

COURT OF APPEALS
DIVISION THREE
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON)
)
 Respondent,)
)
 _____)
 v.)
)
 Renee Bishop _____)
)
 Appellant,)

69525-8

No. ~~69529-81~~

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

2011/11/27
8

I, Renee Bishop, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Additional Grounds 1

Misstatement/Colloquy: Defense attorney makes an error in facts, I was never seen by anyone for 90 days. Rancourt states, "she was actually found NOT competent, was committed for 90 day restoration period and has had additional 90 days that have taken place." This is not true, it was only 30 days. Misstatement in Fact: the court: "I've reviewed report prepared by Jolleen Simpson, and I'll adopt the recommendations with regard to competency and dangerousness." Upon my arrival to prison the Dr. here stated Ms. Simpson did no tests on me, therefore, her opinion of me is based on nothing. This is to me tantamount evidence that defense counsel and the state were walking hand in hand. It also furthers my stay in Maximum Security and Segregation. I rotted in that cell for a year. 11/29/11 Prosecutor states L19-25, " the court should have in the file a report from W.S.H. It concludes defendant lacks capacity to assist in her defense and is NOT competent to stand trial." "I have explained to Ms. Rancourt W.S.H is guilty of applying a proper legal standard.." it goes on to Pg, 2 L1-25, to demand yet an additional 90 days. They agreed and I was supposed to go to W.S.H. for 90 day evaluation, but, I DID NOT! I was there 15 days. I sat in my squalor, dingy cell, dungeon, alone, A SHAM. There was a stay placed and both the Prosecutor and the Defense violated a court order. After this hearing I sat downstairs for over a month. Segregated.

If there are additional grounds, a brief summary is attached to this statement.

Date:

Signature:

Error in fact 4-6-12 L# 16-21 Stern states: "defendant has delusional beliefs.." Pg. 4 L# 1-3 DNA results done, Pg. 5 L# 19, "I am ready to proceed," Pg. 5 L# 23 "I am ready.:" The court erred 4-6-12 at 3:00 p.m. when it failed to dismiss the Bishop case, based on the fact that the state was not ready. The state erred when it failed to rule for Defendant to represent herself.

Additional Ground 2

Trial, Pg. 32 L# 4, L# 2, Bloody skill saw blade (larger), NOT A SKILL SAW, (misstated for shock jury). Pg. 33 Katzner says the hatchet found on top of fridge, O'Hara found the hatchet on top of dryer, Pg. 34 Katzner says he arrested me at home without being mirandized. Exhibits 2, 7, 11, 31, (not admitted) , (see Judges Page), Pg. 40 L# 21 Master bedroom window open, screen was out, (not saved as exculpatory). Pg. 47, what state is "HER" home in, he didn't ask "their" home, Prosecutor knew he wasn't a tenant. Oleg Krachun, Pg. 50 L# 15 Brett said"wife did it (hearsay), Yet, Katzner just testified at 3.5 and trial. "He was UNSURE". Pg. 50 L# 14-15, He believed, it was his wife.

Additional Ground 3

Pg. 41 L# 14, #6 Entered without permission, Pg. 42 L# 4, He never checks anything, Pg. 94 L# 1 Direct from O'Hara, "did you leave everything. There the 1st time?" (lie), Officer Gill stated he went in the home to collect the evidence. Pg. 15, Re-direct exam: He says he would be the only one with access to weapons held in property. That can't be so, earlier when cop Gill states he accompanied Alkins back to home because Brett called with new evidence he too helped to collect. (someone's lying), O'Hara. Pg. 19, L# 13. Direct: Hoffman, my "tenure", not quite 6 years? Pg. 54 court reporter reminds judge which items were not admitted. In direct, Hoffman, the Prosecutor asked DNA expert numerous questions that weighed heavily on Defendant, that were beyond her abilities to answer the judge should have said something of the Defense counsel. Direct: Hoffman, Pg. 55 L# 13-23 a fight over going on record due to the fact that media is present the judge not wanting to appear dazed. PAGE: 62, The likelihood that it's Brett's DNA, "we all know it's Brett's". As apposed to a perpetrator. Meaning the Defendant is guilty: **PREJUDICIAL!**

Therefore, Officer O'Hara is fabricating. Pg. 146 L# 22 Weapons dropped off with no number, by many different people. (contaminated). They were not numbered. Direct: O'Hara, Pg. 119 L# 14-20 On and On how saw was bagged, in a sealed paper bag. Contradicts others, O'Hara and Sampoga. Colloquy: 7-18-12 The court allowed the Prosecutor to a 3.5 hearing, with no notice to us. Blindsided and no evidence was suppressed. Pg. 59 L# 3-7 Prior recode brought up by Prosecutor court, o.k. so the request to exclude will be granted, it should have been already as it's 11 years old. Direct: Gill Pg. 16, L# 22 Photo #6 admitted, no judge or defense check, .SEE TRANSCRIPT: Direct: Gill, "I did pick up that weapon, officer O'Hara claims he found it, then applied gloves. This is cross examination and destruction of evidence a DNA without warrant or permission. (both lied, false testimony).Prosecutorial Misconduct. Pg. 51 Sledge Hammer L# 11-Lie, Pg. 54 Sledge Hammer, L # 11- Lie, Pg. 59 L# 1-2-Lie, Pg. 36 NO AXE. Shows v. Red Eagle, 695 F2d 114, (5th Cir. 1983) It was reversible error to admit

into evidence, Plaintiffs conviction that was over 10 years old, mine was brought up and is in sentencing documents, due to Prosecutorial Misconduct.

