

Heard 11-9-11

COURT OF APPEALS, DIVISION I,
OF THE STATE OF WASHINGTON

CAROLA WASHBURN and JANET
LOH, individually, and on behalf of the
ESTATE OF BAERBEL K.
ROZNOWSKI, a deceased person,

NO. 66534-1-I

STATEMENT OF
ADDITIONAL
AUTHORITIES

Respondents,

v.

CITY OF FEDERAL WAY, a
Washington municipal corporation,

Appellant.

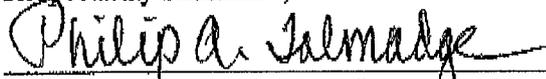
COME NOW the respondents Roznowski Estate, Washburn, and
Loh, and submit the following additional authorities to the Court pursuant
to RAP 10.8:

- Jennifer Sullivan, "Stalker for 17 years --- since 8th grade -
faces long prison term" *Seattle Times*, August 18, 2011;
- Tristan Baurick, "Bainbridge police officer suspended over
stalking" *Seattle Times*, November 16, 2011.

FILED
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STATE OF WASHINGTON
2011 NOV 22 AM 10:22

DATED this 22 day of November, 2011.

Respectfully submitted,



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The Seattle Times

Winner of Eight Pulitzer Prizes

Local News

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Stalker for 17 years — since 8th grade — faces long prison term

Shawn Moul, 31, has stalked Tracy Lundeen since eighth grade. He's already served eight years in prison and will be sentenced Friday on two counts of felony stalking and 19 counts of violating an anti-harassment order. Prosecutors are asking for an exceptional 20-year sentence, well behind the normal range of 29 months.

By Jennifer Sullivan

Seattle Times staff reporter



Tracy Lundeen says it started with the phone calls. Then she was followed around her Renton middle school. Before long it evolved into demands for a date, and the incessant letters.

By the time Lundeen was in high school, she had obtained a no-contact order in an effort to end Shawn Moul's unwavering harassment. But it didn't deter Moul — in fact, it seemed to embolden him.

In 2001, Moul was convicted of stalking Lundeen and repeatedly violating the order.

By then he had expanded his targets to include anyone he believed was trying to keep him from Lundeen.

He threatened the life of the judge who oversaw the 2001 case and wrote to the deputy prosecutor who put him behind bars, saying he would cut out the prosecutor's heart unless he turned over Lundeen's address and phone number, according to court filings.

He spent nearly eight years in prison.

Two years after his release, Moul resumed his efforts to contact Lundeen.

On Friday, Moul, now 31, was scheduled to again stand before a King County judge to face sentencing for stalking Lundeen. However, his sentencing was postponed until Sept. 2.

A jury last month convicted Moul of two counts of felony stalking and 19 counts of violating an anti-harassment order by sending letters to Lundeen and her sister.

This time, prosecutors plan to take the extraordinary step of asking the judge to sentence Moul to 20 years in prison — well beyond the top of the range, which is 29 months.

Even if the judge agrees, Lundeen has no illusions.

"The letters will never stop. It's never going to stop," said Lundeen. "[But] as long as he's locked up, I'm more content."

An offer of help

Lundeen met Moul in the library at McKnight Middle School in 1994 when she was in eighth grade. Lundeen, student-body vice president, believed Moul was awkward and somewhat of an outcast. She offered to help him with his homework.

Lundeen estimates she helped tutor Moul a total of five times and said "hello" to him a few times outside of class.

"I just thought I would be a nice girl," she recalls. "He was an outcast, somebody I wouldn't be friends with."

But Moul misinterpreted Lundeen's gestures. He started following her, behavior that continued when both were at Hazen High School the next year. Lundeen said she asked Moul to leave her alone. He reacted by repeatedly calling her and writing her letter after letter.

Holly Knowles, Lundeen's mother, called Moul's family in an attempt to get him to stop. She said they refused.

"He has written me multiple letters," said Knowles, who has never met Moul. "The scariest one said that he had nowhere to go when he got out of jail and that he wanted to live with us."

Moul's behavior eventually resulted in his expulsion from Hazen, but the harassment continued.

When it was apparent Moul wouldn't stop, Lundeen tried to get a restraining order. Because the two never dated, she instead obtained an anti-harassment order, barring Moul from contacting her.

Lundeen estimates she and her family have been sent more than 100 letters over 17 years. They were filled with suicide threats, demands for Lundeen to contact him and requests for an apology for a perceived insult from middle school.

"Mistook kindness"

"This is just somebody who mistook my daughter's kindness," Knowles says. "My life was an open book. Then I had to watch what I was saying and change my phone number. It's just unbelievable."

King County Senior Deputy Prosecutor Alex Voorhees, who prosecuted Moul last month, said the case is unusual because the majority of stalking cases are tied to a failed relationship.

"If they had been in a dating relationship in some sort, she would have been able to get a domestic-violence protection," Voorhees said. "If he had two prior convictions for violating an order, it would be a felony. He's got 26 [misdemeanor] convictions at this point for violating the anti-harassment order."

Voorhees said that if Lundeen had gone on one date with Moul, she could have applied for the more strict domestic-violence no-contact order.

"It's rare there is this level of fixation when there hasn't been a prior dating relationship. It's not technically a domestic-violence case," Voorhees said. "I am very concerned for her safety and for the safety of her family."

June Wiley, YWCA's regional director for Suburban King County, who has long worked with stalking victims, said it's unusual for a stalking case to continue for 17 years.

"Stalking victims are typically in it two or three years," she said. "Most [stalkers] get bored and move on. The whole obsessive thing is unusual in this case; he locked in early."

