington sentencing courts cannot exceed a correctly scored SRA Standard Range Sentence without the right to trial by jury of facts necessary to exceed the statutory Standard Range maximum. The true Standard Range for Count I, Murder in the Second Degree is 165 months to 265 months based on an Offender Score of 4. The prosecutors seeks a sentence of 316 months, based on an Offender Score of 7. The defense asserts that a sentence above 265 months puts the defendant squarely in the parameters of Blakely, *id.* It is indisputable that the defendant does not and has not waived his constitutional rights outlined in

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Blakely, - eq. rights to notice and jury trial regarding fact(s) necessary to exceed a standard range sentence. Therefore, the defendant's sentencing Court may not impose a sentence for Count I of 265 months.

IV. CONCLUSION

The defense argues that it is the Sentencing Court's duty and responsibility to determine the Defendant's correct offender Score/Standard Range. The correct Offender Score is not controlled by plea agreement or the Pierce County Prosecuting Attorney's Office. Reliance on the Prosecutions Offender Score fictitiously based calculation regarding Counts II and III is in error because it conflicts with the Sentencing Reform Acts purpose and intent; because it conflicts with established judicial sentencing principles/doctrines regarding merger and same course of criminal conduct; and it results in exceeding the true standard range maximum sentence without complying with constitutional requirements established by the United States Supreme Court pertaining to Washington Sentencing.

RESPECTFULLY SUBMITTED this 28th day of October 2016.

s/John H. Hill, III
JOHN H. HILL, III, WSBA#5663
Attorney for Defendant

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ATTACHMENT I

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PIERCE COUNTY, WASHINGTON

June 23 2015 1:51 PM

KEVIN STOCK
COUNTY CLERK

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, Plaintiff, vs. JONATHAN DANIEL HARRIS, Defendant.	CAUSE NO. 15-1-02431-2 INFORMATION

DOB: 4/24/1986	SEX : MALE	RACE: WHITE
PCN#:	SID#: 23980556	DOL#: WA HARRIJD145J4

COUNT I

I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse JONATHAN DANIEL HARRIS of the crime of MURDER IN THE SECOND DEGREE, committed as follows:

That JONATHAN DANIEL HARRIS, in the State of Washington, during the period between the 6th day of June, 2015 and the 7th day of June, 2015, did unlawfully and feloniously, while committing or attempting to commit the felony crime of assault in the second degree, and in the course of and in furtherance of said crime or in immediate flight therefrom, did cause the death of Nicole White, a human being, not a participant in said crime, on or about the 7th day of June, 2015, contrary to RCW 9A.32.050(1)(b), and against the peace and dignity of the State of Washington.

DATED this 23rd day of June, 2015.

PIERCE COUNTY SHERIFF
WA02700

MARK LINDQUIST
Pierce County Prosecuting Attorney

jea

By: /s/ JARED AUSSERER
JARED AUSSERER
Deputy Prosecuting Attorney
WSB#: 32719

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PIERCE COUNTY, WASHINGTON

June 23 2015 1:52 PM

KEVIN STOCK
COUNTY CLERK

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, Plaintiff, vs. JONATHAN DANIEL HARRIS, Defendant.	CAUSE NO. 15-1-02431-2 DECLARATION FOR DETERMINATION OF PROBABLE CAUSE

JARED AUSSERER, declares under penalty of perjury:

That I am a deputy prosecuting attorney for Pierce County and I am familiar with the police report and/or investigation conducted by the PIERCE COUNTY SHERIFF, incident number 151590605;

That the police report and/or investigation provided me the following information;

That in Pierce County, Washington, the defendant, JONATHAN DANIEL HARRIS, did commit the crime of second degree.

On June 23, 2015, detectives and an FBI agent provided the following information:

On June 6, 2015, Nicole White was seen leaving a bar in Spanaway with Jonathan Harris, the defendant. When White did not return home June 7, 2015, she was reported missing. White's vehicle was found abandoned near the defendant's residence.

Harris told detectives that he met White at the bar and that she gave him a ride home. Before they reached the defendant's residence he asked White to stop at a convenience store so he could use the restroom. Harris said that he went into the store to use the restroom, and when he came out White was gone. Harris reported that he used a pay phone to call White, but that she did not answer. He told detectives that he then walked home and had not seen White since.

Detectives contacted the bar and obtained video footage of Harris and White together. Harris was wearing a dark hooded sweatshirt. A sweatshirt was recovered at the defendant's residence that appeared to be the same as depicted in the video. Detectives located blood on the sweatshirt, and the blood was analyzed and determined to be White's blood. Detectives processed the defendant's residence and located several areas of blood that are being processed.

Detectives contacted the convenience store that Harris claimed to have used the restroom at and where he last saw White. The attendant reported that he had not seen Harris on June 6 or the early morning hours on June 7, 2015, and said customers are not allowed to use the restroom at the time that Harris said he was there. Detectives reviewed video evidence from the store and Harris did not enter the store as he reported. There was no pay phone at the store.

While searching the defendant's residence detectives contacted his neighbor. The neighbor reported that a woman matching White's description arrived at her residence on June 6, 2015, at approximately 10 pm and asked for the defendant. The same neighbor told detectives that she heard a female screaming at the defendant's residence at 4 am on June 7, 2015. The screaming stopped abruptly.

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The defendant's vehicle was equipped with an ignition interlock device. This device obtains photographic images when Harris blows into it. On June 7, 2015, the device obtained an image of the defendant, and the photograph revealed that his vehicle was in a wooded area. The defendant's phone records indicated that his phone was registering off of a tower with landscape that is consistent with the photograph the ignition interlock device recorded. On June 20, 2015, detectives located a body around the area that the defendant's phone was registering.

The body was located at the bottom of an embankment and was wrapped in a canvass and the canvass was wrapped in a green tarp. The body was badly decomposed, but there was a visible tattoo on one of the legs. The medical examiner was able to determine that the remains were of a female body, approximately the same height as White. White's family confirmed that the tattoo that was visible was White's. White had a skull fracture, an orbital fracture, a fractured sternum, and several broken ribs. The medical examiner classified White's death as a homicide.

Harris had previously been arrested on federal charges. When he was being processed detectives noted that he several injuries to his body. He had multiple abrasions on his right arm. His right wrist was swollen. He had abrasions on both knees. He had an abrasion on his side and on his back. Harris claimed that his injuries were sustained when he fell off of a stool at the bar that he and White met. The bartender told detectives that Harris never fell off his stool and did not sustain injuries while at the bar.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: June 23, 2015
PLACE: TACOMA, WA

/s/ JARED AUSSERER
JARED AUSSERER, WSB# 32719

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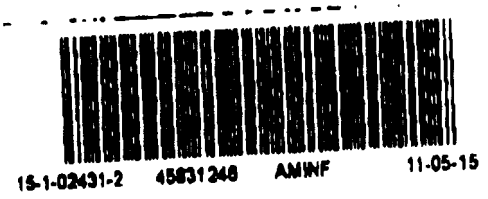

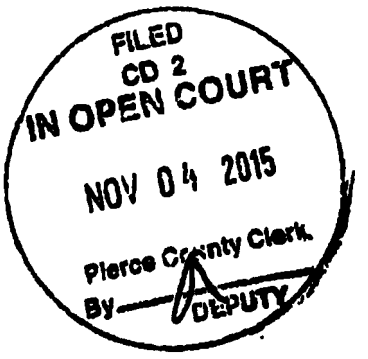

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, Plaintiff, vs. JONATHAN DANIEL HARRIS, Defendant.	CAUSE NO. 15-1-02431-2 AMENDED INFORMATION

DOB: 4/24/1986 SEX : MALE RACE: WHITE
PCN#: SID#: 23980556 DOL#: WA HARRIJD145J4

COUNT I

I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse JONATHAN DANIEL HARRIS of the crime of MURDER IN THE FIRST DEGREE, committed as follows:

That JONATHAN DANIEL HARRIS, in the State of Washington, during the period between the 6th day of June, 2015 and the 7th day of June, 2015, did unlawfully and feloniously, with premeditated intent to cause the death of another person, cause the death of such person or a third person, Nicole White, a human being, on or about the 7th day of June, 2015, contrary to RCW 9A.32.030(1)(a), and against the peace and dignity of the State of Washington.

DATED this 3rd day of November, 2015.

PIERCE COUNTY SHERIFF
WA02700

MARK LINDQUIST
Pierce County Prosecuting Attorney

jea

By: _____
JARED AUSSERER
Deputy Prosecuting Attorney
WSB#: 32719

ORIGINAL

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'ASHINGTON FOR PIERCE COUNTY

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By DEPUTY

STATE OF WASHINGTON, Plaintiff, vs. JONATHAN DANIEL HARRIS, Defendant.	CAUSE NO. 15-1-02431-2 SUPPLEMENTAL DECLARATION FOR DETERMINATION OF PROBABLE CAUSE

JARED AUSSERER, declares under penalty of perjury:

That I am a deputy prosecuting attorney for Pierce County and I am familiar with the police report and/or investigation conducted by the PIERCE COUNTY SHERIFF, incident number 151590605;

That the police report and/or investigation provided me the following information;

That in Pierce County, Washington, the defendant, JONATHAN DANIEL HARRIS, did commit the crime of second degree.

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Harris told detectives that he met White at the bar and that she gave him a ride home. Before they reached the defendant's residence he asked White to stop at a convenience store so he could use the restroom. Harris said that he went into the store to use the restroom, and when he came out White was gone. Harris reported that he used a pay phone to call White, but that she did not answer. He told detectives that he then walked home and had not seen White since.

Detectives contacted the bar and obtained video footage of Harris and White together. Harris was wearing a dark hooded sweatshirt. A sweatshirt was recovered at the defendant's residence that appeared to be the same as depicted in the video. Detectives located blood on the sweatshirt, and the blood was analyzed and determined to be White's blood. Detectives processed the defendant's residence and located several areas of blood that are being processed.

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The body was located at the bottom of an embankment and was wrapped in a canvass and the canvass was wrapped in a green tarp. The body was badly decomposed, but there was a visible tattoo on one of the legs. The medical examiner was able to determine that the remains were of a female body, approximately the same height as White. White's family confirmed that the tattoo that was visible was White's. White had a skull fracture, an orbital fracture, a fractured sternum, and several broken ribs. The medical examiner classified White's death as a homicide.

Harris had previously been arrested on federal charges. When he was being processed detectives noted that he several injuries to his body. He had multiple abrasions on his right arm. His right wrist was swollen. He had abrasions on both knees. He had an abrasion on his side and on his back. Harris claimed that his injuries were sustained when he fell off of a stool at the bar that he and White met. The bartender told detectives that Harris never fell off his stool and did not sustain injuries while at the bar.