Additional Ground 4

INNEFFECTIVE ASSISATNCE OF COUNSEL: 1). My lawyer did not hire a private investigator. 2). He didn't have a defense. 3). He failed to object to a 3.5 hearing, which neither of us was ready, so..... 4). He failed to argue against all evidence acquired under poisonous fruit... Wong Sun. 5). He failed to ask for all exculpatory evidence, such as a 3" axe, the Prosecutor brought in during trial. We just saw it for 1st time. 6). He had no questions prepared he, "winged it". 7). He failed to suppress anything. 8). He didn't tell me about anything yet, kept telling the state she understands. 9). He came to only 3 visits. He had no way for me to call him. He did not have a secretary, or a phone that took collect calls. 10). He never argued Bail. Plaintiff alleges that Snohomish County have regularly ans. systematically failed to provide effective assistance of counsel to indigent persons charged with crimes, there by violating both Federal and State constitutions. Specifically Plaintiff alleges that Snohomish County have implemented a system of Public Defense, that is inadequately funded, imposes unreasonable case loads on the individual attorneys, fails to provide representation at critical stages of the prosecution and (i.e. Beginning, middle, end), is NOT properly monitored, Plaintiff also alleges that the structural deficiencies in their Public Defense systems yet continue the system without change, Plaintiff argue that S.C. are systematically deprives indigent criminal defendants of the right to counsel promised in Gideon v. Wainwright, 372 U.S. 335 (1965). Plaintiff alleges that S.C. has made deliberate choices for either system could support a finding that indigent defense are little more than a sham. See Avery v. St. Alabama, 308 U.S. 444, 446 (the absence of an opportunity for appointed counsel to confer, to consult with accused and to be prepare his defense, could convert this appointment of counsel into a sham. And nothing more than a formal compliance with the Constitutions requirement affording them counsel. See also Hurrell-Harrinton v. State of N.Y. 217, 224 (N.Y. 2010, recognizing that actual rep. assumes a certain basic rep. relationship, such as failure to communicate may be interpreted as non representation rather than ineffective representation.

Vitally important, see Powell v. State of Alabama 289 U.S. 45, 57, (1932). If a request for counsel is rejected (by Bill Jaquett- J.R. Super and J.R.) or counsels overall representation is so defective that the Prosecution's case cannot be tested through a truly adversarial process, the right to a fair trial. The goal of the 6th is at risk. U.S. v. Cronic 466 U.S., if a request for counsel is rejected, or counsel's overall representation is also defective that the prosecutions case cannot be tested through a truly adversarial process, the right to a fair trial which is the underlying goal of the 6th amendment.. IS AT RISK! Plaintiff's allegations can be understood to assert a lack of representation, there is a presumption of harmless error or requirement that the indigent defendant plod on towards judgment in order to establish harm. The constitutional violation is clear and a remedy is available.... The denial of representation, itself demonsrates a constitutional violation. Cuyler v. Sullivan, 466 U.S. 335, 349 (1980). Summerizing Glasser v. U.S. 315, U.S. 60 (1942). Plaintiff alleges that the public defense system in Snohomish County, leaves indigent criminal defendants with out representation at critical points during the pro.

Specifically, Plaintiff alleges, (a) Counsel refused to engage in confidential attorney, client communications regarding the charges, possible defenses, litigation options, and sentencing, (b) Left unaided, (c) advised to plead guilty in the absence of any investigation, (none done, but requested numerous times by me), no analysis, (no DNA expert hired half year). Seemingly for case management reasons rather than reasons germane to the merits of the case. Having realized that they were effectively unrepresented against the Prosecuting municipalities, Plaintiffs can seek judicial intervention. They do not have to persevere through trial and potentially disastrous outcome in order to perfect the 6th Amendment claims.

Plaintiff alleges that S.C. have made funding, contracting, and monitoring decisions which directly and predictably deprive indigent criminal defendants of their 6th Amend. Right to counsel. The decisions by the municipalities serve as “policy making” for purposes of MONEY. See Miranda v. Clark Cty, 319 F. 3d 465, 470 (9th Cir. 2003) county’s recourse allocation can be the basis for a 1983 claim against the municipality. If.... Proved.... Policy caused the constitutional violations, municipal liability may exist under § 1983. Plaintiff is seeking to hold the municipalities liable for the ineffective public defense system they created through their affirmative decisions, acts, and policies, regardless of any individualized error ,in which the public de gender engaged in cases. The municipalities may be held responsible for their own conduct to the extent it deprived plaintiffs of their constitutional rights... causing a Constitutional deprivation. That is all that is required for municipal liability under Monnell. See Brass v. Cty of L.A. 328 F 3d 1192, 1198 (9th Cir. 2003). Deliberate indifference exists when the need for different or remedial action is so obvious, and the inadequacy so likely to result in violation od Const, rights. That the city can say it has been deliberately indifferent to the need. City of Canton v. Harris 489 U.S. 378, 390 (1989). A jury concluded S.C. new indigent criminals were not receiving representation ay key stages of the Prosecution and were deliberately indifferent to their plight. (see #1 on Ms. R, answer to complaint approximate date? She is completely unmoved by the fact that she does not have a specific date of clients arraignment date!

