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APPENDIX A

Transcript of Exhibit 89 – Video Deposition of Monique Zaou Clements

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

STATE OF WASHINGTON,)
)
Plaintiff,)
) Case No. 16-1-00189-4
vs.)
)
KARRLEE THERESA)
CLEMENTS,)
)
Defendant.)
)

VIDEO DEPOSITION of MONIQUE ZAOU CLEMENTS
Taken on Friday, October 7, 2016
At 1:03 p.m.
At 703 South Eighth Street
Las Vegas, Nevada

**ORIGINAL
CERTIFIED TRANSCRIPT**

Reported by: Lori-Ann Landers, CCR 792, RPR

Monique Zaou Clements - 10/7/2016
State of Washington vs. Karrlee Theresa Clements

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15
16 ALSO PRESENT: KARRLEE THERESA CLEMENTS

17
18 IRINA VANDEPOL - VIDEOGRAPHER

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Monique Zaou Clements - 10/7/2016
State of Washington vs. Karrlee Theresa Clements

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(No exhibits were marked.)

Monique Zaou Clements - 10/7/2016
State of Washington vs. Karrlee Theresa Clements

1 PROCEEDINGS

2 THE VIDEOGRAPHER: This is the videographer
3 speaking, Irina Vandepol, here on behalf of Depo
4 International. Today's date is October 7, 2016, and the
5 time is approximately 1:03 p.m.

6 We are at Depo International located at 703
7 South Eighth Street, Las Vegas, Nevada 89101 to take a
8 video deposition of Monique Marie (sic) Clements in the
9 matter of State of Washington versus Karrlee Theresa
10 Clements.

11 Will counsel please introduce themselves for
12 the video record.

13 MR. BLOOR: Terry Bloor, Deputy Prosecutor for
14 Benton County, Washington.

15 MR. HANSON: Dennis Hanson of Rodriguez
16 Interino, Hanson & Rogers, attorney for Karrlee
17 Clements -- or Candace Clements.

18 THE VIDEOGRAPHER: Will the court reporter
19 please administer the oath.

20 (Witness sworn.)

21 MONIQUE ZAOU CLEMENTS,
22 having been first duly sworn, was examined and
23 testified as follows:

24 MR. BLOOR: Could the record also reflect that
25 the defendant is in -- is present and is seated with her

1 attorney.

2 EXAMINATION

3 BY MR. BLOOR:

4 Q. Umm, Ms. Clements, could you state your name,
5 please.

6 A. **Monique Zaou Clements.**

7 Q. And where -- what city do you live in?

8 A. **Las Vegas, Nevada.**

9 Q. Is there any reason that you may not be able to
10 attend a trial in Washington State in the next few
11 months?

12 MR. HANSON: Objection. Relevancy.

13 Q. And, for the purpose of this deposition, the --
14 counsel will state their objections, but I will ask you
15 to go ahead and answer.

16 A. **I still answer?**

17 Q. Yes.

18 A. **Okay. I am five months' pregnant with twins and
19 my doctor has advised that I don't fly. I'm a high-risk
20 pregnancy.**

21 Q. All right. So your last name is Clements. And
22 I think you have already spelled that.

23 A. **Oh, I can.**

24 Q. Okay.

25 A. **C-l-e-m-e-n-t-s.**

Monique Zaou Clements - 10/7/2016
State of Washington vs. Karrlee Theresa Clements

1 Q. Would you mind spelling Monique for the record.

2 A. Sure. M-o-n-i-q-u-e.

3 Q. Are you related to the defendant in this case?

4 A. The defendant is Karrlee or Cathy?

5 Q. Yes.

6 A. Karrlee?

7 Q. Yes.

8 A. She is my sister-in-law.

9 Q. And would you mind explaining what the
10 relevant -- or what the relationship is, I mean, is
11 she -- is she -- are you married?

12 A. Oh, I am married to her brother Brice Clements.

13 Q. Okay. And who -- are you familiar with a Cathy
14 Clements?

15 A. Yes, Brice's mother and Karrlee's mother.

16 Q. Okay. So you are Cathy's mother-in-law?

17 A. Cathy is my mother-in-law.

18 Q. Cathy is your mother-in-law. And in the time
19 frame of 2014, 2015, do you know where Cathy, your
20 mother-in-law, lived?

21 A. Yes, Kennewick, Washington.

22 Q. Okay. And would you mind telling us, umm, oh,
23 what sort of contacts you would have with Cathy.

24 A. During that time?

25 Q. Yes, during that time.

1 A. Umm, it was limited communication during that
2 time. Umm, I know there were some, umm, issues with her
3 cell phone from time to time, and there was limited
4 communication, but we were in contact with her during
5 that time.

6 Q. And do you know if Cathy had any -- anyone
7 living with her?

8 A. Yes, Karrlee lived with her during that time and
9 Karrlee's children.

10 Q. Do you know how many kids or children Karrlee,
11 the defendant, had?

12 A. Initially three, and then Karrlee's now
13 husband's children moved in as well, so two other girls.

14 Q. Okay. And do you know where the -- where your
15 mother-in-law Cathy Clements lived in Washington State?

16 A. Garfield Place, yes.

17 Q. All right.

18 A. Is that close enough?

19 Q. All right. Yeah. Very good. The city is --

20 A. Oh, Kennewick.

21 Q. Kennewick, all right. And how many or how often
22 would you have contact with the defendant, Karrlee?

23 A. Umm, it was pretty infrequently. She would
24 contact us sometimes when she was driving down to
25 California to visit her now husband, umm, just check in

1 and stop in and see us or sometimes she would text us if
2 there were financial issues and she needed some
3 assistance. And sometimes just text to just check in,
4 but pretty infrequently.

5 Q. Did Karrlee ever say anything to you about
6 improvements that were being made on Cathy's residence?

7 A. Yes. She, in August of 2014 -- I think in my
8 original statement I said March, that was a different
9 trip, so I was confused.

10 But it was August 2014 she was driving down to
11 California with her daughter Ellie to meet her now
12 husband Ruben, umm, and had stopped by to visit Brice and
13 I. And on our way to dinner she was mentioning some home
14 improvements that they had done -- that she had done to
15 the -- Cathy's home.

16 Q. Is this -- was this the first time that you
17 heard about any home improvements to the residence?

18 A. Umm, it was the first time we had heard about
19 them in detail. Umm, I feel like they were mentioned
20 casually before, umm, but this was the first time they
21 had -- really heard what exactly the projects were, heard
22 about them in detail.

23 Q. And would you mind saying what the projects
24 were --

25 A. Sure.

1 Q. -- as related by Karrlee?

2 A. Ah-huh. I believe at that time they were
3 refinishing the hardwood floors on the main level, and,
4 umm, painting the house and I believe replacing some
5 windows as well.

6 Q. Umm, did you have any concerns concerning those
7 improvements?

8 A. At that time Brice and I were also doing a lot
9 of upgrades to our house and we were really familiar with
10 how expensive upgrades can cost. Umm, and so I had
11 inquired how they were -- umm, how they were being paid
12 for because I know they were in a pretty, umm, strapped
13 financial situation, so we did question that.