White's remains were analyzed by Katherine Taylor, forensic anthropologist with the King County Medical Examiner's Office. Taylor documents cranium fractures fragment the right zygomatic bone into two pieces and separate the maxilla from the remainder of the cranium. There were additional linear fractures involving both nasal bones, both eye orbitals, three fractures to the right side of the frontal bone, a fracture from the mid left parietal along the left inferior lambdoidal suture across the sphenoid across the orbital plates, a fracture of the left zygo-frontal suture, a fracture of the left zygomatic temporal suture, and a fracture of the right greater wing of the sphenoid and squamous of the right temporal bone. The mandible was present in four pieces.

Taylor also analyzed White's sternum and found a complete, slightly diagonal, transverse fracture coursing from the inferior border of the left third costal notch to the superior border of the right third costal notch. Detectives reported that, in speaking with Taylor, this injury is consistent with being stomped.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: June 23, 2015
PLACE: TACOMA, WA

JARED AUSSERER, WSB# 32719

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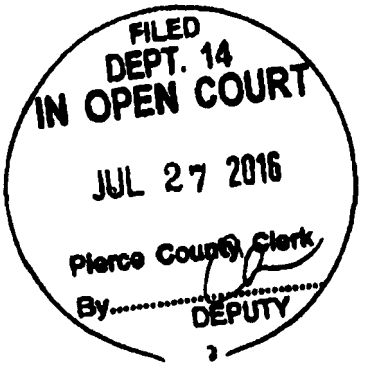

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, Plaintiff, vs. JONATHAN DANIEL HARRIS, Defendant.	CAUSE NO. 15-1-02431-2 SECOND AMENDED INFORMATION

DOB: 4/24/1986 SEX : MALE RACE: WHITE
PCN#: SID#: 23980556 DOL#: WA HARRIJD145J4

COUNT I

I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse JONATHAN DANIEL HARRIS of the crime of MURDER IN THE SECOND DEGREE, committed as follows:

That JONATHAN DANIEL HARRIS, in the State of Washington, on or about the 7th day of June, 2015, did unlawfully and feloniously, with intent to cause the death of another person, severely beat Nicole White, thereby causing the death of Nicole White, a human being, on or about the 7th day of June, 2015, contrary to RCW 9A.32.050(1)(a), and against the peace and dignity of the State of Washington.

COUNT II

And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse JONATHAN DANIEL HARRIS of the crime of ASSAULT IN THE SECOND DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That JONATHAN DANIEL HARRIS, in the State of Washington, on or about the 6th day of June, 2015, did unlawfully and feloniously, under circumstances not amounting to assault in the first

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degree, intentionally assault another and thereby recklessly inflict substantial bodily harm, contrary to RCW 9A.36.021, and against the peace and dignity of the State of Washington.

COUNT III

And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse JONATHAN DANIEL HARRIS of the crime of ASSAULT IN THE THIRD DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That JONATHAN DANIEL HARRIS, in the State of Washington, on or about the 5th day of June, 2015, did unlawfully and feloniously, under circumstances not amounting to assault in the first or second degree, with criminal negligence, cause bodily harm to Nicole White, accompanied by substantial pain that extends for a period sufficient to cause considerable suffering, contrary to RCW 9A.36.031(1)(f), and against the peace and dignity of the State of Washington.

DATED this 25th day of July, 2016.

PIERCE COUNTY SHERIFF
WA02700

MARK LINDQUIST
Pierce County Prosecuting Attorney

trl

By: _____
TIMOTHY LEWIS
Deputy Prosecuting Attorney
WSB#: 33767

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15-1-02431-2 47315956 PLAGSR 07-28-16

FILED
DEPT. 14
IN OPEN COURT
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By.....
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY
DEPARTMENT 14, JUDGE SUSAN K. SERKO

STATE OF WASHINGTON, Plaintiff, vs. JONATHAN DANIEL HARRIS, Defendant.	CAUSE NO. 15-1-02431-2 PLEA AGREEMENT

COMES NOW, the plaintiff, the State of Washington, by and through its attorney, Pierce County Prosecuting Attorney Mark E. Lindquist, by and through his deputies, Jared Ausserer and Tim Lewis, Deputy Prosecuting Attorneys, and the defendant, Jonathan Daniel Harris, represented by counsels Mark Quigley and David Katayama, have entered into a plea agreement resolving this case pursuant to Revised Code of Washington (RCW) 9.94A.421. The terms of the plea agreement between the State of Washington and the defendant are as follows:

1. **Offenses and Maximum Penalties:**

The Defendant agrees to plead guilty to each count in the second amended Information presented by the State, contingent upon the Court's acceptance of the second amended Information, in which the Defendant is charged in Count I with Murder in the Second Degree, contrary to RCW 9A.32.050(1)(a), Count II with Assault in the Second Degree, contrary to RCW 9A.36.021, and Count III with Assault in the Third Degree, contrary to RCW 9A.36.031(1)(f). The Defendant understands that Murder in the Second Degree, as charged in Count I of the

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second amended Information, is a Class "A" Felony Crime, punishable by up to life imprisonment and a $50,000 fine per RCW 9A.20.021. The Defendant understands that Assault in the Second Degree, as charged in Count II of the second amended Information, is a Class "B" Felony Crime, punishable by up to 10 years imprisonment and a $20,000 fine per RCW 9A.20.021. The defendant understands that Assault in the Third Degree, as charged in Count III of the second amended Information, is a Class "C" Felony Crime, punishable by up to 5 years imprisonment and a $10,000 fine per RCW 9A.20.021. The defendant understands that Murder in the Second Degree, as charged in the second amended Information, is a serious violent offense per RCW 9.94A.030(45), and requires a term of 36 months of Community Custody upon release from confinement per RCW 9.94A.701, and that violation of the terms of Community Custody could result in additional terms of imprisonment. The defendant understands that Murder in the Second Degree and Assault in the Second Degree, as charged in the second amended Information, qualify as most serious or "strike" offenses per RCW 9.94A.030(32).

2. **Factual Basis for the Plea:**

The defendant will plead guilty to Murder in the Second Degree, as charged in Count I of the second amended Information, because the defendant is in fact guilty of this charged offense. The defendant stipulates that the facts and statements included in the plaintiff's Declarations for Determination of Probable Cause are true and accurate, and that such facts and statements form a factual basis for finding the defendant guilty of Murder in the Second Degree in the death of Nicole White beyond a reasonable doubt.

The defendant will enter pleas of guilty to Assault in the Second Degree, as charged in Count II of the second amended Information, and Assault in the Third Degree, as charged in

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Count III of the second amended Information, via *In re Barr* pleas. In re Barr, 102 Wn.2d 363 (1976). The defendant understands that by entering *In re Barr* pleas of guilty to Counts II and III of the second amended Information, he is entering pleas of guilty to crimes he did not commit and for which there is no factual basis, but is doing so in order to take advantage of the plea agreement reached with the State.

3. **Waiver of Appeal:**

The defendant understands that he has a right to appeal his convictions. The defendant understands that since he has entered pleas of guilty to the charges in the second amended Information, he has waived his right to raise certain issues, as discussed in his Statement of Defendant on Plea of Guilty, in an appeal. The defendant understands that he has a right to appeal any sentence that is outside of his standard sentencing range. The defendant hereby waives any and all other appellate rights pertaining to this conviction and sentence as part of this plea agreement in accordance with *State v. Lee*, 132 Wash.2d 498, 505-506 (1997).

4. **Restitution:**

The defendant agrees to pay restitution as ordered by the Court pursuant to RCW 9.94A.753. The defendant waives any causation objection to the restitution amount ordered by the Court otherwise available pursuant to *State v. Tobin*, 161 Wash.2d 517 (2007). The defendant further stipulates that the Court may order or modify restitution amounts in this case beyond 180 days from time of sentencing as contemplated at RCW 9.94A.753(4) and waives his presence at such hearings.

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5. **Assistance and Advice of Counsel:**

The defendant stipulates that he is completely satisfied with the representation afforded by his attorneys and that his attorneys have rendered effective assistance in their representation of him in this matter.

6. **Sentencing Recommendation:**

The defendant understands that pursuant to his pleas of guilty to the second amended Information filed by the State, for purposes of sentencing, he would present with an offender score of seven as to Counts I and II, and an offender score of four as to Count III. The standard sentencing range for Murder in the Second Degree with an offender score of seven is 216-316 months imprisonment. The standard sentencing range for Assault in the Second Degree with an offender score of seven is 43-57 months. The standard sentencing range for Assault in the Third Degree with an offender score of four is 12+-16 months imprisonment.

Contingent upon the defendant entering pleas of guilty to Counts I through III of the second amended Information, the State will make the following recommendation to the Court regarding sentencing:

> Count I (Murder in the Second Degree): 316 months imprisonment concurrent with Counts II and III of the second amended Information. Credit for time served in custody since June 23, 2015. 36 Months Community Custody to be supervised by the Washington State Department of Corrections; comply with all conditions of community custody as prescribed in the judgement and sentence and imposed by the Department of Corrections Community Corrections Officer. Legal Financial Obligations in the form of $500.00 CVPA, $200.00 Court Costs, $100.00 DNA Testing Fee.
>
> Count II (Assault in the Second Degree): 57 months imprisonment concurrent with Counts I and III of the second amended Information. 18 Months Community Custody to be supervised by the Washington State Department of Corrections and comply with all conditions of community custody as prescribed in the judgement

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and sentence and imposed by the Department of Corrections Community Corrections Officer.

Count III (Assault in the Third Degree): 16 months imprisonment concurrent with Counts I and II of the second amended Information.

7. **Allocution of Defendant**

The defendant understands that fulfillment of his obligations under this plea agreement includes providing full, complete, and truthful responses to detectives of the Pierce County Sheriff's Department regarding any and all aspects of the crimes to which he is pleading guilty in this case. The defendant understands that his attorneys may be present for these interviews. The defendant understands that Deputy Prosecuting Attorneys may be present for these interviews. The defendant understands that these interviews will be audio recorded.

8. **Role of the Court**

The defendant stipulates that the Superior Court of the State of Washington, in and for the County of Pierce, has both personal and subject matter jurisdiction over him and this case and waives any objection to venue. The Defendant understands that the Court is not bound by the sentencing recommendation of either party pursuant to RCW 9.94A.431(2), but may impose any sentence within the standard sentencing range for each offense to which the defendant pleads guilty. The State of Washington makes no promise or representation concerning what sentence the Court will impose, and the defendant understands that he cannot withdraw his plea of guilty based upon the actual sentence imposed by the Court.

9. **Nature of Agreement and Modifications:**

This written agreement constitutes the complete plea agreement between the plaintiff, the State of Washington, and the defendant, Jonathan Daniel Harris. The Defendant acknowledges

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that no threats, promises, or representations have been made, nor agreements reached, other than those set forth in writing in this plea agreement, to cause the defendant to plead guilty to the charges as set forth in the second amended Information in this case.