Finally defendant argue that the Federal courts must refrain from constitutionlizing specific performance standards or otherwise interfering with attorney-client relationship. Federal courts should not attempt to specify a code of conduct (i.e. B.A.R.S response to complaint and Bill Jccquet and Ms. R, she was not ineffective, becomes irrelevant). That it is universally required of all criminal defense counsel under 6th Amend. See Strickland, 466 U.S. at 688-9, Nix v Whiteside 475, U.S. 157, 165 (1986). Never the less, the Federal courts clearly have the power of not the constitutional obligation to evaluate the representation, no receipts for any services performed by P.I., Experts, Etc. assumed an extention or a Plea Bargain that was provided , and to declare it sufficient. Where the underlying RIGHT to representation is at issue, the appropriate relief does not necessarily require a detailed code of conduct, but rather a more general, directive to remedy the situation so that guarantee of assistance, has meaning. See Powell v. State. AL 287 U.S. 451 (1932), Plaintiff further alleges they were compelled (on p.v. # times/witnesses by co-counsel (Mecca/ P.I. Steinbum)... to accept continuences after being in custody for a half a year!! Not in client’s best interest/ in attorney’s/public defender, overwhelming caseload and new promotion to pro-tem indigents last., because counsel was unprepared (said so, to me), and unable (= ineffective) to proceed at their various court dates. (i.e.

amnidud, hearing 3-30-12 at 10 a.m. and trial 4-6-12 at 1 p.m. In such circumstances a request for a continuance is not approval of the conduct, which made the request unavoidable. The attorney conduct precipitated the earlier statements: Morris v.State of CA. 966 F 2d. 448, 453 (9th Cir. (1991).

Did the court make an error in judgment when it s allowed the radio and t.v. stations to distract him, thus giving an unfair trial to the accused? Did his priorities with that plus his lunch time “webinar” distract him to the point that many photographs and exhibits were admitted without his gavel correcting the foul ball? His secretary reminded him at the side bar. See exhibits following. In relation to due process violations, any procedure (i.e. webinar), which would offer temptation (t.v. show) to the average man to forget burden (exhibits and photos), of proof required to acquit or convict the defendant or which may lead him not to hold the balance nice, clear, and true between the state and the accused denies the later of due process. Id. 523. The court has remained adamant that any pecuniary interest in a case held by a judge, no matter how small, violates a defendants due process.

Additional Ground 5

§6:26 Sanctions Reversal: a reversal is punitive because it requires Prosecutor to try case over, a reversal can be either civilly mandated or authorized under the Supervisory power doctrine. The court requires a conviction to be reversed on grounds of Prejudicial Publicity, if either the 6th or 14th Amendments has been infringed. The 6th requires to be tried by an impartial jury. The 14th, due process clause requires it to be fair. Neither the court or the supervisory power doctrine provide a clear standard for determining when a conviction should be reversed, because of public t.v. Both Federal and state court evaluate the totality of circumstances, including whether jury actually received prejudicial information. The jury thought the case was a celebre, the publicity occurred, recently or long ago, the judge or jury was distracted by representation of media in court, the reporters interfered with the deliberations between Defendant and her lawyer. Defendant sought available remedies. Putting up microphone. (Prosecutor shared weapons and picture. Justice Fortas did observe in Giles: “I do not agree that the state may be excused from it’s duty to disclose material facts known to it, prior to trial solely because of a conclusion that they would not be admissible at trial. No respectable interest of the state is served by it’s concealment of information, which is material generously conceived, to the case, including all possible defenses. Giles v. state of MD 386 U.S. 66,74, 87 S. Ct. 793 17 L. ed 2d 737, (1967). The prosecutions left out evidence (axe, screen, pool, prints) denied a defense.

Additional Ground 6

Did police take evidence without any warrant, allowing the alleged victim to stay in the home while they left for a few hours? Did the Everett Police Department fail to protect and secure the crime scene while defendant was incarcerated? Did they leave all defensive and exculpatory evidence behind leaving NO hope for a defense. Police were called to my home by the victim for an intruder. They spent ample time searching in, on, under and around. Then, even through the alleged victim, in the home after he clearly