14 Q. Okay.

15 MR. BLOOR: Can I just ask is -- is the volume
16 loud enough?

17 THE VIDEOGRAPHER: (Nodding.)

18 Q. I don't know if you need to speak up a little
19 bit.

20 A. Am I too quite? Okay, I will be louder. Sorry.

21 Q. Okay. So you and Brice -- Brice is your
22 husband?

23 A. Yes.

24 Q. Had done sort of similar repair work at your
25 residence?

1 A. Ah-huh.

2 Q. And you were familiar with the price?

3 A. Ah-huh.

4 Q. And would you mind just carrying on with the
5 conversations that you had with Karrlee at that time.

6 A. Umm, sure. It was, umm, the three of us --
7 well, and four including her daughter were in the car and
8 Brice was driving, there was a lot of traffic at the
9 time, so, umm -- and I had asked how those, umm, were
10 being paid for, umm, and Karrlee had said that, umm,
11 they, umm -- through friends of hers she was, umm, having
12 quotes -- she had mentioned that with the 401(k) money
13 can only be pulled out for certain instances, one of
14 which was for home improvements, and so, umm, she would
15 have friends or acquaintances or people she knew, umm,
16 write bids.

17 Let's say the floor cost \$2,000 to do, they
18 would have -- write a bid for 10,000, do the floors for
19 2,500, and then pocket the rest or do whatever with the
20 rest. Umm, so that was a little concerning to us at that
21 point.

22 Q. Okay. Umm, did you do anything after hearing
23 this?

24 A. Umm, second we got out of the car I turned to my
25 husband, I said, "Did you hear that?" and he said,

1 "I heard parts of it, but I was focusing on driving."

2 MR. HANSON: Objection. Hearsay.

3 A. And so, umm, after that, umm, we had called, umm
4 Cathy, Brice and Karrlee's mother, umm, to ask her if she
5 knew anything about these -- this situation or the
6 improvement or the 401(k) and all that, and she said she
7 hadn't checked it in awhile, and --

8 MR. HANSON: Objection. Hearsay.

9 A. -- that she didn't know that was happening --

10 MR. HANSON: Objection. Hearsay.

11 Q. Let me ask a question. And counsel did object
12 to your relating what Cathy said.

13 A. Okay.

14 Q. I am going to ask you, though, and we will argue
15 about this to the judge, what did Cathy say to you in
16 response to your reporting the defendant's statement
17 about pocketing the money?

18 MR. HANSON: Continued hearsay. Objection.

19 A. Umm, she was, umm, unaware of the situation, umm
20 and hadn't -- that was the first she had ever heard of
21 that.

22 Q. Okay. Now let me go back to something. You
23 said that finances -- the finances at Cathy's residence
24 and your sister-in-law Karrlee's residence was strapped?

25 A. Ah-huh. Yes.

1 Q. Can you tell -- tell us, if you know, what were
2 the situations? I mean, do you know of your own
3 knowledge that your mother-in-law was employed or your
4 sister-in-law was employed? Anything along those lines.

5 A. Initially when Karrlee had first moved in Cathy
6 was, umm, employed. Umm, she then got injured, umm, and
7 it resulted in her not being able to work.

8 Umm, after which she, umm, I believe went on
9 disability and then eventually stopped working, umm, and
10 Cathy's was the main source of income for that home.
11 Umm, and so when she stopped working that income wasn't
12 coming in.

13 I know that she had pulled out some money, umm,
14 initially from her 401(k) to cover the, umm, remaining
15 mortgage on the mortgage so that the house was in the
16 clear and pulled out some money to live off of from the
17 401(k) initially when she stopped working, but it was a
18 very -- very limited finances that they were living
19 under.

20 I don't know too much about Karrlee's finances
21 and all of that, just knowing what I know about Cathy's.

22 Q. You mentioned, umm, Karrlee talking about
23 pulling money out of a 401(k).

24 Do you know what 401(k) she was referring to?

25 A. Umm, Cathy's.

1 Q. Cathy's?

2 A. Cathy Clements' 401(k), yes.

3 Q. And was there any discussion about -- from the
4 defendant, from Karrlee, about how she would access that
5 401(k)?

6 A. I believe in the conversation she mentioned
7 that, umm, it was, umm, through phone calling to report
8 it and then faxing in the bids that she would receive.

9 Q. Umm, prior to this, umm, before August of 2015,
10 umm, before this conversation, umm, between Karrlee and
11 you, was there anything that Cathy said concerning
12 Karrlee using her computer?

13 A. Umm, I know --

14 MR. HANSON: Objection. Hearsay.

15 Q. I'm sorry, let me just be sure to -- let me be
16 sure to phrase this correctly.

17 Any concerns about Cathy, umm -- from Cathy
18 about Karrlee using Cathy's computer.

19 MR. HANSON: Hearsay.

20 A. Cathy did not have a computer at the time. The
21 only computer in the home was Karrlee's. Umm, and I know
22 that whenever Cathy would do, umm, confidential things,
23 like check her bank statements or check her 401(k), umm,
24 or any sort of confidential sites, that she had expressed
25 not feeling comfortable doing that on Karrlee's computer

1 and chose to do that at her sister Karen's house.

2 Umm, so any time the 401(k) was accessed it was
3 accessed -- accessed by Cathy, it was accessed through
4 Karen's computer.

5 Q. And was there any other, oh, did you ever
6 actually see any activity on, umm, either Karrlee's
7 computer or the relative's computer?

8 A. Umm, not at that time, but once we started to
9 dig a little deeper and find out some more information
10 about what was happening when we went down to Washington
11 we got Cathy and brought her to Karen's house and had her
12 log into her 401(k), and there were a few suspicious
13 things. The email address that was linked to the 401(k)
14 had been changed to Karrlee's email address, and the
15 password that Cathy had been using wasn't the password
16 anymore.

17 And once we were able to log in, umm, we had a
18 list of the -- umm, any time Cathy had logged in and had
19 pulled out money, and there were, I think, only three or
20 four times --

21 MR. HANSON: Objection. Best evidence.

22 A. -- on that list. But when we actually logged in
23 there were many more instances where more money was
24 pulled out that Cathy was unaware of.

25 Q. And as a result of -- do you know firsthand

1 whether your husband reported this to authorities in
2 Washington State?

3 A. Yes, instantly we went and reported it.

4 Q. All right. I actually don't believe I have any
5 other questions. Thank you.

6 A. Thank you.

7 **EXAMINATION BY**

8 MR. HANSON:

9 Q. Good afternoon, Monique.

10 A. Hello.

11 Q. Okay. So, August 31st you wrote a statement to
12 Kennewick Police Department.

13 Do you recall that?

14 A. Yes.

15 Q. And in that statement you said in March 2015
16 Karrlee, at that time Clements, came to visit you and
17 Brice at their house in Las Vegas?

18 A. Yes.

19 Q. And then you are now saying that's incorrect?

20 A. Well, that is technically correct. Karrlee also
21 visited us in March of 2015 when she -- she visited us at
22 that time with her now husband Ruben.

23 That just wasn't -- I had the instances mixed
24 up. That wasn't the instance where she had made the
25 statement about the 401(k), that was the August 2014

1 visit.

2 Q. Okay. So how long -- I will start with the
3 March 2015 visit then.

4 A. Okay.

5 Q. Who was with Karrlee?

6 A. Ruben.

7 Q. Anybody else?

8 A. No, they visited my husband and I at our house.

9 Q. On Longhorn?

10 A. Yes.

11 Q. Okay. How long was that visit?

12 A. That was a very -- a very brief visit. Umm,
13 they were just passing through, umm, probably no more
14 than 45 minutes.