DATED this 27 day of July, 2016.

MARK E. LINDQUIST
Prosecuting Attorney

By: _____
Tim Lewis
Deputy Prosecuting Attorney
WSBA # 33767

Defendant's Signature: I hereby agree that I have consulted with my attorneys and fully understand all rights I have as a criminal defendant as to these charges and that I am giving up those rights by voluntarily entering into this plea agreement with the State of Washington, and by entering pleas of guilty to the second amended Information in this case. I further understand that the Sentencing Reform Act, RCW 9.94A, and the sentencing guidelines therein, apply fully to my case, and that the Court is not bound by any recommendation of either party as to the sentence I receive. I have read this plea agreement fully and reviewed each portion of this plea agreement with my attorneys. I understand this agreement and voluntarily agree to it.

Date: 7/27/16

_____
Jonathan Daniel Harris, Defendant

Defense Counsel Signature: I am counsel for the defendant in this case. I have fully explained to the defendant each and every right he has a criminal defendant, that he is giving up those rights by entering into this plea agreement with the State of Washington, and by entering pleas of

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guilty to the second amended Information before this Court. I have explained to my client that the Court is not bound by this plea agreement, nor the recommendation of either party, in imposing sentence in this case. I have carefully reviewed every part of this plea agreement with the defendant. To my knowledge, the defendant's decision to enter into this plea agreement is an informed and voluntary one.

Date: 7-27-16

Mark Quigley, WSBA # 14496
Attorney for Defendant

Date: 7-27-16

David Katayama, WSBA # 33758
Attorney for Defendant

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ATTACHMENT II

8/1/2016 13204 0108

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DEPT. 14
IN OPEN COURT
JUL 28 2016
Pierce County Clerk
By..... DEPUTY

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

STATE OF WASHINGTON, Plaintiff, vs. JONATHAN DANIEL HARRIS, D.O.B.: 04/24/1986 Defendant.	CAUSE NO. 15-1-02431-2 ADDENDUM TO PLEA FORM FOR *IN RE BARR* PLEAS AS TO COUNTS II AND III OF THE SECOND AMENDED INFORMATION

***In re Barr*, 102 Wn.2d 265 (1984):** As stated in my Statement of Defendant on Plea of Guilty, there is a factual basis to support the charge of Murder in the Second Degree as charged in the original Information filed in this case. The evidence available to the State in this case is sufficient to prove my guilt beyond a reasonable doubt for Murder in the Second Degree as charged in the original Information. In addition to my factual admissions in the plea form as to Count I of the second amended Information, Murder in the Second Degree, I recognize that I am also entering pleas of guilty to crimes that I in fact did not commit; namely Assault in the Second Degree, as charged in Count II of the second amended Information, and Assault in the Third Degree, as charged in Count III of the second amended Information. My attorney has discussed with me all of the elements of the original charge and the elements of the amended charges, and I understand them all. There is a factual basis for the original charge. I understand that the prosecution would be unable to prove the amended charges in Counts II and III at trial, but I see pleading guilty to the amended charges as being beneficial to me because it will allow me to avoid the risk of conviction on the greater charges I would face at trial. Based upon a review of the alternatives before me, I have decided to plead guilty to crimes I did not commit in order to take advantage of the State's pretrial offer. I understand the consequences of this plea agreement and I am making a voluntary and informed choice to enter into it.

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I understand that the court must find a factual basis for the original charge and I agree that the court may consider my statement in the Defendant's Statement on Plea of Guilty, the declaration for determination of probable cause, and any other information presented by the prosecutor at the time of this plea to support the factual basis for the original charge.

DATED this 27th day of July, 2016.

Jonathan Daniel Harris, Defendant

Mark Quigley, WSBA # 14496
Attorney for Defendant

David Katayama, WSBA # 33758
Attorney for Defendant

Pierce County Prosecuting Attorney
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15-1-02431-2 47323750 STTDFG 07-28-16

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8/11/2016 13204

FILED
DEPT. 14
IN OPEN COURT
JUL 28 2016
Pierce County Clerk
By..... DEPUTY

Superior Court of Washington
For Pierce County

State of Washington, Plaintiff

vs.

Jonathan Daniel Harris, Defendant

No. 15-1-02431-2

Statement of Defendant on Plea of Guilty to Non-Sex Offense (STTDFG)

1. My true name is: Jonathan Daniel Harris.
2. My age is: 30 Years.
3. The last level of education I completed was 12th.
4. **I Have Been Informed and Fully Understand That:**

   (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is: Mark Quigley & Dave Katayama.

   (b) I am charged with the crime(s) of: Murder in the Second Degree (Count I), Assault in the Second Degree (Count II), Assault in the Third Degree (Count III) as set out in the second amended Information, dated, July 25, 2016, a copy of which I hereby acknowledge previously receiving and reviewing with my lawyer. _____ (Defendant's initials)

   The elements of ☐ this crime ☑ these crimes are as set out in the second amended Information, dated July 25, 2016 a copy of which I hereby acknowledge previously receiving and reviewing with my lawyer. _____ (Defendant's initials)

   _____Additional counts are addressed in Attachment "B"

5. **I Understand I Have the Following Important Rights, and I Give Them Up by Pleading Guilty:**

(a) The right to a speedy and public trial by an impartial jury in the county where the crime was allegedly committed;

(b) The right to remain silent before and during trial, and the right to refuse to testify against myself;

(c) The right at trial to hear and question the witnesses who testify against me;

(d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;

(e) The right to be presumed innocent unless the State proves the charge beyond a reasonable doubt or I enter a plea of guilty;

(f) The right to appeal a finding of guilt after a trial as well as other pretrial motions such as time for trial challenges and suppression issues.

6. **In Considering the Consequences of My Guilty Plea, I Understand That:**

(a) Each crime with which I am charged carries a maximum sentence, a fine, and a ***Standard Sentence Range*** as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	COMMUNITY CUSTODY RANGE (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f).)	MAXIMUM TERM AND FINE
1	7	216-316 Months	N/A	36 Months	Life/$50,000
2	7	43-57 Months	N/A	18 Months	10 Years/$20,000
3	4	12+-16 Months	N/A	N/A	5 Years/$10,000

*The sentencing enhancement codes are: (RPh) Robbery of a pharmacy, (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude. The following enhancements will run consecutively to all other parts of my entire sentence, including other enhancements and other counts: (F) Firearm, (D) Other deadly weapon, (V) VUCSA in protected zone, (JP) Juvenile present, (VH) Vehicular Homicide, *see* RCW 46.61.520, (SM) Sexual Motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9), (P16) Passenger(s) under age 16.

(b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.

(c) The prosecuting attorney's statement of my criminal history is attached to this statement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If the prosecutor and I disagree about the computation of the offender score, I understand that this dispute will be resolved by the court at sentencing. I waive any right to challenge the acceptance of my guilty plea on the grounds that my offender score or standard range is lower than what is listed in paragraph 6(a). If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.

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(d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.

(e) In addition to sentencing me to confinement, the judge will order me to pay $500.00 as a victim's compensation fund assessment and any mandatory fines or penalties that apply to my case. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.

(f) ~~**For crimes committed prior to July 1, 2000**: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the total period of confinement is more than 12 months, and if this crime is a drug offense, assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community custody. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community custody. The actual period of community custody may be longer than my earned early release period. During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.~~

For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, under certain circumstances the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months, but only if the crime I have been convicted of falls into one of the offense types listed in the following chart. For the offense of failure to register as a sex offender, regardless of the length of confinement, the judge will sentence me for up to 12 months of community custody. If the total period of confinement ordered is more than 12 months, and if the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the term established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.728 is longer, that will be the term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody term will be based on the offense type that dictates the longest term of community custody.

OFFENSE TYPE	COMMUNITY CUSTODY TERM
Serious Violent Offenses as defined by RCW 9.94A.030(45)	36 months
Violent Offenses as defined by RCW 9.94A.030(54)	18 months

Crimes Against Persons as defined by RCW 9.94A.411(2)	12 months
Offenses under Chapter 69.50 or 69.52 RCW (not sentenced under RCW 9.94A.660)	12 months
Offenses involving the unlawful possession of a firearm where the offender is a criminal street gang member or associate	12 months

Certain sentencing alternatives may also include community custody.

During the period of community custody I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me, including additional conditions of community custody that may be imposed by the Department of Corrections. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005(6)(h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.

If I violate the conditions of my community custody, the Department of Corrections may sanction me up to 60 days confinement per violation and/or revoke my earned early release, or the Department of Corrections may impose additional conditions or other stipulated penalties. The court also has the authority to impose sanctions for any violation.

(g) The prosecuting attorney will make the following recommendation to the judge:

☑ The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

(h) **The judge does not have to follow anyone's recommendation as to sentence.** The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. I understand the following regarding exceptional sentences:

(*i*) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.

(*ii*) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.

(*iii*) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing

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(*iv*) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

If the court imposes a standard range sentence, then no one may appeal the sentence. If the court imposes an exceptional sentence after a hearing, either the State or I can appeal the sentence.

(i) **If I am not a citizen of the United States**, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(j) **I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition,** unless my right to do so is restored by the court in which I am convicted or the superior court in Washington State where I live, and by a federal court if required. I must immediately surrender any concealed pistol license.

(k) **Loss of voting rights –Acknowledgment, RCW 10.64.140:** After conviction of a felony, or entry of a plea of guilty to a felony, your right to vote is immediately revoked and any existing voter registration is cancelled. Pursuant to RCW 29A.08.520, after you have completed all periods of incarceration imposed as a sentence, and after all community custody is completed and you are discharged by the Department of Corrections, your voting rights are automatically restored on a provisional basis. You must then reregister to be permitted to vote.

Failure to pay legal financial obligations, or comply with an agreed upon payment plan for those obligations, can result in your provisional voting right being revoked by the court.

Your right to vote may be fully restored by (i) a certificate of discharge issued by the sentencing court, as provided in RCW 9.94A.637; (ii) a court order issued by the sentencing court restoring the right, as provided in RCA 9.92.066; (iii) a final order of discharge issued by the indeterminate sentence review board, as provided in RCW 9.96.050; or (iv) a certificate of restoration issued by the governor, as provided in RCW 9.96.020.

Voting before the right is either provisionally or fully restored is a class C felony under RCW 29A.84.660.

(l) **Government assistance may be suspended** during any period of confinement.

(m) **I will be required to have a biological sample collected** for purposes of DNA identification analysis. I will be required to pay a $100.00 DNA collection fee.