admitted to staying at a motel. He then returns from hospital check up claiming a slew of additional "odd" items he found, "suspect" the police return, the items had no numbers, as it states they should, no tape, saying police line, nothing. They also searched the kids room. Pitler the fruit of poisonous tree, 56 Cal. L. Rev. 579 (1968). Officer Katzer then walks me through the floor in my socks to get them wt, (blood) and took me to my closet for my shoes. Not once have I put my sneakers in closet, ever. My husband and child wrote explaining how they took the jeep without a receipt or a warrant. We never got it back. (failure of 14th Amendment). After conviction they stole my keys, purse, wedding rings. I am destitute. The victim had left the home, he can't consent because he no longer has common authority over the premises. The mere fact that consent is motivated by antagonism towards other spouse, is not sufficient to void consent. Commonwealth v. Martin, 358 Mass. 282, 264, N.E. 2nd 366 (1970), and State v. Gonzalez, 385 So. 2d 681 (Fla Dist. Ct. App. 1980). But the cops have no authority to search where they know absent spouse objects. Victim called 911, a second time to see what he called "suspicious" objects. People v. Elliot, 77 Cal. App 3d 673, 144, Cal. Reporter 137 (1978). Even a spouse may not consent to search of private effects of other spouse. State v. Evans, 45 Hawaii: 622, 372 P2d 365 (1962) Sate v. McCarthy, 260. Ohio St. 2d 87, 269 NE 2d 424 (1971). Therefore all evidence is inadmissible. Childrens room: other courts have realized that if the area is under control her kids expectation of privacy should be Constitutionally protected. People v. Flowers, 23 Mich. App 523, 179 NW 2d 56 (1970). §15.02 The origin the exclusionary rule in the Federal courts is often said to be in Boyd v. U.S. 2 in which the U.S.S held that evidence obtained in violation of the 5th At. Could not be admitted in evidence because it was "compelled" In weeks U.S. 3 the court first held that evidence obtained in violation of a persons 4th Amendment rights, had to be excluded from evidence in Federal cases. In 1961 held that evidence obtained in violation of due process of laws and of a persons 6th Amendment rights must be suppressed under some circumstances. Jackson v. Denno, 377 U.S. 360 (1964), See 1506§, 116 U.S. 616 (1886), 232 U.S. 383, 398 (1914), Mapp v. Ohio, 307 U.S. 643 (1961), Rochin v. CA, 342 U.S. 165 (1952). §15:09 Standing objection to illegal search, Constitutional requirement of standard, the Ca. S. Ct. has held a matter of state law that the legality of a search and seizure may be challenged by anyone against whom evidence is used. In Jones v. U.S. held that a person charged with an offense which consists of the possession of certain items automatically has standing to object to the introduction of items as evidence.

The court reasoned that to require that defendant to testify to that he owned though property before allowing him to challenge the seizure of the property. The police took all items on the first visit, they lied. They had no legitimate warrant. Would be impermissible because the defendant would be forced to choose between asserting the 4th Amendment rights, and his 5th Amendment right to remain silent. The doctrine provides for greater protection of individuals rights. That the legitimate expectations of privacy. The jeep taken by Detective Atkins also did not have a warrant, she forged the judges name, I saw it. It was on private party through fare spot behind house to park next to other renter off the alley. I think on private property. Mine, traditionally, an analysis of the area compromising our tilage would require consideration of proximity to the dwelling house, (park Space) whether an area is within the enclosure surrounding the dwelling and whether it is used as an adjunct to the domestic economy of the family.

§3.22 No rummaging through persons things until something illegal comes up Coolidge v. NH 403 U.S. 443 465-66 (1971) Cops went in washer, in closet, on top of machine, items were not in plain view. If warrant failed to mention the seized object although cops were aware... § 3:15 Marron v. U.S. 275 US 192, 196 (1927). Seizure of items not in warrant of evidence not described in the warrant is seized by cops it will be "excluded" from evidence, if the cops were. The Prosecutor brought into evidence a 3" axe. This was not disclosed to us. I do not agree that the state may be excused from its duty to disclose material facts known to it, prior to trial, solely because of a conclusion that they would not be admissible at trial, No respectable interest of the state is served by its concealment of information which is conceived to the case including all possible defences. U.S. v. Lloyd, 71 F. 3d 408, 76 A.F.T.R 2d 95-8019, (Cic D.C. 1995, Judge violates Brady if he refuses to order Prosecutor to disclose evidence. But, if those prior statements contain exculpatory information, then both the Brady Rule and the Jencks Act would be applicable, Several courts have held that prosecutors comply with Jencks Act constitutes timely disclosure since Brady was not intended to override and mandate of the Jencks Act. Kind of Brady evidence are so critical that such information should be disclosed to a defendant before trial. (AXE). §4.04 I was arrested in my home after they searched it. The U.S. 57 (3) (1980) that the 4th Amendment prohibits copy from making a warrantless and non consensual entry into a persons home in order to make a warrantless felony arrest. The court reasoned that if warrentless search of a home for weapons is unlawful because of the breach of privacy of the home, a warrantless entry of a home for a person must be unlawful since it is inherent in such an entry that search for suspect may be required before suspect can be apprehended. The decision representatives a judgment that the need of law enforcement to make arrests promptly, while sufficient to allow warrantless arrests in public is simply not sufficient to justify breach of the sanctity of the home.

Therefore, the prejudice suffered is the loss/theft of all discovery, which gravely impaired Defendants ability to defend herself. Specifically, a note from alleged victim, and axe U.S. v. Golden, 436 F.2d 941, 943 (8th Cir.) Cert, denied, 404 U.S. 910 (1971) U.S. v. Whiteside, 391 F. Supp. 1385, 1388, (d. Del. 1975). Furthermore, the Defendants mental faculties were worsening and the jail doctor had to prescribe medication, though with the loss of irrevocable evidence missing her children, and being vexed consistently by the guards (See Dr. R. Davis Report here in).