15 Q. Okay. And at that time were you still doing
16 work on your house?

17 A. Yes.

18 Q. What were you having done at that point, if you
19 remember?

20 A. We were, umm, tiling the first floor of our
21 home.

22 Q. Okay. So on that time -- at that -- your
23 previous statement that she disclosed this scheme of
24 getting a bid for \$10,000 and then actually only paying
25 2,500 and pocketing the rest, for example --

1 A. Ah-huh. Yes.

2 Q. -- didn't happen on that day?

3 A. No, that statement did not. I was incorrect.

4 Q. Okay. Did you review your testimony, your
5 statements before today?

6 A. No, I actually just realized in speaking with my
7 husband this morning that that wasn't the trip and that
8 that was incorrect.

9 Q. Well, are we talking about your memory or are we
10 taking about your husband's memory?

11 A. We are talking about both memories.

12 Q. Are you testifying as to your memory only?

13 A. I'm testifying as to my memory, yes, but we were
14 both there and privy to the instances. Umm, I was more
15 cognizant of the statement initially than he was because
16 he was driving and focusing on traffic.

17 Q. In March of 2015?

18 A. In August.

19 Q. I'm talking about March right now.

20 A. Yes.

21 Q. Okay. And what did you guys talk about on that
22 trip on that visit in March?

23 A. On the March trip, umm, they had stopped by,
24 that was the first time we had met Ruben. Umm, Brice and
25 I were about to go to Disneyland, so we talked about

1 that, they had just gone to Disneyland. Umm, and so we
2 talked a little bit about that.

3 Umm, I had noticed, umm, Karrlee had diamond
4 earrings in, umm, and some other things, so I had asked
5 her about those things and she said they were gifts from
6 Ruben. Umm, but it was a very brief conversation.

7 Q. Umm, just one moment. So March of 2015 then,
8 this is several months after Karrlee, according to you,
9 disclosed this scheme.

10 A. Ah-huh.

11 Q. You guys were on good terms?

12 A. Umm, we had made the decision to not approach
13 Karrlee, to approach Cathy about it. Umm, and until we
14 had all the evidence we weren't going to bring it up to
15 Karrlee.

16 Q. So when did you tell Cathy about it?

17 A. Umm, we had told Cathy about it, umm, about a
18 few weeks after was the first time we were able to speak
19 to her. Her phone wasn't working.

20 Q. So this had been a few weeks after the August
21 21st --

22 A. Yes.

23 Q. -- of 2014?

24 A. Yes. And in that time there were some
25 investigative things that we were doing, umm, to try and

1 see if there was any truth to it behind the scenes a
2 little bit, and also figuring out when we could have the
3 time off of work to go down to Washington and actually
4 further investigate it.

5 Q. What do you mean by investigating things?

6 A. Umm, speaking to Karen and asking Karen if Cathy
7 knew about this or how often Cathy had been looking at
8 the 401(k) and just looking into it a little bit further.

9 Q. Did you ever get, umm, the password for the
10 401(k) account?

11 A. Not at that time, no.

12 Q. When did you get those?

13 A. Umm, when we went down in, what was it, June.

14 Umm, when we went down and actually did the report.

15 Q. June of what year?

16 A. 2015. Umm, so we didn't realize we would need
17 the passwords. Umm, we had Cathy with us, we were
18 accessing it, umm, and it wasn't until we logged in and
19 realized the passwords had changed that we realized we
20 needed to make some calls to find out what they now were.

21 Q. Do you recall what the password was?

22 A. No, I don't. I remember it was Karrlee's email
23 address was the username and --

24 Q. But not the password?

25 A. No. No, I don't remember what the password is.

1 Q. Do you know what your mother-in-law's maiden
2 name is?

3 A. Yes.

4 Q. What is that?

5 A. How is that relevant?

6 Q. You don't get to ask the questions.

7 A. Oh, okay. Her maiden name is Tymarsh.

8 Q. That doesn't sound like a password that you
9 might have had to use?

10 A. Not that I can recall, no. The actual password
11 at the time was not what we were focusing on, it was that
12 all the information had been changed in the first place.

13 Q. Okay. So now you are saying August 2014 is when
14 Karrlee disclosed all of this; correct?

15 A. Correct.

16 Q. And you waited all the way until June 2015 to do
17 anything about it?

18 A. It wasn't our call to make at the time. The one
19 who was being directed -- directly affected was Cathy,
20 and until we were confident that Cathy wanted to do
21 something about it, and until we could further
22 investigate it and find truth to it, umm, then we did.

23 Q. Umm, can you explain to me, especially in 2013
24 to 2015, umm, were you and Brice together at that point?

25 A. Yes.

1 Q. Okay. Can you explain to me Brice and Cathy's
2 relationship?

3 A. Umm, yeah, it was, umm, strained. Mostly in
4 part to him not feeling comfortable with, umm --

5 Q. I don't need --

6 A. Karrlee living there.

7 Q. How often did they talk?

8 A. Umm, as frequently as her phone would work.
9 Oftentimes, umm, the phone would be disconnected, we
10 wouldn't know why, but it was disconnected. So whenever
11 they could, they did.

12 Q. Did -- umm, do you know if Cathy and -- when I
13 say "Cathy," I mean Catherine as well, same person.

14 A. Ah-huh.

15 Q. Missed a couple of birthdays of Brice to call
16 him and say happy birthday?

17 MR. BLOOR: Objection. No relevancy.

18 A. I don't think that's relevant either.

19 Q. You still have to answer.

20 A. Umm, I know that she was late one birthday, and
21 as far as we were told it was because her phone was
22 disconnected.

23 Q. Do you recall having a conversation with Karrlee
24 about that?

25 A. Umm, I --

1 MR. BLOOR: Objection. Relevancy.

2 MR. HANSON: Goes to motive.

3 A. -- recall having a lot of conversations with
4 Karrlee during that time. Umm, that specifically I
5 don't.

6 Q. And this would have been over text message?

7 A. Mostly, yes, that's how we communicated.

8 Q. Okay. So do you remember a conversation you and
9 Karrlee had about getting Cathy down to see Brice in
10 Vegas?

11 A. I remember Karrlee mentioning wanting to
12 surprise Brice and me not saying that I think that that
13 was a good surprise.

14 Q. And did you have a reason why you didn't think
15 that was a good surprise?

16 A. I thought that, you know, at that point their
17 relationship was a little rocky, mostly in part because
18 of arguments he had about Karrlee, umm, and I didn't
19 think that their relationship was in a strong enough
20 place for her to just do a surprise visit, that there
21 were other forms of communication that could be had.

22 Q. Do you recall making this statement: "I should
23 warn you that you thought he was incredibly hurt, that
24 what was once frustration then anger turned into sadness
25 when the months went by without her answering his calls

1 or texts"?

2 A. Ah-huh.

3 Q. It went on to say, "And when those months turned
4 into full year and a year without calling to say thank
5 you for any gifts he would send her turned in -- as
6 sadness worsened" -- well, what we were coming to find
7 out --

8 MR. BLOOR: Let me make an objection to that.
9 Relevancy, but go ahead.

10 MR. HANSON: Goes to motive.

11 A. What we were coming to find out was the reason
12 she wasn't communicating was because her phone was being
13 disconnected, and we didn't realize at the time either
14 was that Karrlee was in charge of her phone.

15 Once we did realize that we, umm, got her phone
16 on our plan so that she had the freedom to communicate
17 whenever she wanted to.

18 Q. When did you do that?

19 A. Umm, we did that the second we went down and,
20 umm, filed the report.

21 Q. So in 2015?

22 A. Yes, once we realized how bad it was.

23 Q. And you also knew that Cathy's sister lived in
24 Pasco?

25 A. Yes.

1 Q. And you could easily have checked with Cathy or
2 Catherine to see if everything was going all right? I'm
3 sorry, Karen. You could have had Karen check on Cathy?