Notification Relating to Specific Crimes: If any of the following paragraphs *DO NOT APPLY*, counsel and the defendant shall strike them out. The defendant and the judge

shall initial all paragraphs that *DO APPLY.*

_____ (n) **This offense is a most serious offense or "strike"** as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

_____ (o) ~~**The judge may sentence me as a first-time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days' confinement and up to one year of community custody plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.**~~

_____ ~~(p) **The judge may sentence me under the Parenting Sentencing Alternative if I qualify under RCW 9.94A.655. If I am eligible, the judge may order DOC to complete either a risk assessment report or a chemical dependency screening report, or both. If the judge decides to impose the Parenting Sentencing Alternative, the sentence will consist of 12 months of community custody and I will be required to comply with the conditions imposed by the court and by DOC. At any time during community custody, the court may schedule a hearing to evaluate my progress in treatment or to determine if I have violated the conditions of the sentence. The court may modify the conditions of community custody or impose sanctions. If the court finds I violated the conditions or requirements of the sentence or I failed to make satisfactory progress in treatment, the court may order me to serve a term of total confinement within the standard range for my offense.**~~

_____ ~~(q) **If this crime involves kidnapping involving a minor, including unlawful imprisonment involving a minor who is not my child, I will be required to register where I reside, study or work. The specific registration requirements are set forth in the "Offender Registration" Attachment. These requirements may change at a later date. I am responsible for learning about any changes in registration requirements and for complying with the new requirements.**~~

_____ ~~(r) **If this is a crime of domestic violence, I may be ordered to pay a domestic violence assessment of up to $100.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.**~~

_____ (s) ~~**If this crime involves prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.**~~

_____ (t) ~~**The judge may sentence me under the drug offender sentencing alternative (DOSA) if I qualify under RCW 9.94A.660. If I qualify and the judge is considering a residential chemical dependency treatment-based alternative, the judge may order that I be examined by DOC before deciding to impose a DOSA sentence. If the judge decides to impose a DOSA sentence, it could be either a prison-based alternative or a residential chemical dependency treatment-based alternative.**~~

~~**If the judge imposes the prison-based alternative, the sentence will consist of a period of total confinement in a state facility for one-half of the midpoint of the standard range, or 12 months, whichever is greater. During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will**~~

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~~also impose a term of community custody of one-half of the midpoint of the standard range.~~

~~If the judge imposes the residential chemical dependency treatment-based alternative, the sentence will consist of a term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, and I will have to enter and remain in a certified residential chemical dependency treatment program for a period of *three to six months*, as set by the court.~~

~~As part of this sentencing alternative, the court is required to schedule a progress hearing during the period of residential chemical dependency treatment and a treatment termination hearing scheduled three months before the expiration of the term of community custody. At either hearing, based upon reports by my treatment provider and the department of corrections on my compliance with treatment and monitoring requirements and recommendations regarding termination from treatment, the judge may modify the conditions of my community custody or order me to serve a term of total confinement equal to one-half of the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701.~~

~~During the term of community custody for either sentencing alternative, the judge could prohibit me from using alcohol or controlled substances, require me to submit to urinalysis or other testing to monitor that status, require me to devote time to a specific employment or training, stay out of certain areas, pay $30.00 per month to offset the cost of monitoring and require other conditions, such as affirmative conditions, and the conditions described in paragraph 6(e). The judge, on his or her own initiative, may order me to appear in court at any time during the period of community custody to evaluate my progress in treatment or to determine if I have violated the conditions of the sentence. If the court finds that I have violated the conditions of the sentence or that I have failed to make satisfactory progress in treatment, the court may modify the terms of my community custody or order me to serve a term of total confinement within the standard range.~~

(u) If I am subject to community custody and the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.

____ ~~(v) If this crime involves the manufacture, delivery, or possession with the intent to deliver methamphetamine, including its salts, isomers, and salts of isomers, or amphetamine, including its salts, isomers, and salts of isomers, and if a fine is imposed, $3,000 of the fine may not be suspended. RCW 69.50.401(2)(b).~~

____ ~~(w) If this crime involves a violation of the state drug laws, my eligibility for state and federal food stamps, welfare, and education benefits may be affected. 20 U.S.C. § 1091(r) and 21 U.S.C. § 862a.~~

(x) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the judge finds I used a motor vehicle in the commission of this felony.

____ ~~(y) If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61.5055(14).~~

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_____ (z) ~~If I am pleading guilty to felony driving under the influence of intoxicating liquor or any drugs, or felony actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, in addition to the provisions of chapter 9.94A RCW, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I will be required to pay the costs of treatment unless the court finds that I am indigent. My driving privileges will be suspended, revoked or denied. Following the period of suspension, revocation or denial, I must comply with ignition interlock device requirements. In addition to any other costs of the ignition interlock device, I will be required to pay an additional; fee of $20 per month.~~

_____ (aa) ~~For the crimes of vehicular homicide committed while under the influence of intoxicating liquor, or any drug defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)), or felony physical control under the influence (RCW 46.61.504(6)), the court shall add 12 months to the standard sentence range for each child passenger under the age of 16 who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.~~

_____ (bb) ~~For the crimes of felony driving under the influence of intoxicating liquor, or any drug, for vehicular homicide while under the influence of intoxicating liquor, or any drug, the court may order me to reimburse reasonable emergency response costs up to $2,500 per incident.~~

_____ (cc) ~~The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. This law does not apply to crimes committed on or after July 24, 2005, by a juvenile who was tried as an adult after decline of juvenile court jurisdiction. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[a].~~

_____ (dd) ~~I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.~~

_____ (ee) ~~The offense(s) I am pleading guilty to include(s) a Violation of the Uniform Controlled Substances Act in a protected zone enhancement or manufacture of methamphetamine when a juvenile was present in or upon the premises of manufacture enhancement. I understand these enhancements are mandatory and that they must run consecutively to all other sentencing provisions.~~

_____ (ff) ~~The offense(s) I am pleading guilty to include(s) a deadly weapon, firearm, or sexual motivation enhancement. Deadly weapon, firearm, or sexual motivation enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon, firearm, or sexual motivation enhancements.~~

_____ (gg) ~~I am pleading guilty to (1) unlawful possession of a firearm(s) in the first or second degree and (2) felony theft of a firearm or possession of a stolen firearm, I am required to serve the sentences for these crimes consecutively to one another. If I am pleading guilty to unlawful possession of more than one firearm, I must serve each of the sentences for unlawful possession consecutively to each other.~~

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_____ (hh) ~~I may be required to register as a felony firearm offender under RCW 9.41.330 and RCW 9.41.333. The specific registration requirements are in the "Felony Firearm Offender Registration" Attachment.~~

_____ (ii) ~~If I am pleading guilty to the crime of unlawful practices in obtaining assistance as defined in RCW 74.08.331, no assistance payment shall be made for at least six months if this is my first conviction and for at least 12 months if this is my second or subsequent conviction. This suspension of benefits will apply even if I am not incarcerated. RCW 74.08.290.~~

_____ ~~(ii) The judge may authorize work ethic camp. To qualify for work ethic authorization my term of total confinement must be more than twelve months and less than thirty-six months, I cannot currently be either pending prosecution or serving a sentence for violation of the uniform controlled substance act and I cannot have a current or prior conviction for a sex or violent offense. RCW 9.94A.690~~

7. I plead guilty to count(s) I, II, & III as charged in the second amended Information, dated July 25, 2016. I have received a copy of that Information and reviewed it with my lawyer.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement

As to Count I, Murder in the Second Degree, in the early morning hours of June 7, 2015, at my residence in Pierce County, Washington State, with intent to cause her death, I severely beat Nicole White, a human being, and thereby caused her death. As to Counts II and III, please see the addendum to this plea form for In re Barr pleas.

☑ ~~Instead of making a statement,~~ I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" and/or "Felony Firearm Offender Registration" Attachment, if applicable. I understand and acknowledge them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

x Jonathan D Morris
Defendant

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I have read and discussed this statement with the defendant. I believe that the defendant is competent and fully understands the statement.

14496

Prosecuting Attorney

Tim Lewis 33767

Print Name WSBA No.

Defendant's Lawyer

Mark Quigley

Print Name WSBA No.

David Katayama 33758

The defendant signed the foregoing statement in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

☒ (a) The defendant had previously read the entire statement above and that the defendant understood it in full;

☒ (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or

☐ (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is included below.

Interpreter's Declaration: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands. I have translated and interpreted this document for the defendant from English into that language. I have no reason to believe that the defendant does not fully understand both the interpretation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____.

Interpreter Print Name

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: 7/28/2016

Judge SUSAN K. SERKO

FILED
DEPT. 14
IN OPEN COURT
JUL 28 2016
Pierce County Clerk
By ..... DEPUTY

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON, Plaintiff, v. JONATHAN DANIEL HARRIS, Defendant.	Superior Court No. 15-1-02431-2

VERBATIM TRANSCRIPT OF PROCEEDINGS

July 28, 2016
Pierce County Courthouse
Tacoma, Washington
Before the
Honorable Susan K. Serko

Lanre G. Adebayo, CCR
Official Court Reporter
Department 14 Superior Court
(253) 798-2977

1
A P P E A R A N C E S
2
3 For the State of Washington:
TIMOTHY LEWIS
4 *DEPUTY PROSECUTING ATTORNEY*
5
For the Defendant:
6 MARK QUIGLEY
DAVID KATAYAMA
7 *DEPARTMENT OF ASSIGNED COUNSEL*
8
T A B L E O F C O N T E N T S
9
10
PROCEEDINGS PAGE
11
JULY 28, 2016
12
13 TESTIMONY
14
(No witnesses heard.)
15
16 OTHER
17 Plea, Colloquy..... 3
18
19 E X H I B I T
20 EXHIBIT DESCRIPTION MARKED/ADMITTED PAGE
21
22 (No exhibits marked or admitted.)
23
24
25

1 BE IT REMEMBERED that on THURSDAY, JULY 28, 2016, the
2 above-captioned cause came on duly for hearing before the
3 **HONORABLE SUSAN K. SERKO**, Judge of the Superior Court in and
4 for the County of Pierce, State of Washington; the following
5 proceedings were had, to wit:
6
7 <<<<<< >>>>>>
8
9 THE JUDICIAL ASSISTANT: All rise. Court's
10 reconvened.
11 THE COURT: Thank you. Please be seated. Good
12 afternoon.
13 MR. LEWIS: Good afternoon, Your Honor.
14 Your Honor, we are before the Court this afternoon on
15 State of Washington v. Jonathan Daniel Harris. May we have
16 Mr. Harris, please?
17 (Jail staff brings in the defendant.)
18 MR. LEWIS: And, Your Honor, for the record; Tim
19 Lewis appearing on behalf of the State of Washington. This
20 is State of Washington v. Jonathan Daniel Harris, Cause
21 Number 15-1-02431-2. Mr. Harris is present in the courtroom
22 to my right appearing in custody and represented by counsel
23 David Katayama and Mark Quigley.
24 Your Honor, the parties are before the Court today
25 pursuant to a plea agreement that has been reached by the

1 parties pursuant to RCW 9.94A.421. At this time the State
2 has provided to the Court a second amended information.
3 Attached to that second amended information is a prosecutor's
4 statement regarding the basis for that amendment. Contingent
5 upon the Court's acceptance of the filing of that second
6 amended information, the parties have also prepared and
7 handed forward for the Court's review a statement of
8 defendant on plea of guilty as well as an addendum to that
9 plea of guilty in the form of In Re Barr pleas as to Count 2
10 and Count 3.
11 Additionally, parties have completed and handed forward
12 a stipulation to offender score which the parties agree
13 accurately encompass and provide the Court with a complete
14 picture of the defendant's criminal history including prior
15 and current offenses which are before the Court.
16 THE COURT: Okay. They're all together here.
17 Probably want these stapled so that --
18 MR. LEWIS: We'll defer to the Court, Your Honor.
19 THE COURT: You don't want the stipulation stapled
20 to the --
21 MR. LEWIS: No, Your Honor.
22 THE COURT: -- statement of defendant on plea of
23 guilty. Is there anything else that I should remove?
24 MR. LEWIS: Not at this point, Your Honor.
25 THE COURT: Okay. What about the addendum?