The impairment of admissible, exonerated evidence was that of all the pieces missing to the defendant, which would clearly show diubt, a window, the pool. The police failed to gather any evidence of an intruder. They failed to take prints, use the K-9 to find perpetrator. § 14.3, Appellate Reversal, Harmless Error: Under the harmless error rule, App. Courts are authorized to ignore trial errors that did not prejudice Defendants substantive rights. (U.S. v. Hastings 461 U.S. 499, 103 S. Ct. (1974). Rule 52 (a) of the Federal Rules of Criminal Procedure which states: "any error, defect, irregularity of variance which does not affect substantial rights shall be disregarded". This rule is to be contrasted with the common law approach and with the rule advocated by several commentators that requires automatic reversal of a conviction for trial errors even though the Defendants substantial rights were not affected. Note, Prosecutorial Misconduct: The limitations upon the Prosecutors role as an advocate, 14 Suffolk L. Rev. 1095, 1107-1108 (1980): comment, harmless error: A better of courtroom misconduct, 74 J. Criminal

Lawand Criminology 457, 470 (1983). Courts apply different harmless error tests depending on whether that error violated a Defendants Constitutional Rights .Chapman v. CA., 386 U.S. at 22-24, (reversal required unless error harmless beyond reasonable doubt): Kutteakos v. U.S., 328 U.S. 750, 66 S. Ct. 1239, 90 L. Ed. 1557 (1946). Reversal required only of error had substantial influence on verdict t. The Prosecutor has the burden of proof, proving that the erroer was harmless. A Federal Appellate has an obligation to apply the harmless error rule, and to consider that error in the context of the entire trial record. U.S. v. Hastings, 461 U.S. 499, 103 S. Ct. 1974, 76 L. Ed. 2d 96 (1983). A Federal Court may NOT reverse the conviction under it's supervisory powers without first considering whether the error was harmful. U.S. v. Hastings 461 U.S. 499, 103 S. Ct. (1974), 76 L. Ed 2d 96 (1983). Some errors probably never can be considered harmless. Whereas most court errors are subject to finding of harmlessness. Az. V. Fulminante, 500 U.S. 938, 111 S. Ct. 2067, 114 L. Ed. 2d 472 (1991). Satterwhite v. Texas 486 U.S. 249, 108 S. Ct. 1792, 100 L. Ed. 2d 284 (1988). (violation of right to counsel harmless). Rose v. Clark, 478, U.S. 570, 106 S. Ct. 3101, 92 L. Ed 2d 460 (1986). Deleware v. Van Ardsall, 475 U.S. 673, 106 S. Ct. 1431, 89 L. Ed 2d 674, 20 Fed. Rules Evidence. 1 (1986). Rushen v. Spain, 464 U.S. 114, 104 S. Ct. 453, 78 L. Ed. 2d 267 (1983).

My attorney, Jennifer Rancourt failed to hire a private investigator so I had little help there as well. Also, due to the lengthy wait my witnesses both died. My brother and my friend. In any event all physical evidence was poisonous fruit. The crime scene was left unattended and unsecure by Everett Police Department. On the direct O'Hara transcripts/Officer O'Hara is questioned by the Prosecutor where he admits to taking the evidence before he secures the scene and without a warrant, after leaving alleged victim in the defendants home for, "only a few hours". P114 L8. You seized those two items? Answer, I did. (mallet and Hatchet). L#5, when you looked at the mallet... he is inspecting evidence here. P115 L 1, found and seized the sawzall(without warrant). P115 L#25 after examining sawzall and turning it over (Physically touching it). By officer O'Hara handling the items he is perhaps destroying DNA. And fingerprints, there were NO PRINTS L#20, pg 112 Q, L20-21" I walked thru the house three times. Thus corrupting the crime scene further. Officer O'Hara failed to obtain a shread of defense material. There was another opened window where the screen was off. Out of 10 cops not one thought of bagging it, No. Pg. 119 L#14-17 He goes on to state that he put the sawsall in a brown bag then sends it up to the property room and that the bag was sealed. Later in the transcripts Officer Sampago, admitted the bag, in fact, was on the next desk over and not sealed. The alleged victim stated on Pg. 59 L7 I seen the window... bedroom window was opened. On the transcripts please see direct Hoffman, Pg. 36 L#12.It was in a plastic bag when I got It. (This si the states expert DNA witness). "So that was somewhat unusual", she continues, L#17 "That is a bad example". The Prosecutor continues "O.K. so if we (cops) sent it to you, the police... She says "I probably wouldn't test it." This is a good example of the possibility missing DNA of perpetrator. The proof that due process wa denied by the way the Everett Police Department to gather any expulatory evidence is her, P. 32 L# 9-10 "I did detect a trace from a 3rd person."

On direct, Officer Sampaga testified p. 138 L#8 "The weapons were left on the desk right next to me", L#14 " were they left there loose?" "YES. Loose", equals contamination and