4 A. Umm, Karen and Cathy communicated whenever
5 Cathy's phone was working as well.

6 Q. Umm, did you go to the -- I'm sorry, to
7 Kennewick in October of 2014?

8 A. Yes.

9 Q. And this was after Karrlee apparently disclosed
10 this activity?

11 A. Wait, October of 2014?

12 Q. Yes.

13 A. No.

14 Q. You didn't go to a guy named Cole's wedding?

15 A. Oh, yes, we went to that. We didn't see
16 Karrlee -- oh, we did see Karrlee at that time actually,
17 yes.

18 Q. Umm, was there work being done on the house in
19 2014, October?

20 A. Umm, it was started.

21 Q. Okay.

22 A. It looked -- there were tools around.

23 Q. Umm, did you see anybody there working on the
24 house?

25 A. There was a guy named Travis who was there

1 hanging around. We weren't sure what his connection was
2 to any of it. Umm, but they had said that he helps
3 around the house, and that was all we knew.

4 Q. Did you or Brice thank him for the work he was
5 doing?

6 A. No.

7 Q. Where did you guys go after that?

8 A. We took the kids out to pizza.

9 Q. Hubby's; is that right?

10 A. Yes.

11 Q. Okay. So I'm just going to recap just a little
12 bit just to make sure I got the timeline right.

13 A. Ah-huh.

14 Q. So October 31 of 2015 statement isn't accurate;
15 correct?

16 A. Umm, it's accurate. There is one date in there
17 that needs to be updated.

18 Q. Okay. So your testimony is October of 2014,
19 umm, Karrlee makes this disclosure to you?

20 A. No, August of 2014.

21 Q. I'm sorry, you're correct, August of 2014 she
22 just flat out tells you what she's doing?

23 A. It took some inquiring, but, yeah, she let it
24 slip.

25 Q. Doesn't sound -- prior -- well, never mind, I'm

1 not going to argue.

2 Umm, you then go up a couple of months later in
3 October?

4 A. Ah-huh.

5 Q. Nothing is done about it, nothing is confronted
6 with Cathy?

7 A. Umm, not at that point, no. We were
8 investigating it. We wanted to see if the work had
9 actually been done to the house.

10 Q. Okay. So then nothing happens until March of
11 2015 --

12 A. No, that's not true. We spoke to Cathy at that
13 time.

14 Q. Okay. And then March 2015, another five months
15 go by and then you report this all to the police?

16 A. When we made it down there, umm, and we also had
17 the backing of the rest of the family to move forward
18 with this. It was a very tough decision for my husband
19 to make because we knew what the repercussions were, that
20 if his sister were caught, that there was potential jail
21 time and that's not an easy decision for a brother to
22 make.

23 Q. Okay. Okay. I don't have any more questions.
24 Thank you.

25 A. Thank you.

1 **FURTHER EXAMINATION BY**

2 MR. BLOOR:

3 Q. I think, umm, my colleague asked you a question
4 about were Brice and his mother on -- well, what was the
5 relationship between them in the time frame of, umm, I
6 don't know, 2014 and into 2015.

7 A. Ah-huh.

8 Q. And you said it was strained. And then you
9 started to explain why.

10 A. Ah-huh.

11 Q. And I think you -- did you get a chance to fully
12 answer that?

13 A. I mean, most of their arguments revolved around
14 Brice was never comfortable with -- he was comfortable
15 with Karrlee living there, but he always felt that
16 Karrlee was taking advantage of Cathy in multiple ways.

17 MR. HANSON: Hearsay. Objection.

18 A. And was never comfortable with the motives.
19 There were instances before that Karrlee had lived there
20 that we had to --

21 MR. HANSON: Objection. Not relevant.

22 A. -- assist in moving her out because of other bad
23 instances that were not healthy for Cathy to be living
24 in.

25 Q. Okay. And, just so we are clear, the statement,

1 the actual written statement in your own -- in your own
2 hand is dated -- do you remember when it was dated?

3 A. No.

4 Q. Would you like to look at it?

5 A. Sure.

6 Q. Would that help you remember exactly the date?

7 A. Sure. Yes.

8 Q. Let me slide this. And the question is does
9 that help you remember exactly the date that you signed
10 your written statement?

11 A. Yes, this was when we went and uncovered
12 everything, so...

13 Q. And what's the date on that?

14 A. August 31st.

15 Q. And your testimony is that -- where it starts at
16 the beginning saying "In March of 2015," that part is
17 incorrect, and it should have been August of 2014?

18 A. Yes. I had had the visits that Karrlee had
19 made, the dates mixed up. August 2014 was the correct
20 date.

21 Q. But everything else is accurate?

22 A. Everything else, unfortunately, is accurate.

23 Q. And it's -- that reflects what you have
24 testified today?

25 A. A hundred percent, yes.

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1 Q. All right. Thank you. I don't have any other
2 questions.

3 MR. HANSON: No more from defense.

4 THE VIDEOGRAPHER: This concludes the videotape
5 deposition of Monique Zaou.

6 THE WITNESS: Zaou, it's a tough one.

7 THE VIDEOGRAPHER: I apologize. We are going
8 off the record and the time is 1:34 p.m.

9 THE REPORTER: Did you like electronic? Would
10 you like to order?

11 MR. BLOOR: Yeah, we do. An electronic?

12 THE REPORTER: Yeah.

13 MR. BLOOR: Sure.

14 MR. HANSON: Electronic.

15

16 -oOo-

17 (Whereupon, the video deposition of
18 Monique Zaou Clements was concluded
19 at 1:34 p.m.)

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MONIQUE ZAOU CLEMENTS

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CERTIFICATE OF DEPONENT

PAGE LINE CHANGE REASON

* * * * *

I, MONIQUE ZAOU CLEMENTS, deponent herein,
do hereby certify and declare under penalty of perjury
the within and foregoing transcription to be my
deposition in said action; that I have read, corrected
and do hereby affix my signature to said deposition.

MONIQUE ZAOU CLEMENTS
Deponent

Subscribed and sworn to before me the
day of 2016.

Notary Public

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APPENDIX B

Transcript of Exhibit 90 – Interview of Defendant by Detective Daniel
Todd

1 #15-28333

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4

INTERVIEW OF KARRLEE CLEMENTS

5

October 29, 2015

6

7

In re: State of Washington vs. Karrlee Clements

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Case No. 16-1-0018994

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Present at Interview:

13

Detective Daniel Todd

14

Detective Marco Monteblanco

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21

Official Transcript of Recording

22

Reed Jackson Watkins

23

Court Certified Transcript

24

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25

206.624.3005

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October 29, 2015

1
2
3
4 TODD: This is Detective Dan Todd of the Kennewick Police
5 Department. The date is October 29, 2015. The time is 1125
6 hours. I'm at the Richland Police Department in interview
7 room -- I think it was B, in interview room with Detective
8 Monteblanco and Karrlee Clements. This is in regard to Case
9 No. 15-28333.

10 And, Karrlee, can you spell your last name for me?

11 CLEMENTS: C-L-E-M-E-N-T-S.

12 TODD: Okay. And what's your date of birth?

13 CLEMENTS: 2-10-1981.

14 TODD: Okay. And do I have your permission to record this
15 conversation?

16 CLEMENTS: Sure.

17 TODD: Okay. What I want to start off with, Karrlee, as
18 I've advised you, you are under arrest, but that -- I just
19 want to advise you of your Miranda rights, okay?