1 MR. LEWIS: Your Honor, the addendum is actually
2 part of the plea form, so the State would ask --
3 THE COURT: Okay. So it's stay?
4 MR. LEWIS: -- that it remain as part and parcel
5 with the plea.
6 THE COURT: Okay. Who's done the redlining on this;
7 was that the defense or prosecution?
8 MR. LEWIS: Your Honor, I did it and then I provided
9 it to the defense to review and to also review with
10 Mr. Harris; and I can let Mr. Quigley speak to that.
11 THE COURT: All right. The other document I have in
12 front of me is a plea agreement; is that something that you
13 wish that the Court go through with the defendant?
14 MR. LEWIS: Your Honor, I don't believe that's
15 necessary, I don't believe the statute requires that. I
16 filed the original with your judicial assistant yesterday and
17 I also provided a bench copy. I think what the statute
18 contemplates is that the Court would review the proposed plea
19 agreement between the parties and indicate any concerns the
20 Court may have, if the Court has any concerns. But unless or
21 in the event the Court has some concern regarding the nature
22 of that agreement, it is not something that I think needs to
23 be put on the record or gone through with the parties.
24 THE COURT: Thank you. And then I suppose I can
25 wait for my questions until I've heard from the defense.

1 Mr. Quigley?
2 MR. QUIGLEY: Good afternoon, Your Honor. I'm Mark
3 Quigley, Dave Katayama standing to my right. We both
4 represent Mr. Harris who is present. As to the filing of the
5 amended information, Your Honor, we received a copy and we
6 shared it with Mr. Harris yesterday. We'll waive a formal
7 reading if the Court accepts it. If the Court does accept
8 it, we're prepared to plead guilty to it this afternoon. And
9 I'll make a further record about the colloquy I had with
10 Mr. Harris on the plea form at the appropriate time. Thanks.
11 THE COURT: Thank you.
12 You are Jonathan Daniel Harris, correct?
13 THE DEFENDANT: Yes, ma'am.
14 THE COURT: And your date of birth is April 24,
15 1986, correct?
16 THE DEFENDANT: Yes, ma'am.
17 THE COURT: I have had a chance to review the second
18 amended information along with the prosecutor's statement in
19 support. I also had access to the other documents,
20 specifically the plea agreement which I had a chance to read.
21 I will accept the second amended information contingent on a
22 change of plea to the charges in this second amended
23 information. With that?
24 MR. QUIGLEY: Thank you, Your Honor. We've had many
25 discussions with Mr. Harris throughout our representation of

1 him. Yesterday, after much negotiation, we met with
2 Mr. Harris in the jail --
3 THE COURT: Can I stop you for a minute, I'm sorry.
4 MR. QUIGLEY: Sure.
5 THE COURT: It appears to me that someone is
6 recording in the back. The young lady in the front row, you
7 were holding a cell phone up.
8 A YOUNG WOMAN: Oh, yes.
9 THE COURT: Yeah, and either you were taking
10 pictures or making a recording, which is not allowed.
11 A YOUNG WOMAN: Oh, I'm sorry.
12 THE COURT: All right.
13 THE JUDICIAL ASSISTANT: You need to have that
14 completely turned off.
15 THE COURT: It needs to be turned off. If you could
16 make sure. And so that applies to everyone in the courtroom
17 please. We've had a lot of issues with cell phones lately in
18 this courthouse resulting in confiscation of cell phones.
19 And I'd rather not have to do that, so if you all could turn
20 off your cell phones and reassure me that you're not
21 recording. Our official record is up here, okay? Thank you.
22 I'm sorry, Mr. Quigley, go ahead please.
23 MR. QUIGLEY: Thank you, Your Honor. So, Your
24 Honor, we met with Mr. Harris yesterday in the jail and we
25 went through the plea form with him in detail. I can advise

1 the Court that I believe that Mr. Harris understands the
2 elements of this offense and the two other charges that he's
3 also pleading guilty to, which was part of our overall
4 negotiated settlement here. We discussed the elements
5 therefore of all three offenses; Mr. Harris is aware of
6 those. We discussed the rights he's giving up by pleading
7 guilty. We spent a lot of time discussing that; his initials
8 appear in the left-hand margin of that section of the plea
9 form, to include of course the right to go to trial in this
10 matter.
11 We discussed the recommendation of the Prosecutor's
12 Office which differs from our recommendation to the Court.
13 The respective recommendations are contained in the addendum
14 which is the plea agreement, which is incorporated as part of
15 the plea form, and it says that on the plea form. That plea
16 agreement is signed by all parties; Mr. Lewis, myself,
17 Mr. Katayama and Mr. Harris, and to that end we spent
18 significant time explaining to Mr. Harris the contents of
19 this plea agreement. I believe he understands them, I
20 believe he understands his obligations under this plea
21 agreement. I believe he understands what the State's going
22 to recommend and he understands what the defense is going to
23 recommend, and he understands that the Court is not bound by
24 any recommendation as long as the Court stays within the
25 bounds of the law. So that's the content of our discussion

1 regarding the plea agreement which again is an addendum to
2 the plea form.
3 We discussed the fact that there are collateral
4 consequences of a felony conviction that Mr. Harris is aware
5 of. First and foremost on this case, it's a strike offense,
6 Mr. Harris has a prior strike offense on his record;
7 therefore, at the time he's released from prison on this
8 matter he will have two strikes on his record. He's aware of
9 the consequences of a third strike which is life imprisonment
10 without the possibility of parole. He's also aware that he
11 will lose the right to have and possess a firearm,
12 ammunition, the right to vote, and other collateral
13 consequences that are part of a conviction for a felony.
14 The final paragraph is typewritten by Mr. Lewis. It
15 should be noted that Mr. Lewis prepared this plea form. It's
16 completely in the form that I would have prepared it. The
17 last paragraph is a typewritten statement prepared by
18 Mr. Lewis that supports a factual basis for the plea. As you
19 can see, there are two parts to it; the first is a factual
20 plea or a factual statement as to Count 1.
21 THE COURT: Right.
22 MR. QUIGLEY: The second part of that statement is
23 in the form of an In Re Barr plea. You will see that there
24 is another addendum regarding the In Re Barr plea that is
25 necessary of course because Counts 2 and 3 do not support the

1 facts as charged in this matter, the facts as we know them to
2 be. They are for purposes of a plea bargain and therefore we
3 have to use In Re Barr, the case, to do this.
4 Finally, the final page has my signature and
5 Mr. Harris's signature and Mr. Katayama's signature; which
6 indicates that we went through this form with him, answered
7 all of his questions. I believe he's proceeding this
8 afternoon freely and voluntarily with full knowledge of his
9 rights, and I would ask the Court to accept his plea and
10 inquire further of Mr. Harris.
11 THE COURT: Before I do that; did I understand you
12 to say that there were two addendums?
13 MR. QUIGLEY: Yes.
14 THE COURT: I see one.
15 MR. QUIGLEY: There should be in your packet.
16 MR. LEWIS: Your Honor, I believe that -- and
17 Mr. Quigley can correct me if I'm wrong -- there is an
18 addendum that is regarding the In Re Barr portion.
19 MR. QUIGLEY: Right.
20 THE COURT: In Re Barr, that's what I see.
21 MR. LEWIS: The second addendum that I believe
22 Mr. Quigley is referring to is the plea agreement itself.
23 And I believe why Mr. Quigley is referring to the plea
24 agreement itself is the Court will note, in the statement of
25 defendant on plea of guilty, rather than writing out the

1 prosecutor's recommendation as to each count, the box that is
2 checked is, please see attached plea agreement, or the
3 prosecutor's statement is contained within the attached plea
4 agreement which has also been filed with the Court. So I
5 believe that's why Mr. Quigley is referring to that as an
6 addendum to the plea because that is the document that
7 contains the recommendation that we had negotiated with Mr.
8 Harris and his attorneys that we would be making at the time
9 of sentencing.
10 THE COURT: All right. And, once again, you do not
11 believe it's necessary that I go through that plea agreement
12 with him?
13 MR. LEWIS: Your Honor, based on the colloquy --
14 excuse me, the record that Mr. Quigley just made wherein, as
15 I understood it, he had represented to the Court that he and
16 Mr. Katayama went through the entire plea agreement with
17 Mr. Harris and that Mr. Harris has had all of his questions
18 answered, I don't believe it's necessary but I will defer to
19 the defense counsel and the Court.
20 THE COURT: Any reason why I should go through that
21 plea agreement?
22 MR. KATAYAMA: Your Honor, I think it just needs to
23 be inquired that he understands and has read the plea
24 agreement with us.
25 THE COURT: All right. And one final question

1 before I speak directly with Mr. Harris, and that is the
2 prior Assault 2 in 2009 is the prior strike offense that
3 you're referring to, correct?
4 MR. QUIGLEY: Yes.
5 THE COURT: There's nothing else in this record that
6 I can see that would suggest that this could be his third
7 strike, correct?
8 MR. QUIGLEY: Correct.
9 THE COURT: Counsel are satisfied that that's the
10 case?
11 MR. QUIGLEY: Absolutely.
12 MR. KATAYAMA: Yes.
13 THE COURT: All right. Thank you.
14 MR. LEWIS: Your Honor, if I may also ask the Court
15 to clarify just one thing. I believe that on the statement
16 of defendant on plea of guilty, the statement of the
17 defendant which Mr. Quigley is right I typed out and
18 prepared, I believe Mr. Harris's initials do appear by that
19 factual statement, which the State understands to be
20 Mr. Harris adopting that statement as being accurate and
21 true.
22 MR. QUIGLEY: I neglected to add that to my
23 statement to you as to what we did regarding going off the
24 plea form. Yes, I discussed that statement with Mr. Harris,
25 his initials appear at the end of it. I'm sure you'll ask