destruction. "He did not bag them there. (pg. 142, L#1) Pg. 142, I then gave 3 items to Officer Burns", (another handling and contamination), Pg. 10 L#1-4 The Prosecutor states on record, "We heard during the course of the trial that evidence was collected in two phases." "The initial spot and then after the hospital and the police went back. (no warrant). In transcripts Pg. 11 L#17 Officer Sampaga on direct states, " I never saw saw, sawzall until yesterday." The defenses DNA expert on Pg. 18, L#4-8 claims the "possibility of DNA contamination". The lost DNA, or smeared off prints could have exonerated the Defendant. Referring to the docket you can testify to the fact that all or most of the extensions, missed, no shows, appointments were on the states side. If you would also notice that the appearances are all on "trial call", last minute, no shows. In addition it is before a different judge. The only party to benefit is the state. Judge Krese instructed Mr. Stern to get a pre-assigned Judge, that the case Defendant, may benefit from it. Though he would not. It took months. Also, to prove defense counsel was just as much unprepared in addition to the upcoming election of defenses attorney being nominated for a pro-tem position. The two needed to stall. See docket on 11-19-11 Order for an exam. Defendant was given a clean bill of health by a Dr. Campbell. She even stated to patient, "You know you're not crazy, don't you, dear?" Bringing you back to the docket, you can clearly see that the Prosecutor, Paul Stern, was, in fact, juggling each and every court and Judge, also affecting the Defendants chances of receiving an unbiased Judge for trial. As judge Krese states, "Oh, I remember this case". The Defendant would have benefited by obtaining a pre-assigned one. NAC, Courts 4.10, NCCUSL, Uniform Rules of Criminal Procedures. 722, NDAA National Prosecution Standards, Brummit v. Higgins, 80 Okla. Crim, 183, 157, P. 2d 922, (1945). Colorado Rev. Stat.§ 18-1-405 (5) (1973), Ga. Code Ann.§27, 1901-2 (1978), Ohio Rev. Code Ann.§2945, 73 (B0 (d) Baldwin. (1974). 11-29-11, Pg.1 L# 6-7 Again case on sidelines, not on calendar. "Hopefully you've got the Renee Bishop file", It was added on, .Prosecutor goes on to state the Defendant came back too early, she's lacking the ability to assist in her own defense, in otherwords, I'm not ready to send her back. I was left in Segregation for one and half months. Then shipped out to WSH. I as only gone two weeks. I had been stripped, discovery stolen... I sued under the 42 U.S.C. 1983 in Federal Court. 2-28-12 Defendant on recode stating in Pro se. Pg. 6 Court: "What do you have for trial?" Mr. Stern: "For the moment why don't we set it for the following week, 4-6-12. "I'm not sure how realistic it is going to be or any date." 4-6-12. Pg. 7, L#10, Mr. Stern: "For the record, the state's ready to go". He Lied! See 4-6-12. Pg. 8, L#3, Ms. Bishop "Does Not waive her Speedy Trial Rights." L#20-21 Court: "The State's ready today." 4-6-12, Court: "States ready for trial", Are You?" Defendant: "YES", 4-6-12- MOTION day. He cancelled it. L#11-13, Defense Attorney: "My client is exerting her 60 day Speedy Trial Rights." Pg. 15 Defendant: "Your Attorneys are unavailable and don't care, ineffective. He should have been made aware of the inappropriate, unprofessional schemes the Prosecutor was brewing. Pg. 13, L# 6, Stern: "We then set trial for today." Court: "NO", Stern: "I'm sorry for 3-30, isn't that right?". 4-6-12, Pg. 6 L#1-4, Stern: "We can start on that day." Ms. Bishop has indicated to NOT have delay, Pro-Se. (An equivocable request). L 9-16, Stern: "I had not carried it all with me. I only brought those two documents and my calendar with me." (Unprepared). Pg. 5 Stern: "I am unable to proceed." (he just lied to Judge Downes to get out of a mistrial or dismissal)! "I am in a pre-assigned hering to start Monday on the Scherf matter, it's been continued multiple