20 You have the right to remain silent. Anything you say can
21 be used against you in a court of law. You have the right
22 at this time to talk to a lawyer and have him present while
23 you are being questioned. If you cannot afford to hire a
24 lawyer, one will be appointed to represent you before any
25 questioning if you wish. You can decide at any time to

1 exercise these rights, not answer any questions, or make any
2 statements. Do you understand these rights?

3 CLEMENTS: Yes, I do.

4 TODD: Okay. Having these rights in mind, are you okay to
5 have this conversation with me?

6 CLEMENTS: Yes.

7 TODD: Okay. So as I explained to you, this -- your mom,
8 Catherine -- correct, she is your mother?

9 CLEMENTS: Yes.

10 TODD: Okay -- has made an allegation of theft, that
11 you've been stealing money from her, a significant amount of
12 money. So that's why we're here. Do you have any idea that
13 this is even transpiring? I mean (inaudible) today?

14 CLEMENTS: Nope.

15 TODD: Okay. So what do you think this is about?

16 CLEMENTS: My brother.

17 TODD: Okay. Your brother in what regards?

18 CLEMENTS: Just that -- I don't know.

19 TODD: Okay. Is there some -- brother, which brother are
20 we talking about?

21 CLEMENTS: I only have one brother.

22 TODD: Okay. And what's his name?

23 CLEMENTS: Bryce.

24 TODD: Is he the one that lives in --

25 CLEMENTS: Las Vegas.

1 TODD: Las Vegas? Okay. So the accusation is you've been
2 taking money from her 401k account.

3 CLEMENTS: Okay.

4 TODD: So what -- what -- can you tell me anything? I
5 mean, what comes to your mind when I tell you that?

6 CLEMENTS: In taking money from her 401k account and she's
7 been living off of it?

8 TODD: Okay.

9 CLEMENTS: She had --

10 TODD: Well, what do you know about her 401k account? I
11 mean, I guess that's --

12 CLEMENTS: I mean, she -- before here she hasn't been
13 working, okay?

14 TODD: Okay.

15 CLEMENTS: She's sat in her room for four years and relied
16 on me to take care of her. I've done everything for her.
17 She hasn't driven a car; she hasn't done anything.

18 TODD: Okay.

19 CLEMENTS: She sat in her room and done absolutely nothing
20 but sat in that frickin' bed and relied on me to take care
21 of her.

22 TODD: Okay.

23 CLEMENTS: I've done everything for that lady.

24 TODD: So when was the last time she worked?

25 CLEMENTS: Possibly November or October, maybe December

1 2013.

2 TODD: Okay. And where did she work at?

3 CLEMENTS: Out in the area.

4 TODD: Okay. So what happened? Why hadn't she worked?

5 CLEMENTS: She played ill.

6 TODD: Okay.

7 CLEMENTS: She's had -- she's been an alcoholic for years.

8 TODD: Okay. So you've been taking care of her --

9 CLEMENTS: Yes.

10 TODD: -- basically? So how have you been taking care of
11 her is, I guess --

12 CLEMENTS: Well, we've been dependent on each other, if
13 you want to put it that way.

14 TODD: Okay. So she takes -- I mean --

15 CLEMENTS: I mean -- I mean -- I've been dependent on her
16 and she's been dependent on me. We've been dependent on
17 each other. I've been financially dependent on her, and
18 she's been dependent on me in the sense of me taking care of
19 all of the situation, her, like -- she's had the money
20 and -- if you take it like that.

21 TODD: Mm-hmm.

22 CLEMENTS: She's had the means or the money, and then I've
23 been the one that's been able to just go do the grocery
24 shopping.

25 TODD: Okay.

1 CLEMENTS: I've taken care of the hou- -- just did
2 everything in the house.

3 TODD: Mm-hmm. Okay.

4 CLEMENTS: I mean, everything in that house is broken
5 down.

6 TODD: This, the house on Garfield?

7 CLEMENTS: Yes.

8 TODD: Okay. So -- and this has been going on since she's
9 been unemployed?

10 CLEMENTS: Yes.

11 TODD: Okay. So what is -- so she's been living from
12 2013 -- you say December? Is that what you said?

13 CLEMENTS: Well, she -- it's -- she went back to work for
14 a very short time, I'm talking about maybe two weeks.

15 TODD: Okay.

16 CLEMENTS: But before that she wasn't working at all.

17 TODD: Okay.

18 CLEMENTS: Okay. A check of -- a disability check would
19 come in of -- you know, from work.

20 TODD: Mm-hmm.

21 CLEMENTS: There would be one or two checks of disability
22 come in.

23 TODD: Mm-hmm.

24 CLEMENTS: That there wasn't checks for a very long time.

25 TODD: Okay.

1 CLEMENTS: But really she hasn't been working since 2011.

2 TODD: So what -- how does she live?

3 CLEMENTS: From her 401k.

4 TODD: Okay. But do you know how she does that? I mean,
5 what does that look like? I mean, is she taking monthly
6 disbursements? Has it been a sum? I mean, what do you know
7 about how she's living?

8 CLEMENTS: It would be -- she would just take out an
9 amount.

10 TODD: Okay.

11 CLEMENTS: You know, the house was in foreclosure at one
12 point.

13 TODD: Okay.

14 CLEMENTS: She would avoid making a house payment for an X
15 amount of time and then, oops, it's gotten to a point where
16 now we have papers on the door saying, "Your house is in
17 foreclosure now." You know, she would wait until the last
18 minute to pay the bills.

19 TODD: Okay.

20 CLEMENTS: Okay. That's how she -- that's how she always
21 ran things, you know.

22 TODD: So she wasn't taking care of the bills at all?

23 CLEMENTS: She wouldn't take care of the bills at all.

24 TODD: Okay.

25 CLEMENTS: Okay?

1 TODD: So were you making the house payments?

2 CLEMENTS: It got to the point where she wouldn't make the
3 house payment at all, and then the house went into
4 foreclosure.

5 TODD: Do you remember when that was?

6 CLEMENTS: It was July of 2000- -- I think it was --
7 finally it was in July of 2013 she took out money from the
8 401k to make the -- a large payment to stop the foreclosure
9 payment.

10 TODD: Okay.

11 CLEMENTS: To stop.

12 TODD: So just to get caught up on her house payments.

13 CLEMENTS: Just to get caught up, and the house was, I
14 think at that point in time, paid off. Paid off --

15 TODD: In 2013?

16 CLEMENTS: -- in 2013.

17 TODD: Got it.

18 CLEMENTS: Somewhat paid off. It didn't get paid off all
19 the way, there was still an amount that needed to be paid
20 off.

21 TODD: Okay.

22 CLEMENTS: And then -- and then again another lump sum had
23 to be paid off again in November or December of 2013 again.

24 TODD: Okay.

25 CLEMENTS: The irrigation was the same way. We got

1 notification in 2014, same situation. A lump sum had to be
2 paid for the irrigation. The house was going to be -- a
3 lien was going to be put on the house from the irrigation
4 department in December.

5 TODD: Mm-hmm.

6 CLEMENTS: I was able to take care of that. It got to the
7 point with my mom because she -- she has had a problem with
8 alcohol.

9 TODD: Mm-hmm.

10 CLEMENTS: She hid it from everybody for years.

11 TODD: The alcoholism?

12 CLEMENTS: The alcoholism.

13 TODD: Okay. Okay.

14 CLEMENTS: She would just hide it.

15 TODD: So it's probably pretty rough living in the same
16 house with an alcoholic, I would imagine. I had an uncle
17 who was an alcoholic so I know exactly what you're talking
18 about.