1 him this question but my understanding is that initial
2 indicates his agreement to that statement.
3 THE COURT: I will.
4 MR. QUIGLEY: Thank you.
5 MR. LEWIS: Thank you, Your Honor.
6 THE COURT: All right. And at this time I'm about
7 to engage in a question and answer process with you directly,
8 Mr. Harris, with the blessing of your counsel. Before I do
9 that, I remind you that you have the right to remain silent;
10 you haven't given up that right yet but you're about to by
11 going through this process with me; do you understand that?
12 THE DEFENDANT: Yes, ma'am.
13 THE COURT: Do you wish to give up the right to
14 remain silent and proceed?
15 THE DEFENDANT: No, ma'am -- or --
16 THE COURT: In other words, you still have the
17 constitutional right to remain silent, that's one of your
18 rights. But you're giving it up now by going through this
19 process with me and answering my questions; do you understand
20 that?
21 THE DEFENDANT: Yes.
22 THE COURT: Do you wish to proceed?
23 THE DEFENDANT: Yes, ma'am.
24 THE COURT: All right. So what I'm about to do now
25 is go through this document with you, the statement of

1 defendant on plea of guilty. And my first question to you is
2 did you have a chance to go through this and read it
3 yourself?
4 THE DEFENDANT: Yes, ma'am.
5 THE COURT: Did you also go through it carefully
6 with counsel, Mr. Quigley and Mr. Katayama?
7 THE DEFENDANT: Yes, ma'am; I did.
8 THE COURT: Did you understand everything?
9 THE DEFENDANT: Yes, I did.
10 THE COURT: Were they able to answer all of your
11 questions?
12 THE DEFENDANT: Yes, they were very helpful.
13 THE COURT: Was there anything that they were not
14 able to answer or any confusion or questions that you have
15 for the Court?
16 THE DEFENDANT: No, ma'am.
17 THE COURT: The charges in the second amended
18 information now and a part of this document, the statement of
19 defendant on plea of guilty, are as follows: Murder in the
20 Second Degree, Count 1; Assault in the Second Degree, Count
21 2; and Assault in the Third Degree, Count 3. Did you go
22 through the elements of those three crimes very carefully?
23 THE DEFENDANT: Yes, ma'am.
24 THE COURT: Did you understand them?
25 THE DEFENDANT: Yes, ma'am; I did.

1 THE COURT: Do you have any questions about the
2 elements of those three crimes?
3 THE DEFENDANT: No, ma'am.
4 THE COURT: At the top of the second page all of
5 your constitutional rights are listed; did you have a chance
6 to go through those with counsel?
7 THE DEFENDANT: Yes, ma'am.
8 THE COURT: You understand by pleading guilty today
9 you're giving up all these constitutional rights?
10 THE DEFENDANT: Yes, ma'am; I do.
11 THE COURT: Is this your initials in the margin
12 here?
13 THE DEFENDANT: Yes.
14 THE COURT: My understanding is that for purposes --
15 and correct me Counsel if I'm wrong here -- but for purposes
16 of Count 1 and 2 the offender score would be 7; is that true?
17 MR. LEWIS: That is correct, Your Honor.
18 THE COURT: Did you understand that as well?
19 THE DEFENDANT: Yes, ma'am.
20 THE COURT: And for Count 3 the offender score is 4;
21 did you understand that?
22 THE DEFENDANT: Yes, ma'am.
23 THE COURT: Can someone tell me why the difference?
24 MR. QUIGLEY: The -- well, the Murder Second Degree
25 and the Assault Second Degree charge, Your Honor, are violent

1 felonies. The murder actually is a serious violent felony;
2 but in any event, they have multipliers. Where prior violent
3 offenses count more than one point, in this instance they
4 count two points. So his two prior Assault 2s count as two
5 points each on Counts 1 and 2. However, Assault 3 being
6 nonviolent has no multipliers and therefore they only count
7 as one point each.
8 THE COURT: I see.
9 MR. QUIGLEY: And the other current as well in the
10 calculation of his offender score. So in other words, the
11 Assault 2 -- what he's pleading to today also counts as two
12 points against the Murder Second Degree. That's how we get
13 to 7.
14 THE COURT: So, Mr. Harris, did you understand that
15 as well?
16 THE DEFENDANT: Yes, ma'am.
17 THE COURT: Was it carefully explained to you?
18 THE DEFENDANT: Yes, ma'am.
19 THE COURT: Any questions about that?
20 THE DEFENDANT: No, ma'am.
21 THE COURT: With an offender score of 7 for Count 1
22 which is the murder charge, the standard range is 216 months
23 to 316 months. No enhancements, a community custody range of
24 36 months with a maximum term of life and a $50,000.00 fine.
25 Were you aware of that?

1 THE DEFENDANT: Yes, ma'am.
2 THE COURT: On Count 2, Assault in the Second Degree
3 with an offender score of 7, the standard range would be 43
4 to 57 months, no enhancements, community custody of 18 months
5 and a maximum term of ten years and a fine of $20,000.00.
6 Were you aware of that?
7 THE DEFENDANT: Yes, ma'am.
8 THE COURT: Finally, for Count 3 which is the
9 Assault in the Third Degree with an offender score of 4, the
10 standard range is 12 months plus one day up to 16 months, no
11 enhancements, community custody would be not applicable in
12 that case and the maximum term is five years and a $10,000.00
13 fine. Were you aware of that?
14 THE DEFENDANT: Yes, ma'am.
15 THE COURT: Do you agree that the criminal history
16 which is part of this stipulation and is found on Page 2 of
17 the stipulation is accurate?
18 THE DEFENDANT: Yes, ma'am.
19 THE COURT: Do you understand that you'd be subject
20 to a $500.00 crime victim penalty assessment and other
21 mandatory fines and penalties?
22 THE DEFENDANT: Yes, ma'am.
23 THE COURT: During the course of counsel's
24 representations to the Court, they talked about what was
25 going to happen at the sentencing hearing, what the

1 recommendations were going to be, and my understanding is
2 that the plea agreement which I did read very carefully sets
3 out what the State's position is. And, Mr. Lewis, again
4 please correct me but it was my understanding that the State
5 is going to be recommending the maximum penalty pursuant to
6 that plea agreement?
7 MR. LEWIS: That is correct, Your Honor. The State
8 is going to be recommending the high end of the standard
9 range.
10 THE COURT: And the purpose of the plea agreement
11 was to put Mr. Harris on notice of that fact, I presume?
12 MR. LEWIS: In part, yes, Your Honor.
13 THE COURT: And also to put the Court on notice,
14 that there is going to be a dispute as to what the sentence
15 ought to be, and I presume that the defense would be
16 recommending something less.
17 MR. LEWIS: That is my understanding as well, Your
18 Honor.
19 THE COURT: All right. Mr. Harris, did you
20 understand that as well?
21 THE DEFENDANT: Yes, ma'am; I do.
22 THE COURT: And do you understand that the Court is
23 not obligated to follow either recommendation; even when it's
24 agreed, the Court is not obligated to follow the
25 recommendation?

1 THE DEFENDANT: Yes, ma'am.
2 THE COURT: If you're not a citizen of the United
3 States, a plea of guilty could expose you to some kind of
4 immigration proceeding up to and including some kind of
5 deportation; were you aware of that?
6 THE DEFENDANT: Yes, ma'am.
7 THE COURT: If you plead guilty you may not possess,
8 own or control a firearm; were you aware of that?
9 THE DEFENDANT: Yes, ma'am.
10 THE COURT: You will lose your voting rights; were
11 you aware of that?
12 THE DEFENDANT: Yes, ma'am.
13 THE COURT: Government assistance could be
14 suspended; were you aware of that?
15 THE DEFENDANT: Yes, ma'am.
16 THE COURT: A DNA test will be required along with a
17 $100.00 DNA fee; were you told that?
18 THE DEFENDANT: Yes, ma'am.
19 THE COURT: Most importantly by pleading guilty,
20 Assault 2 and certainly Murder 2 are serious offenses,
21 they're called strike offenses. If you receive three of
22 these type of strike offenses during your lifetime, you're
23 automatically sentenced to life in prison without the
24 possibility of parole. Were you aware of that?
25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Are you aware that this would be your
2 second strike?
3 THE DEFENDANT: Yes, ma'am.
4 THE COURT: In the event that you are subject to
5 community custody -- which I think is present in this case --
6 and the Court finds that you have any chemical dependency
7 issues the Court could order you into treatment; were you
8 aware of that?
9 THE DEFENDANT: Yes, ma'am.
10 THE COURT: There's a factual statement here that
11 supports your plea of guilty to Count Number 1, so I'm going
12 to read that one out loud and ask you if it's true. Listen
13 carefully. As to Count 1, Murder in the Second Degree; in
14 the early morning hours of June 7, 2015, at my residence in
15 Pierce County Washington state, with intent to cause her
16 death, I severely beat Nicole White, a human being, and
17 thereby caused her death.
18 Is all of that true?
19 THE DEFENDANT: Yes, sir -- yes, ma'am.
20 THE COURT: Did you initial that factual statement
21 and adopt it as your own?
22 THE DEFENDANT: Yes, ma'am.
23 THE COURT: As to Counts 2 and 3, those are in the
24 form of an In Re Barr plea and because of that I have read
25 the original declaration that supports the original charges,

1 the prosecutor's statement. I believe that does support the
2 charges -- more serious charges frankly, and I'm
3 incorporating that declaration into this statement of
4 defendant on plea of guilty.
5 Mr. Harris, do you understand -- well, first and
6 foremost, you had a chance to go over this addendum with your
7 counsel; did you not?
8 THE DEFENDANT: Yes, ma'am.
9 THE COURT: The In Re Barr addendum?
10 THE DEFENDANT: Yes.
11 THE COURT: Do you have any questions about it?
12 THE DEFENDANT: No, ma'am.
13 THE COURT: Did you sign it here?
14 THE DEFENDANT: Yes, ma'am; I did.
15 THE COURT: If I accept your pleas of guilty to the
16 Counts 2 and 3, Assault 2 and Assault 3, if you answer guilty
17 when I say how do you plead, that has the same effect as if
18 you went through trial and were convicted on Assault 2 and
19 Assault 3, regardless of the manner in which you're
20 pleading -- in other words, In Re Barr -- do you understand
21 that?
22 THE DEFENDANT: Yes, ma'am.
23 THE COURT: Are you making your guilty pleas today
24 freely and voluntarily?
25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Did anyone force you?
2 THE DEFENDANT: No, ma'am.
3 THE COURT: Other than what's been worked out as the
4 plea agreement, have any promises been made to you in
5 exchange for a guilty plea?
6 THE DEFENDANT: No, ma'am.
7 THE COURT: I'm satisfied that your guilty pleas are
8 being made freely, voluntarily, intelligently, that you
9 understand the rights you're giving up and the consequences
10 of your pleas. So now I'm going to go through each one of
11 them and ask how do you plead.
12 In response to Count 1, Murder in the Second Degree;
13 how do you plead?
14 THE DEFENDANT: Guilty, Your Honor.
15 THE COURT: In response to Count 2, Assault in the
16 Second Degree; how do you plead?
17 THE DEFENDANT: Guilty.
18 THE COURT: In response to Count 3, Assault in the
19 Third Degree; how do you plead?
20 THE DEFENDANT: Guilty.
21 THE COURT: I accept your pleas. I'm signing the
22 statement on plea of guilty, and my understanding is that we
23 will be doing a sentencing hearing in September, which I had
24 a question about. I'm just curious as to why it's set out
25 that far?