But, Wiley added, she has heard of stalking cases that have gone on 20 to 30 years.

"It absolutely epitomizes obsessive behavior. They don't give up, they don't hear 'no,'" said Wiley. "It sounds like this victim did everything right, but sometimes you can do everything right and it doesn't matter."

Voorhees said Lundeen's "family took all of the steps along the way."

"They tried to work with the school, they tried to work with his parents. They then wound up getting the Renton Police Department and the courts involved," Voorhees said.

"He has already had one exceptional sentence imposed for felony stalking and he got as much time as we could give him. He is so obsessed with her and he hasn't relented."

Harassment resumes

After his release from prison in 2008, Moul waited two years before he began searching for Lundeen by sending letters to her sister and using the Classmates.com social-networking site, according to prosecutors.

He ranted about Lundeen on the site as well as on Facebook.com, saying that he was in love with her and missed her, according to prosecutors.

"I think everybody was hopeful he would be done [with stalking] at the end of last prison sentence," Voorhees said.

Lundeen said 17 years of being stalked has left her walled off, defensive and extremely protective of her privacy. She is unmarried and not in a long-term relationship. When she does go on dates, she's careful about what she says about Moul.

"I'm now 31 and I was 13 when this started happening. I've been through it all," she said, "My guard is up."

Lundeen is enrolled in the state's address-confidentiality program, which has provided her with a post office box in Olympia as a substitute mailing address.

She doesn't go anywhere without a copy of the no-contact order. She keeps one in her purse and one in her car's glove box in case Moul tries to reach her.

"Middle school was a miserable time for all of us," says Voorhees. "Tracy's just trapped there."

Jennifer Sullivan; 206-464-8294 or jensullivan@seattletimes.com

Seattle Times news researcher Miyoko Wolf contributed to this report.

The Seattle Times

Winner of Eight Pulitzer Prizes

Local News

Originally published Wednesday, November 16, 2011 at 9:05 PM

Bainbridge police officer suspended over stalking

A Bainbridge police officer has been suspended after a city councilwoman accused him of harassment and stalking.

By Tristan Baurick

Kitsap Sun

BAINBRIDGE ISLAND — A Bainbridge police officer has been suspended after a city councilwoman accused him of harassment and stalking.

An investigation by the Washington State Patrol concluded that Officer Scott Weiss had surveilled Councilwoman Kim Brackett while on duty late last year and then revealed her whereabouts in two newspapers' online comments.

"Your actions had a severe impact on the reputation of the department and the trust of its elected officials," Chief Jon Fehlman wrote in a Nov. 9 notice of suspension.

Weiss, a Bainbridge resident, has worked for the department for several years and is the president of the Bainbridge police union. His suspension is from Nov. 9 to Dec. 3.

Fehlman requested that the Patrol investigate Weiss after Brackett disclosed her concerns in February.

In investigation documents obtained by the Kitsap Sun through a public-records request, Weiss acknowledges driving to the home of Councilman Bill Knobloch and saw Brackett's car parked there. Brackett said she saw Weiss following her in his patrol car for part of the trip from an evening meeting at City Hall to Knobloch's home.

Using the name "Hunter," Weiss then commented on the Kitsap Sun's website that Brackett "went straight to Bill Knobloch's house after the [city] council meeting. No doubt to commiserate and plan the attack to try & sway or undo council decisions."

Weiss had been concerned about city staff cuts and the prospect that the council might dissolve the police force, transferring its duties to the Kitsap County Sheriff's Office.

He believed Brackett might be plotting behind the scenes with the Sheriff's Office — an allegation denied by both Brackett and Sheriff Steve Boyer, investigation documents show.

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Brackett said Weiss' actions made her fearful.

"I do feel harassed. I do feel intimidated," Brackett told Patrol investigators. "It makes me feel like I have to look over my shoulder."

Brackett told investigators she suspected "Hunter" was Weiss after she read his comment about her visit to Knobloch's house.

"[I]t's one thing to express displeasure at a vote I took," Brackett told investigators. "That's fine. That's all. But ... it's another thing to read that someone's followed you."

Weiss, who has not returned several calls for comment over the past month, has been sharply critical of Brackett in many of his more than 340 Kitsap Sun comments, calling her council testimony "loud and obnoxious" and bemoaning her alleged disregard for city employees. He also commented on the Bainbridge Island Review's site.

In a Kitsap Sun post last year, Weiss alleged that Brackett and two other council members were "possibly irritating Sheriff Boyer with their ignorant whining."

Brackett was concerned after she received a call from a city administrator asking about her alleged meetings with the Sheriff's Office. After denying the meeting took place, she was informed that Weiss had been spreading the story of the meeting.

Based on the State Patrol investigation, Fehlman concluded Weiss had violated several department rules governing professional and ethical conduct. He noted that Weiss was not fired because he expressed a "commitment to apologize and learn from this experience."

The Patrol determined that Weiss broke no laws.

DECLARATION OF SERVICE

On said day stated below, I emailed and deposited into the U.S. Mail a true and accurate copy of the Statement of Additional Authorities in Court of Appeals Cause No. 66534-1-I to the following parties:

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Original sent by fax for filing with:

Court of Appeals, Divisions I
Clerk's Office
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I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

DATED: November 22, 2011, at Tukwila, Washington.


Paula Chapler
Talmadge/Fitzpatrick

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FAX COVER SHEET

TO: Clerk's Office
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FROM: Paula Chapler
Talmadge/Fitzpatrick

RE: Washburn v. City of Federal Way
Cause No. 66534-1-I

DATE: November 22, 2011

NUMBER OF PAGES, INCLUDING COVER SHEET: 9

COMMENTS:

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