19 CLEMENTS: She was so mean and so violent and so just --

20 TODD: Mm-hmm. It's not easy. I know exactly what you're
21 talking about. So did you guys just pretty much -- I
22 imagine, if it's anything like my scenario, you guys just
23 stay separated? "You stay on your side of the house, we'll
24 stay on our side of the house" kind of thing? Okay. So
25 you --

1 CLEMENTS: I tried. I tried -- I tried for the longest
2 time I just -- I -- I didn't want her to drive.

3 TODD: Mm-hmm.

4 CLEMENTS: To try to avoid for her not to buy it --

5 TODD: Mm-hmm.

6 CLEMENTS: -- you know? But she always found means, you
7 know, she always found means to get it.

8 TODD: Get what?

9 CLEMENTS: Get the alcohol --

10 TODD: Oh, I gotcha.

11 CLEMENTS: -- you know, to get it.

12 TODD: Mm-hmm.

13 CLEMENTS: And it -- it would come to a point where she
14 would forget conversations that we would have or the things
15 that she would do.

16 TODD: Mm-hmm.

17 CLEMENTS: You know.

18 TODD: Mm-hmm.

19 CLEMENTS: I would have conversations with her about, "You
20 know, Mom, you know, we have to do this" or "Mom, this needs
21 to be fixed" or "Mom, you know, this needs to be taken care
22 of" or, you know, when you have a house that old --

23 TODD: Mm-hmm.

24 CLEMENTS: -- you know, you have to invest in things.

25 TODD: Mm-hmm.

1 CLEMENTS: And she -- she would just --

2 TODD: So she was pretty neglectful in, it sounds like a
3 few areas.

4 CLEMENTS: In all areas.

5 TODD: So --

6 CLEMENTS: And she -- she -- I mean, she was -- you know,
7 a two-, three-pack-a-day smoker, you know?

8 TODD: Mm-hmm.

9 CLEMENTS: She could smoke two to three cartons of
10 cigarettes a week easily, you know. Her bedroom was just
11 nicotine just seeping off the walls.

12 TODD: Mm-hmm. How long did you guys live together?

13 CLEMENTS: I moved back with my mother in July -- July of
14 2011.

15 TODD: Oh, okay.

16 CLEMENTS: And --

17 TODD: You had been living on your own at that point?

18 CLEMENTS: Somewhat, yes. I had a really bad relationship
19 with my two oldest kids' father.

20 TODD: Okay.

21 CLEMENTS: And then I moved back home and started working
22 on my master's a little bit, and then she -- that's really
23 when her alcoholism really got really, really, really,
24 really bad.

25 TODD: Okay.

1 CLEMENTS: And she got an ulcer from it. I thought she
2 wasn't going to live, really, because she was drinking so
3 heavily.

4 TODD: Mm-hmm.

5 CLEMENTS: I mean, when you go up to your mother's room --
6 when she works out in the area and you go up to your
7 mother's room and she's taking a big old swig of the rum
8 bottle before she goes to work, that's when you know that
9 there's something wrong.

10 TODD: Mm-hmm. So when she took it in 2013, when she took
11 the money out to get caught up on the house payment to avoid
12 foreclosure, did she take out money just for that purpose or
13 does she take money out to live on or what -- I mean, how
14 does she live?

15 CLEMENTS: She was -- she was take- -- she was taking
16 money out -- she was taking money out to live as well.

17 TODD: So periodically or -- what -- I mean, how often
18 would she take it out?

19 CLEMENTS: She was taking it out to live.

20 TODD: Mm-hmm.

21 CLEMENTS: Then there was those times that we were doing
22 the modifications to the home.

23 TODD: Mm-hmm.

24 CLEMENTS: We did the restoration to the -- the hardwood
25 floors in the --

1 TODD: So who did that? You took care of that?

2 CLEMENTS: Well, I was doing the work.

3 TODD: Okay.

4 CLEMENTS: You know, there was -- the summer of 2014 --

5 TODD: Mm-hmm.

6 CLEMENTS: -- we did the work outside. We had a big tree
7 outside that needed to be -- we didn't get all the way --
8 the tree all the way done, but there's quite a bit of work
9 outside that needed to be done. So there was quite a bit of
10 work that was done outside and gravel boughten [sic] and --

11 TODD: So you --

12 CLEMENTS: -- garbage.

13 TODD: You did the work?

14 CLEMENTS: I did the work.

15 TODD: Who would pay for the stuff?

16 CLEMENTS: Mom.

17 TODD: She paid for it?

18 CLEMENTS: Mom.

19 TODD: How would she pay for it?

20 CLEMENTS: What do you mean by "pay"?

21 TODD: I mean, how would she physically pay for it? I
22 mean, did she deal with the subcontractors or the material
23 suppliers, or did you do that for her, or -- how would --
24 like the gravel, for example. You bought gravel.

25 CLEMENTS: Mm-hmm.

1 TODD: How did the gravel get paid for?

2 CLEMENTS: Just -- she had a card.

3 TODD: A credit card, a debit card?

4 CLEMENTS: A prepaid card.

5 TODD: What kind was that? What kind of card, do you
6 know?

7 CLEMENTS: It was -- I can't remember exactly what it was,
8 but she had a card that she would put money on a card for
9 me.

10 TODD: Mm-hmm.

11 CLEMENTS: And then I would use the card.

12 TODD: To buy the stuff?

13 CLEMENTS: To buy the stuff.

14 TODD: Okay. Gotcha. So she had a card that she would
15 put money on. Now, what, she would withdraw it from her
16 401k and put it on the card, or did she keep it in a bank,
17 bank account or --

18 CLEMENTS: She didn't -- she hasn't had a bank account.
19 She had a Wells Fargo account that she used, I believe, in
20 2013? No.

21 TODD: Mm-hmm.

22 CLEMENTS: I'm trying to think of when my daughter -- my
23 daughter was born in 2013, so 2000 -- I think she used it in
24 2014 maybe.

25 TODD: Okay.

1 CLEMENTS: But --

2 TODD: So she hasn't had an account since then?

3 CLEMENTS: I -- she's had an account since then that
4 she -- she rarely used.

5 TODD: Okay. So how would the money -- when she withdrew
6 the money, what would she do? I mean, take it out of the --
7 her 401k, what would she do with it? Did it come to her --
8 or how did it come to her?

9 CLEMENTS: From the 401k?

10 TODD: Uh-huh.

11 CLEMENTS: I don't know how she would do it.

12 TODD: So when you use -- when you'd pay for the
13 materials --

14 CLEMENTS: Right.

15 TODD: -- you used what to pay for it? Cash, check, card?

16 CLEMENTS: No.

17 TODD: How would you pay for it?

18 CLEMENTS: However she wanted me to pay for it.

19 TODD: And how would that usually be?

20 Have you ever been arrested before, Karrlee?

21 CLEMENTS: Have I ever been arrested?

22 TODD: Mm-hmm. Have you ever been arrested before? You'd
23 have to remember if you were arrested before.

24 CLEMENTS: I'm trying to think. Yes.

25 TODD: For what?

1 CLEMENTS: DV.

2 TODD: Domestic? How long ago was that? Was that with
3 your ex?

4 CLEMENTS: Mm-hmm, a long time ago.

5 TODD: A long time ago.

6 CLEMENTS: Mm-hmm.

7 TODD: Okay. Well, here's -- here's the way I picture
8 society.

9 CLEMENTS: Mm-hmm.

10 TODD: We have the 5 percent over here which are your
11 murderers, your child molesters, your -- just the lowest of
12 the low.