1 MR. LEWIS: Your Honor, I think there are a couple
2 of reasons; there is some scheduling issues with periods of
3 time between now and September 23rd where I am unavailable
4 and would be out of state. I believe there are some periods
5 of time where either Mr. Quigley or Mr. Katayama would be
6 unavailable. Also, Your Honor, pursuant to the plea
7 agreement, there is a provision wherein Mr. Harris has agreed
8 to allocute and meet with the detectives in this case in the
9 presence of his attorneys. I intend to be present for that
10 allocution as well. That is something that needs to be
11 coordinated, the schedules of the investigating detectives,
12 myself, Mr. Katayama and Mr. Quigley, that takes some time.
13 So in light of that, Your Honor, we were looking at some of
14 the other dates that were provided by your judicial assistant
15 and we were concerned that what that may end up simply
16 causing us to do is having to come back before Your Honor to
17 indicate we're simply not ready and we were erring on the
18 side of caution.
19 THE COURT: So my understanding is you all have
20 selected Friday September 23rd at 1:30 in this courtroom for
21 your sentencing; is that true?
22 MR. QUIGLEY: Yes.
23 MR. KATAYAMA: Yes, Your Honor.
24 MR. LEWIS: Yes, Your Honor.
25 THE COURT: And I also assume that Mr. Harris waives

1 a speedy sentencing; is that true? Did you want to
2 interlineate that on the scheduling order?
3 MR. LEWIS: Yes, Your Honor. And I apologize, I
4 meant to do that previously.
5 THE COURT: That's okay. Now finally, there is an
6 order establishing conditions here; would the State like to
7 make a recommendation on this?
8 MR. LEWIS: Yes, Your Honor. Given that Mr. Harris
9 has now pled guilty to among other things Murder in the
10 Second Degree and the Court's accepted Mr. Harris's plea, he
11 is no longer entitled to bail and we would ask, given the
12 nature of the offense, that the Court hold Mr. Harris without
13 bail pending sentencing.
14 THE COURT: Any argument on that, Mr. Quigley?
15 MR. QUIGLEY: No, Your Honor.
16 THE COURT: Okay. I'm checking that box, held
17 without bail, and signing the order establishing conditions.
18 Any other conditions that I need to interlineate on this
19 order?
20 MR. LEWIS: Your Honor, I don't believe so.
21 THE COURT: Okay. And I am signing now the
22 scheduling order setting sentencing for September 23rd at
23 1:30 p.m. for those of you who want to be present. Anything
24 else on this case?
25 MR. LEWIS: Your Honor, just for the record, I

1 believe -- and I'm sorry I didn't see it before it was handed
2 back to the Court but I believe there has been a notation on
3 the scheduling order wherein Mr. Harris has waived his right
4 to speedy sentencing.
5 THE COURT: Thank you for making that record.
6 MR. LEWIS: Nothing further from the State, Your
7 Honor.
8 THE COURT: All right.
9 MR. QUIGLEY: Nothing further, thank you.
10 THE COURT: Thank you. I'm going to step down.
11 MR. LEWIS: Thank you, Your Honor.
12 THE JUDICIAL ASSISTANT: All rise. Court's at
13 recess.
14 (Proceedings concluded at 13:55 p.m.)
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1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
2 IN AND FOR THE COUNTY OF PIERCE
3
4

5 STATE OF WASHINGTON,)
6 Plaintiff,)
7 v.) Superior Court
8 JONATHAN DANIEL HARRIS,) No. 15-1-02431-2
9 Defendant.)
10

11 REPORTER'S CERTIFICATE
12

13
14 STATE OF WASHINGTON)
) ss
15 COUNTY OF PIERCE)
16
17 I, Lanre G. Adebayo, Official Court Reporter in the State of Washington, County of Pierce, do hereby certify that the foregoing transcript is a full, true, and accurate
18 transcript of the proceedings and testimony taken in the matter of the above-entitled cause.
19
20 Dated this 10th day of August, 2016.
21
22
23 LANRE G. ADEBAYO, CCR
24 Official Court Reporter
CCR #2964
25

ATTACHMENT III

LEXSEE 102 WN.2D 265

In the Matter of the Personal Restraint Petition of Terry Patrick Barr, Petitioner

No. 49804-1

SUPREME COURT OF WASHINGTON

102 Wn.2d 265; 684 P.2d 712; 1984 Wash. LEXIS 1798

July 26, 1984

PRIOR HISTORY: [***1] Appeal from Division III, Court of Appeals Court.

SUMMARY:

Nature of Action: Action seeking relief from personal restraint by a person who had pleaded guilty to indecent [***2] liberties pursuant to a plea bargain. The petitioner had acknowledged that he probably could have been convicted of multiple counts of statutory rape.

Supreme Court: Holding that a nonconstitutional error was not cognizable and that the absence of a factual basis for convicting the petitioner of indecent liberties did not invalidate his guilty plea, the court *denies* the petition.

HEADNOTES

WASHINGTON OFFICIAL REPORTS HEADNOTES

[1] Personal Restraint -- Scope -- Issues Not Presented on Appeal -- Nonconstitutional Error An error of less than constitutional magnitude may not be raised in a personal restraint petition if the error was not previously raised on appeal.

[2] Criminal Law -- Plea of Guilty -- Plea Bargaining -- Deficiencies in Substituted Charge -- Effect When a defendant pleads guilty to a substituted charge as a result of plea bargaining and a factual basis for the original charges and the defendant's understanding of his complicity in the original charges are established in the record, the failure to inform the defendant of an element of the substituted charge or to establish a factual basis for his commission of the substituted charge does not invalidate the guilty plea.

COUNSEL: *Mr. Mitchell A. Riese* and *Ms. Patricia J. Arthur* of *Institutional Legal Services*, Steilacoom, Washington, for petitioner.

Honorable Donald C. Brockett, Spokane County Prosecuting Attorney, and *Mr. Ronald W. Skibbie* and *Mr. Daniel W. Short, Deputies*, Spokane, Washington, for respondent.

JUDGES: En Banc. Dimmick, J. Williams, C.J., Rosellini, Utter, Brachtenbach, Dolliver, Dore, and Pearson, JJ., and Cunningham, J. Pro Tem., concur. Andersen, J., did not participate in the disposition of this case.

OPINION BY: DIMMICK

OPINION

[*266] [**713] In this personal restraint petition, petitioner challenges the guilty plea resulting in the conviction under which he is presently serving sentence. He claims an invalid plea on two grounds: the trial court failed to establish a factual basis for the plea; the plea was not "knowing and voluntary" because he was not informed of a critical element of the charge. We reject his contentions and dismiss the petition.

Petitioner was charged on May 1, 1981, with one count [***3] of second degree statutory rape and one count of third degree statutory rape. On June 30, 1981, petitioner was charged with, and pleaded guilty to, one count of indecent liberties. [1] The June information recited as follows:

> [**714] That the defendant, Terry Patrick Barr, in Spokane County, Washington, on or about between November 21, 1980, and February 2, 1981, by forcible compulsion, did knowingly cause [the victim], not the spouse of the [*267] de-

fendant, to have sexual contact with the defendant or another.

This second information was filed pursuant to a plea bargain arrangement in which the prosecutor agreed not to charge any other offenses based on currently possessed information in exchange for the guilty plea.

1 *RCW 9A.44.100* defines indecent liberties (in relevant part) as knowingly causing another person who is not the actor's spouse to have sexual contact with the actor or another (a) by forcible compulsion; or (b) when the other person is less than 14 years of age.

The [***4] record reflects that petitioner requested the agreement so that he could be committed for treatment under the sexual psychopath program. The petition and commitment order for the program were also before the trial court at the plea hearing. Under questioning by the court, petitioner indicated that his sexual problems began in prison, where he had previously been incarcerated for four separate offenses. Petitioner stated that he felt it was time to "get to work" on straightening out his life, and that he believed the sexual psychopath program would help him a great deal.

When the prosecutor filed the second information, he apparently understood that all sexual contact with the victim had occurred after the date alleged in the information, November 21. Under the mistaken assumption that the victim had turned 15 on November 19, the plea bargain arrangement was made to charge the "lesser" offense of indecent liberties by forcible compulsion since it appeared that the age requirement of the statute could not be met.

The discussion at the plea taking hearing disclosed a further erroneous assumption. The parties believed that the indecent liberties statute required the victim to be [***5] *14 or less*, when the statute actually reads *less than 14*. When petitioner was asked to explain what he did to warrant the indecent liberties charge, he indicated that sexual contact with the victim "occurred prior to the November 21, 1980, date, and when [the victim] was 14." This statement was apparently made in an effort to admit a basis for guilt under the statute's age requirement. Petitioner's counsel also explained that although the information alleged forcible compulsion rather than the underage of the victim, "[petitioner] understands that and knowing that and knowing all the facts of this case wishes to continue with [*268] his plea of guilty . . ."

The court then reviewed the material allegations in the information, and petitioner acknowledged that he understood the charge. Petitioner's constitutional rights were each thoroughly discussed.

Following the proffer of the guilty plea, the prosecutor presented the factual allegations underlying the charges and the sexual psychopath petition. Petitioner was originally arrested for statutory rape charges involving several juveniles who were runaways. His home was known as a place where runaways could stay [***6] without being turned in to authorities. Petitioner had been involved in sexual activities, including oral and anal intercourse, with several juveniles. He had taken and attempted to sell pornographic photographs of these juveniles. The sexual contact complained of in the second information involved yet another juvenile and occurred while the victim stayed at petitioner's home, presumably from November 21, 1980, until February 2, 1981, and involved mutual masturbation.