times.” L#8-11, Court: “I want to make one thing clear, You said that you were going to have a six day hearing in the Scherf case.” L#11, Stern: “It is scheduled, it is unclear how long it will last.” L#19, Stern: “He contradicts himself, he now claims he is ready for trial.” L#20 “an obligation to pre-assigned judge, gets out of the way!” L#21-23, “When I say I am ready. I am ready.” Pg. 8 L#11, Defendant: “States she’s ready for trial.” 4-6-12, Judge Luca’s Court, 3:00 p.m.. Pg. 8 L#4-12. Defendant: “ I am ready. I have my open/close statements, my list of questions.” L#2, Pro-Se., L#4 Pro-Se. Pg. 18, Judge states: “not ready.” (Judge Luca’s should have dismissed). Bias/Prejudice to defense. Pg. 21 L#18, Stern: “I’ll jerry rig a document with a new trial.” 4-6, Judge Downes Court 1:00 p.m: Pg. 7, Stern: “The states ready to go.” Pg. 13, Stern: “I only brought findings, I don’t have entire file.” If you look at the docket where Judge Kurtz room would have heard the 4-6-12 3:00 trial, yet it was (Line 29) cancelled by “an unknown party” Pg. 22 L#17 “I’ve got an interview that starts: Dismissal Due)! In a homicide: So, if we can put it back to 3:00 p.m.4-20-12 L#6 We’ve had no omnibus: Stern: blames “competency issues.” L#15, He further blames the defendant by claiming she failed to appear, thus wishing to live in a dungeon in squalor. Pg. 5, Stern: Acknowledges defendant made a B.A.R complaint on him. Pg. 6, L#18 Stern: Acknowledges same attorney Pander, for not seeking a dismissal on 4-6-12. Pg. 5, Judge Krese: Judge now reminds Stern, Judges can also be sued. Pg. 2 L#17-19, Pg. 2 L#15-18 Court is clear on attorney client conflict, nobody calls a mistrial for all this running around. Pg. 4 L#15, Court grants a continuance due to Attorney Pander’s absence. Pg. 6, L#5-12, Prosecutor acknowledges B.A.R. complaint, but goes on to fabricate a lengthy and verbal statement of how he is a fair and just man and that it will have no possibility of affecting his ability to be fair. 4-20-12, Judge Krese: tells states attorney to get a pre-assigned Judge. When he failed to do that ,did he violate a court order? Pg. 48 L#18. Prosecutor confusion about the scheduling the court addresses the clearly confused Defendant to explain a second 3.5 hearing will now commence. Pg. 49 L#13, The officer had he checked our P.C. told him not to be here which I guess is my fault. Because I didn’t update it. Pg. 62 Entire page of colloquy between the Judge and Prosecutor about changing the trial date for their August vacations. Prosecutor Stern slips in a comment. Defense counsel caught regarding an extension on out part. Pg. 64 L#11 Defense states for the record defendant is opposed to all continuances. Pg. 64 Entire page juggling schedule. Pg. 65 Judge vacation, Prosecutor out of country. Entire conference and page full of other plans.9-17-12, Colloquy. Pg. 4 L#19-25 “We did set the matter for trial 9-7-12. Pg. 4 L#6-13. “The DNA witness is out of the country: but, I am ready.” It was an unavoidable conflict. Pg. 4 L#18 If, “WE” delay trial one additional week, but maintaining the last day for a speedy trial, consistant with the court ruling which was 10-8-12. Pg. 4 L#22, The other option would be to do something odd which would be start trial in mid week or later. Pg. 5 Judge states he’s available. Pg. 5 L#1-2 We have a little bit of a scheduling issue don’t we? Court states: to Prosecutor, what date are you talking about? Prosecutor: We were set for the 7th. If we reset this to the 14th she (DNA expert), would be available. Pg. 5 L#1-4 Court: “What date are you talking about?” Court: It won’t be a problem for me, but I need to let you know in advance that I am pre-set to do that and I can’t change it. I just told them that I was scheduled to do this trial the week before, but now were switching it. But that’s o.k. Furthermore: Pg. 23 7-18-12 L#13-24 , Court: This morning we’ve got a couple of things to deal with, some pretrial motions that won’t take much time. L#13: Prosecutor: I didn’t

put anything in writing because it.. I thought it actually would be more complicated, but we'll deal with those as we go. Pg. 23 L#17-18 We've never set an omnibus. Pg. 24 L#1-3 , Prosecutor further blaming witnesses for delay. Pg. 24 A pop 3.5 hearing? No notice to me, or my counselor. How could either of us be prepared. Who does that? Pg. 5 L# 1-25, Entire page of colloquy, Court: What date are you talking about? Prosecutor: Well we were set for the 7th. If we reset this to the 14th she would be available, and I think everybody else is. The court: So then we would have trial the week of the 17th. Prosecutor: "Yes", The court: "Here is my problem, from my standpoint, I am involved in a State Judge's Webinar on procedural fairness. I am part of the faculty. In fact, I was just on a conference call on that. It is on the 18th of that week. It goes from 11:30. It's scheduled for 9-18 from 11:30-1:30. Now, if you're all comfortable with that, then we can go ahead and set it that week, because I can do that". Prosecutor: You're really only talking about taking an hour out of court time, and if that's not going to divert your attention, that extra hour would be fine" Klopfer v. St of N.C. 386, U.S. 213, 87 S. Ct. 988, 18 L. Ed 2d (1967). 18 U.S.C.A § 1361 et. seg. (Speedy Trial Act). Provides specific time limits with in which various stages of a prosecution must occur, Most states... Criminal Law 30.30

Federal R. Criminal Prosecutor 48 (b) authorizing to dismiss criminal charges due to unessary in bringing or prosecuting charges, sanction usually imposed only in extreme circumstances, and ordinarily only after Prosecutor warned of the consequence of delay. The transcripts reflect the immeasurable and intense intrusion upon defendants criminal trial. Installation and confusion with cameras, audio issues, etc. It was a distraction to the proceedings. Especially the Judge as the t.v. crew needed his advice on where to put the audio. It made the defendant feel very uncomfortable, The judge was predisposed during lunch break, as well with his meeting, he referred to as a Judge's Webinar, a conflict of interest. See transcript "Sm. Lombardo-Day Two. Pg. 4, L#18-19. I have a Webinar that day. I am faculty on during luch-break." Pg. 4 L#20 "We'll try and start up at 1:30." He was willing to let a court full of people, including media, wait for him. The defense objected. It didn't matter. The news and radio were running a live feed. The documentation is as follows: Pg. 108 L# 14, Pg. 197 L#10, Pg. 107 L#15, Pg. 108 L#13-14, Pg. 4 L#1, Pg. 67 L#20, Pg. 10 L#8-10. They also requested the pictures of the alleged weapons. The court has remained adamant that any pecuniary interest in a case held by a Judge, no matter how small, violates a defendant's right to due process. In determining whether the pre-trial publicity has been sufficiently pervasive and prejudicial to deny Defendant, his right a fair trial, courts have looked to several important factors. Whether media reports contained highly prejudicial information. Which will not be admissible at trial. See e.g. Sheppard, 384 U.S. at 356. Marshall, 360 U.S. at 312-13, Coleman, 778 F. 2d at 1540, Tokers, 839 F. Supp at 1582, U.S. v. Ebens 654 F. Supp, 144, 146 (E.D. Mich. (1987). Whether news items reflect information, which originated with law enforcement officers. See, e.g. Sheppard, 384 U.S. at 361 Moody, 762 F. Supp at 1489-90. Of Haulihan, 926 F. Supp at 16 n3-2. Whether the bulk of publicity was recent or at the time of trial, see, e.g. Patton v. Yount, 467 U.S. 1025, 104 S. Ct. 2885, 81 L.Ed 2d 847, (1984). Murphy 421 U.S. at 802: Estes v. St of Tex. 381 U.S. 532, 536-38 85 S. Ct. 1628 14 L. Ed. 2d 543 (1965).