13 CLEMENTS: Mm-hmm.

14 TODD: The hard-core criminals.

15 CLEMENTS: Right.

16 TODD: Okay. I put those in the 5 percent over here. I
17 put in the 5 percent over here your Mother Therasas, people
18 who just -- you know, Jesus and Mother Theresa, they stand
19 in this 5 percent over here. And then the 90 percent in the
20 middle are the people like you and I. We occupy this space
21 right here.

22 CLEMENTS: Mm-hmm.

23 TODD: That's a wide range, that 90 percent. I mean,
24 there's a wide range. I mean -- I don't think you're a
25 murderer, I don't think you are a child molester. I -- from

1 here talking to you, you're articulate; you've obviously got
2 some education, that puts you in the 90 percent where
3 Detective Montebianco and I occupy because, believe me,
4 we're not over here. I've made plenty of mistakes in my
5 life, and I'm sure Detective Montebianco would say the same
6 exact thing.

7 The issue is, like myself, like Detective Montebianco, and
8 I'm sure just like you, Karrlee, we've all made mistakes
9 that we've, you know, made in life, but what defines you,
10 what defines me is how we handle those and how we move on
11 from those mistakes.

12 CLEMENTS: Mm-hmm.

13 TODD: That defines our character. Are we somebody who
14 just, you know, is in denial, is in -- you know, "No, I
15 couldn't do this. No, I couldn't do that," kind of a thing
16 and -- you know, because when it comes down to it, a judge
17 is going to look at a case like this, and all he's going to
18 see is the facts and the evidence.

19 CLEMENTS: Mm-hmm.

20 TODD: That's all he's going to see. That's all a jury is
21 ever going to see is the facts and the evidence.

22 CLEMENTS: Mm-hmm.

23 TODD: They're not going to see the personal story.
24 They're not going to hear, you know, nine out of ten times
25 they're not going to hear Karrlee get up on that stand and

1 say, "You know, this is what I'm going through. I'm living
2 with an alcoholic. My life is hell." And, trust me, I know
3 exactly what you're talking about. They're not going to
4 hear that aspect of it.

5 So when it comes time when the judge hears this, those are
6 the things that can make a difference is: Where is this
7 person? Okay. This person's being accused of making some
8 mistakes in their life or what have you, but how are they
9 dealing with it? What are they doing? Those are the things
10 that make the difference. You've been accused, obviously,
11 of stealing some money from your mom.

12 CLEMENTS: Mm-hmm.

13 TODD: Okay. I didn't end up at your house today by
14 accident.

15 CLEMENTS: Mm-hmm.

16 TODD: Okay. This is not the first search warrant that
17 I've executed on this case. This case right now is -- I
18 don't know -- I'm over a half-dozen search warrants on this
19 case.

20 CLEMENTS: Okay.

21 TODD: So this, Karrlee, is really your opportunity to get
22 your story out as far as, you know, why you're doing the
23 things -- I know the money that's come out of the account.
24 I know where the money has gone out of the account. I
25 couldn't tell you the exact things it was spent on.

1 That's -- you know, that's something maybe you want to
2 clarify for me, or maybe you don't want to clarify for me.
3 But I've traced the money. I've spent endless hours doing
4 spreadsheets and Excel sheets on this stuff.

5 So my point is, is we all make mistakes. We're all in
6 this area here together. You're not a hardened criminal.
7 Like I said, you're not a murderer, you're not a molester;
8 you're not in this aspect of things. But the bottom line
9 is, is what is the truth and is Karrlee going to tell the
10 truth in regards to this?

11 I understand. I understand what you're going through with
12 your mom. Trust me, I totally get it. I get it. But I
13 think you've made a few mistakes yourself, Karrlee. You
14 know, we've taken -- we took the computers out of the house.
15 There's going to be search warrants served on those
16 computers.

17 CLEMENTS: Of course.

18 TODD: So you understand that. Data -- nothing gets
19 erased from computer. Everything is extracted whether it's
20 deleted, no matter what, it's just like a phone. Same thing
21 as a phone.

22 So you know what I'm going to find on the computer, you
23 know what's going to be on the computer. I've already
24 gotten returns from Microsoft, from Bancorp, from American
25 Express. I mean, I don't --

1 CLEMENTS: So what are you asking? What are you saying?

2 TODD: I know the version. I want to hear your story. I
3 want to hear -- I want to hear where Karrlee's at with this
4 whole thing. That's what I want to hear. That's what I
5 want to hear. That's the only thing that's not going to get
6 heard, Karrlee. That's it.

7 Can I ask you this: Is any of this money recoverable at
8 this point?

9 CLEMENTS: Recoverable?

10 TODD: Yes.

11 CLEMENTS: Not spent?

12 TODD: Yes.

13 CLEMENTS: It went into that frickin' house that she's
14 selling.

15 TODD: Okay.

16 CLEMENTS: I mean, come on.

17 TODD: Okay.

18 CLEMENTS: You saw where the money was. You -- I mean,
19 you say that you -- you -- you know how many frickin' hours
20 I spent on that fucking house?

21 TODD: I can imagine. It looked pretty -- I'm assuming
22 you're working in that family room area up there?

23 CLEMENTS: I worked on that house non-fucking-stop.

24 TODD: Mm-hmm.

25 CLEMENTS: That house was thrashed. I worked hours,

1 hours, hours, hours and hours and hours and hours and hours
2 and hours.

3 TODD: So the money went back into your mom's house?

4 CLEMENTS: Yes.

5 TODD: How much money would you say went into that house,
6 Karrlee?

7 CLEMENTS: The majority of it.

8 TODD: I mean, put a number on it. What are we talking?

9 CLEMENTS: Thousands and thousands and thousands and
10 thousands of dollars. I didn't go and spend that money on
11 just -- I didn't go and just blow it.

12 TODD: And I don't know. I honestly don't know. I can't
13 accuse you of --

14 CLEMENTS: She avoided and neglected so many things. She
15 just didn't care. She wouldn't pay the electric bill. She
16 wouldn't pay the water bill. She wouldn't pay things. She
17 knew what was going on and she would act stupid.

18 TODD: Mm-hmm. Did you tell her what was going on? Did
19 you tell her how it was being paid for?

20 CLEMENTS: She knew. She knew. She -- I mean, at one
21 point she -- that's the thing, she --

22 TODD: That's why I'm asking you because these are the
23 things I don't hear from your mom.

24 CLEMENTS: I know. She -- this is the thing with my mom,
25 she -- I mean, she acts as though she -- she doesn't know

1 what's going on, but in all reality, she's not stupid.

2 Okay, she --

3 TODD: So what did she know?

4 CLEMENTS: She -- she -- there's no way. I mean, come on,
5 I didn't have a job. You know, I was paying for everything.
6 How else was things being paid for? How else was money
7 being put into the house? How else was things being paid
8 for for the house? How else was remodeling [sic] being
9 done for the house if -- if it wasn't coming from her? Does
10 that make sense? She -- she knew all along where the money
11 was come- --

12 TODD: Wait. But did you tell her you were taking it from
13 the 401k?

14 CLEMENTS: I -- it's one of those -- this is how my mom
15 and I's relationship is, okay. It's one of those situations
16 that -- we don't have real good communication, her and I,
17 okay? And she acts as though she's -- she's stupid, like
18 she doesn't know what's being -- it's her way of "Oh, I
19 don't know what's going on."