Upon questioning, petitioner acknowledged receiving copies of the police reports filed in regard to the statutory rape charges. He conceded that the statutory rape charges could have been brought, admitting that the sexual conduct involved juveniles, and that he probably would have been convicted of those charges. He indicated that he joined in the sexual psychopath petition to obtain treatment. The court also probed the facts underlying the indecent liberties charge. Petitioner again admitted that the conduct involved an underage victim.

The court accepted the guilty plea to the indecent liberties charge after determining that it was voluntary, and based on a sufficient factual basis. The court determined that [***7] it was a "plea of convenience" because [**715] petitioner understood that he probably would have been convicted of the statutory rape charges if tried.

Following acceptance of the plea, the court imposed a 10-year suspended sentence with 5 years' probation on the condition that he undergo treatment as a sexual psychopath. [*269] At the end of the 90-day observation period, petitioner was rejected from the program and returned to the county jail. His suspended sentence was revoked and he was sentenced to a maximum 10 years in prison.

[1] Petitioner argues that his plea was invalid because the trial court accepted the plea without obtaining a factual basis for the indecent liberties charge as required by *CrR 4.2(d)*. He raises this claim not on appeal, but for the first time in this collateral proceeding. If petitioner's claim merely asserts a violation of the rules of criminal procedure, failure to bring an appeal forecloses relief in a personal restraint petition. *In re Keene, 95 Wn.2d 203, 622 P.2d 360 (1980)*. Therefore, whether the trial court complied with *CrR 4.2(d)* is not properly before us in this petition.

If, however, the alleged violation raises a constitutional [***8] error, petitioner may challenge the plea in a collateral proceeding. [2] To obtain collateral relief, petitioner must show actual prejudice resulting from the error. *In re Hews, 99 Wn.2d 80, 660 P.2d 263 (1983).*

2 We acknowledge that the rule of *CrR 4.2(d)*, which requires the trial court to ascertain the factual basis for the plea, is intended to ensure that the constitutional "voluntary-intelligent" standard is met. *See In re Keene, 95 Wn.2d 203, 206, 622 P.2d 360 (1980).* A violation of the procedural rule does not necessarily establish, however, that a particular plea was constitutionally infirm. *See generally* J. Bond, *Plea Bargaining and Guilty Pleas* § 3.54 (1982).

Petitioner's claim of constitutional error rests on the failure to inform him that, in the absence of forcible compulsion, the indecent liberties statute requires the victim to be less than 14. He correctly asserts that a constitutionally valid guilty plea must be knowing, intelligent and voluntary, with the accused being apprised [***9] of the nature of the charges against him. *Henderson v. Morgan, 426 U.S. 637, 49 L. Ed. 2d 108, 96 S. Ct. 2253 (1976)*; *In re Hews, supra.* Petitioner therefore argues that he has met his burden of showing actual prejudice, because without knowing the statutory elements, he could not have made a voluntary and intelligent plea.

[2] A plea does not become invalid because an accused [*270] chooses to plead to a related lesser charge that was not committed in order to avoid certain conviction for a greater offense. *See, e.g., People v. Martin, 58 Ill. App. 3d 633, 374 N.E.2d 1012 (1978)*; *People v. Johnson, 25 Mich. App. 258, 181 N.W.2d 425 (1970)*; *People v. Clairborne, 39 A.D.2d 587, 331 N.Y.S.2d 780 (1972). See generally* J. Bond, *Plea Bargaining and Guilty Pleas* § 3.55(a), (b) (1982). The choice to plead to such lesser charges is voluntary if it is based on an informed review of all the alternatives before the accused. *See North Carolina v. Alford, 400 U.S. 25, 31, 27 L. Ed. 2d 162, 91 S. Ct. 160 (1970).* What must be shown is that the accused understands the nature and consequences of the plea bargain and has determined the course of action that he [***10] believes is in his best interest. *See Williams v. State, 316 So. 2d 267 (Fla. 1975)*; *see also State v. Majors, 94 Wn.2d 354, 616 P.2d 1237 (1980).*

For the trial court to make the proper evaluation, the plea bargain must be fully disclosed. The trial court must find a factual basis to support the original charge, and determine that defendant understands the relationship of his conduct to that charge. Defendant must be aware that the evidence available to the State on the original offense is sufficient to convince a jury of his guilt.

These criteria are satisfied here. The record convinces us that petitioner chose to plead guilty to the second, substituted information charging only one count of indecent liberties to obtain dismissal of the information charging two counts of statutory [**716] rape. He thus was able to avoid punishment for two crimes and obtain sentencing that involved treatment for sexual psychopathy. He was fully aware that the State's information alleging indecent liberties was potentially defective. The plea bargain, with its factually suspect information, was completely disclosed to the trial court. Petitioner's reasons for desiring the plea [***11] arrangement were discussed at length.

We also find that petitioner understood that the evidence was sufficient to support conviction for the two statutory rape charges. He joined in the sexual psychopath petition [*271] alleging statutory rape. He acknowledged that the sexual acts occurred with youths he knew to be juveniles and that he would probably be convicted of the charges.

In summary, we hold that when, as here, the record establishes a factual basis for the two crimes originally charged and reveals defendant's understanding of his complicity in those crimes, the failure to state a basis for all the elements of the offense substituted for the first two charges after plea bargaining will not preclude a finding that the plea to the substituted charge is voluntary and intelligent. In this case, the record amply supports the conclusion that petitioner's plea was voluntary, and rationally based on the alternatives before him. As there was no error, petitioner's personal restraint petition is dismissed.

15-1-02431-2 48625013 ORDYMT 01-30-17

FILED
DEPT. 14
IN OPEN COURT
JAN 27 2017
Pierce County Clerk
By.....
DEPUTY

IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF PIERCE

STATE OF WASHINGTON, Plaintiff , vs. HARRIS, JONATHAN DANIEL, Defendant .	Cause No. 15-1-02431-2 **ORDER DENYING MOTION TO SCHEDULE EVIDENTIARY HEARING UNDER CrR 7.8**

THIS MATTER having come on regularly before the above-entitled Court upon the Defendant's Motion to Schedule Evidentiary Hearing Under CrR 7.8, and the Court having reviewed the records and files herein, and being fully advised, it is hereby

ORDERED, that the Defendant's Motion to Schedule Evidentiary Hearing Under CrR 7.8 be and it is hereby DENIED.

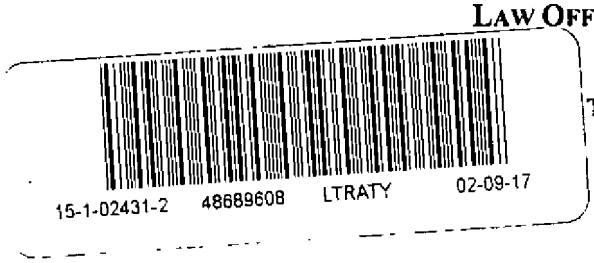
DONE ~~IN OPEN~~ COURT this ~~12th~~ 27th day of January, 2017

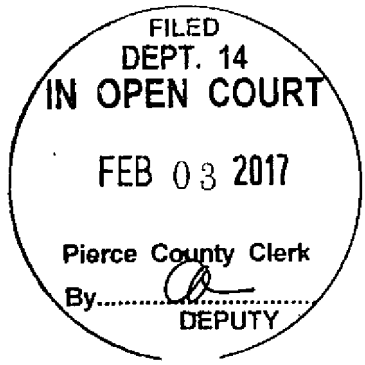
DATED

JUDGE SUSAN K. SERKO

cc: Timothy Lewis, DPA
John H. Hill, III

LAW OFFICE OF JOHN H. HILL, III
Attorney at Law
2703 N. 31st Street
Tacoma, WA 98407
(253) 318-3336





February 2, 2017

The Honorable Susan K. Serko
Pierce County Superior Court
Department #14
930 Tacoma Avenue S., Rm. 533
Tacoma, WA 98402

Re: State of Washington vs. Jonathan D. Harris
Pierce County Superior Court Cause No. 15-1-02431-2
Transfer to Court of Appeals Per CrR 7.8(c)(2)

Dear Judge Serko:

We have received the Court's Order Denying Motion to Schedule Evidentiary Hearing under CrR 7.8.

Accordingly, pursuant to CrR 7.8(c)(2), Transfer to Court of Appeals, we anticipate the Court will transfer the underlying CrR 7.8 Motion for Relief filed, with attachments, to the Court of Appeals for consideration as a Personal Restraint Petition:

> The court shall transfer a motion filed by a defendant to the Court of Appeals for consideration as a personal restraint petition unless the court determines that the motion is not barred by RCW 10.73.090 and either (i) the defendant has made a substantial showing that he or she is entitled to relief or (ii) resolution of the motion will require a factual hearing.

CrR 7.8 Relief From Judgment or Order; (c)(2) Transfer to Court of Appeals

I am advised by the Court of Appeals that this is a procedure commonly utilized by the Pierce County Superior Court. Please advise if I may be of any assistance to you in accomplishing the required transfer for further consideration.

Thank you.

Sincerely,

John H. Hill, III

JHH/lf

cc: Tim Lewis, DPA

PIERCE COUNTY SUPERIOR COURT

February 13, 2017 - 4:12 PM

Transmittal Letter

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Case Name: STATE VS JONATHAN DANIEL HARRIS
County Cause Number: 15-1-02431-2
Court of Appeals Case Number:

✔ Personal Restraint Petition (PRP) Transfer Order

Notice of Appeal/Notice of Discretionary Review

(Check All Included Documents)

Judgment & Sentence/Order/Judgment
Signing Judge: _____

Motion To Seek Review at Public Expense

Order of Indigency

Filing Fee Paid - Invoice No: ___

Affidavit of Service

Clerk's Papers - Confidential Sealed

Supplemental Clerk's Papers

Exhibits - Confidential Sealed

Verbatim Report of Proceedings - No. of Volumes: ___
Hearing Date(s): _____

Administrative Record - Pages: ___ Volumes: ___

Other: _____

Co-Defendant Information:

No Co-Defendant information was entered.

Comments:

No Comments were entered.

Sender Name: Chris R Hanson

LAW OFFICE OF COREY EVAN PARKER

May 24, 2018 - 9:43 AM

Filing Personal Restraint Petition

Transmittal Information

Filed with Court:	Court of Appeals Division II
Appellate Court Case Number:	Case Initiation
Trial Court Case Title:	State of Washington Vs House, Marlon Octavius Luvell
Trial Court Case Number:	14-1-00938-2
Trial Court County:	Pierce County Superior Court
Signing Judge:	
Judgment Date:	

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PLEASE NOTE: This PRP applies to Pierce County Superior Court Nos. 14-1- 00938-2 AND 14-1-00937-4

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