20 TODD: Mm-hmm.

21 CLEMENTS: So -- to my brother, okay?

22 TODD: Mm-hmm.

23 CLEMENTS: So, "Oh, she stole from me," okay, but in the
24 back of her mind she really knows what's going on because
25 she wants her cigarettes and she wants her alcohol and she

1 wants everything to be taken care of.

2 TODD: Mm-hmm.

3 CLEMENTS: Because since I was 16 years old, I have taken
4 care of her.

5 TODD: Mm-hmm.

6 CLEMENTS: She's always relied on me to do everything for
7 her. Since I was 16 years old she has given me her debit
8 card and made me pay her bills.

9 TODD: Mm-hmm.

10 CLEMENTS: Okay, since I was 16 years old. I have had
11 authority --

12 TODD: Okay.

13 CLEMENTS: -- to go and pay the PUD, to go and pay the
14 phone bill, to go and -- you know, I used to drive my
15 brother around and take him to his football practices, take
16 him to his baseball practices to drive him around wherever
17 he needed to go. I was the one that did the laundry. I was
18 the one that cleaned the house.

19 TODD: So you were under a lot of pressure to take care of
20 the house because Mom wasn't --

21 CLEMENTS: I al- -- I always --

22 TODD: -- cutting it?

23 CLEMENTS: I always took care of everything. Mom always
24 worked. Mom was never responsible to do anything.

25 TODD: Mm-hmm.

1 CLEMENTS: Okay? I always took care of everything since I
2 was 16 years old. I always took care of my mother.

3 TODD: So at what point did it get from -- I understand
4 she took some money out of the 401k to pay things off or
5 what have you, but at what point -- did you guys have a
6 conversation about you taking money out of her 401k?

7 CLEMENTS: It wasn't until she got -- until -- it wasn't
8 until she -- she just became really nasty.

9 TODD: Mm-hmm. I mean, how many times would you say you
10 took the money out of the 401k to take care of the house?

11 CLEMENTS: I don't know. It just -- the house just kept
12 falling apart. I mean --

13 TODD: Okay. I can understand that.

14 CLEMENTS: I mean, there's -- every -- every time I turned
15 around there was something else going wrong, you know?

16 TODD: Mm-hmm.

17 CLEMENTS: This thing was wrong, this thing was wrong,
18 this thing was wrong.

19 TODD: How much would you say that you took out of the
20 401k to pay to remodel that house?

21 CLEMENTS: A lot.

22 TODD: I mean, give me -- give me a figure.

23 CLEMENTS: I couldn't tell you. I don't know.

24 TODD: 20, 50, 100? I mean, a thousand?

25 CLEMENTS: I don't know.

1 TODD: I mean, what amount do you think went into the
2 house?

3 CLEMENTS: A lot.

4 TODD: Over 100,000? Because you did the work yourself,
5 right? Did Reuben help you?

6 CLEMENTS: Reuben helped me do -- yeah, I mean, like --
7 all the whole month of July we worked on that back room.

8 TODD: Mm-hmm.

9 CLEMENTS: And then, like, all -- I mean, all summer I was
10 working on -- on that house. I mean, the whole year --

11 TODD: Mm-hmm.

12 CLEMENTS: -- I was working on the house.

13 TODD: Well, would you say over a hundred or below 100,000
14 that honestly went into putting into the house?

15 CLEMENTS: At least 100 probably.

16 TODD: So how would you get that to pay for it, to pay for
17 the house, get it towards the house? How would it come out
18 of Vanguard? I mean, you could -- did she have you on power
19 of attorney or anything?

20 CLEMENTS: What do you mean? I don't understand your --

21 TODD: I mean, to get it out of the 401k, how would you --
22 what was that process? I mean, do you just call them up?
23 Do you email them? Do you -- I mean, how -- how does that
24 process take place? I mean, I'm assuming they just mail you
25 a check or don't mail you -- I mean, how would that happen?

1 CLEMENTS: I think I need to talk to an attorney.

2 TODD: Okay. You don't want to talk anymore?

3 CLEMENTS: Nope.

4 TODD: Okay. Okay. We will go ahead and wrap this up.

5 Do you certify or declare under penalty of perjury under
6 the laws of the State of Washington that the information you
7 just said is true and correct? You've provided this
8 information without any threats or promises of any kind from
9 myself? Okay. The date -- yes? That's a yes?

10 CLEMENTS: Yep.

11 TODD: Okay. The date's October 29, still 2015. The time
12 is 1158 hours. We'll conclude this interview.

13 (Conclusion of interview.)

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C E R T I F I C A T E

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STATE OF WASHINGTON)
) ss
COUNTY OF KING)

I, the undersigned, do hereby certify under penalty of perjury that the foregoing court proceedings were transcribed under my direction as a certified transcriptionist; and that the transcript is true and accurate to the best of my knowledge and ability, including any changes made by the trial judge reviewing the transcript; that I received the audio and/or video files in the court format; that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand
this 8th day of September, 2017.

Bonnie Reed, CET

APPENDIX C

Exhibits 9, 11, 13, and 35

Exhibit No. 9



Exhibit No. 11



Exhibit No. 13



Exhibit No. 35



APPENDIX D

Former WPIC 131.02 (pre-October 2016)

WPIC 131.02

IDENTITY THEFT—FIRST DEGREE—ELEMENTS

To convict the defendant of the crime of identity theft in the first degree, each of the following elements of the crime must be proved beyond a reasonable doubt:

- (1) That on or about (date), the defendant knowingly [obtained, possessed, or transferred] [or] [used] a means of identification or financial information of another person [, living or dead];
- (2) That the defendant did so with the intent to commit [or to aid or abet] any crime;
- (3) That the defendant [or an accomplice] obtained [credit] [money] [goods] [services] [or] [anything else] in excess of \$1500 in value from the acts described in element (1); and
- (4) That any of these acts occurred in the State of Washington.

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

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

NOTE ON USE

Use this instruction for first degree identity theft cases.

In element (1), the phrase "obtained, possessed, or transferred" is separately bracketed from the word "used." The separate bracketing is intended to emphasize that, for cases in which the defendant is charged only with "use" of the designated items, jurors should not also be instructed with the other statutory terms.

With this instruction, use WPIC 131.10 (Identity Theft—Financial Information—Definition), WPIC 131.11 (Identity Theft—Means of Identification—Definition), WPIC 10.01 (Intent—Intentionally—Definition), and WPIC 10.02 (Knowledge—Knowingly—Definition).

APPENDIX E

Current WPIC 131.02 (2016)

WPIC 131.02

IDENTITY THEFT—FIRST DEGREE—ELEMENTS

To convict the defendant of the crime of identity theft in the first degree, each of the following elements of the crime must be proved beyond a reasonable doubt:

- (1) That on or about (date), the defendant knowingly [obtained, possessed, or transferred] [or] [used] a means of identification or financial information of another person [, living or dead];
- (2) That the defendant did so with the intent to commit any crime;
- (3) That the defendant knew that the means of identification or financial information belonged to another person;
- (4) That the defendant obtained [credit] [money] [goods] [services] [or] [anything else] in excess of \$1,500 in value from the acts described in element (1); and
- (5) That any of these acts occurred in the State of Washington.

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

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

NOTE ON USE

Use this instruction for first degree identity theft cases.

In element (1), the phrase "obtained, possessed, or transferred" is separately bracketed from the word "used." The separate bracketing is intended to emphasize that, for cases in which the defendant is charged only with "use" of the designated items, jurors should not also be instructed with the other statutory terms.

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