Brown v. City of Oneota, N.Y. 195 F3d 111 (2nd Cir, 1999). The Equal Protection Clause is essentially a direction that all persons similarly situated should be treated alike.

Inmate/Defendant, Debra Glenn, had same charge. In fact, her victim was in worse physical shape. She was allowed to go to law library, church, and be off Segregation, among younger women with lesser crimes. Numerous women, same offense, cases dismissed, went home, free of charges. Debra Glenn's bail was 250k or 500k. Mine was 500k at end, but 250k at beginning. It was raised due to a crime over 10 years prior. Freeman v. City of Dallas, 186 F3d 601, (5th Cir, 1999), The court generally finds a procedure to violate due process when the government fails to reveal it's evidence. US v. Rhaman, 189 F3d 88 (2nd Cir. 1999). The governments loss of evidence may deprive a defendant of the right to a fair trial. Whether the media reports were predominately straight, factual reporting about the charges against the defendant, and/or the course of the prosecution or rather had a substantial emotional or inflammatory content. See, e.g. U.S. v. Brandon 17 E3d 409, 441 (1st Cir. 1994). Anguilo, 897 F2d. at 1181; Houlihan, 926 F. Supp at 15. Tokars, 839 F. Supp at 1582, Enens, 654 F. Sup at 145-45. In addition to changing the trial venue based upon due process and 6th Amendment, considerations, this court may also order a change of venue in the exercise of its supervisory powers in administration pf justice. See, e.g. Marshall, 360 U.S. at 312-13. Houlihan, Tokars, Moody, and Murphy, (seen above). I would vote to reverse Petitioners conviction in the exercise of Fed. Supp powers. Were this a federal case. Rideau, 373 U.S. at 729 (Clark, J, dissenting) "If this case arose in Fed. Court, over which we exercise supervisory powers. I would vote to reverse the judgement.

Additional Ground 7

Equal Protection 14th: Defendant had complained about the poor conditions in Snohomish jail. It is supposed to be horrid. Then, after not budging on a Plea Bargain, and made a B.A.R complaint against my counselor, and the Prosecutor, the conditions of confinement broiled. Officers clicked keys on glass, kicked cell door, the single cell was dark, the shower water from others drained into this cell, it smelled, it echoed: I was often strip searched and all of my writing utensils were stolen, due to the fact that I wrote to grieve to A.C.L.U, B.A.R., the A Sheriff, etc. The defendant realized by way of invitation her mail was stopped. There were numerous women throughout the year, she met with the identical charge, they had no bail. They had a fine and no jail time. They had a fine and no jail time. One woman by the name of Debra Glenn, who was in jail a year. She was in general population. I was not. She was on minimum security and was able to order canteen. I wasn't. 14th, § 9.02 duty to protect the integrity of the criminal process: The US S. Ct. has been explicit and clear in finding a duty on the part of Prosecutor to ensure that no false evidence. May persuade a trier of fact of Defendant's guilt. In 1935, court held that knowing use of false evidence by a Prosecutor and intentional suppression of evidence would cause a violation of Defendant's right to due process, under 14th Amendment. Moony v. Holohan 294 US 103 (1925). Miller v. Pate 386 US 1 (1967). The court reasoned use of false evidence to deprive Defendant of liberty through a deliberate deception of court and jury, was inconsistent with notions of justice. Mooney v. Holohan 294 US 103 (1935). The court did not regard reversal of a conviction as a sanction to be used against Prosecutor rather the court considered subversion of the trial process the primary evil, and reversal of the conviction, the remedy. This reasoning was expanded by court, which it held Defendant due process rights are violated. Whenever a Prosecutor

lets information. Prosecutor knows is false, he manipulated entire crew around pics, DNA and victim. Stand uncorrected Napue v. Ill, 360 US 264, 269 (1959) Alcorta v. Tx. 355 US 28 (1959) The Prosecutor need not ellicit evidence. If false evidence is produced Prosecutor has a court to fix it. Giles v. Maryland 386 US 66 (1967). Virtually, on all the reported cases on false testimony used by Prosecutor arise after a conviction, on Habeas Corpus. It is the practice, in some jurisdictions to require the Prosecutor to turn her file over for Defense counsel after conviction. On Transcripts Pg. 108. The jury is worried about being filmed. Why? Point : It sidetracted them from my day, my trial. The media requested the Exhibits for t.v. news. The reasoning was expanded by court which it held Defendant due process rights are violated whenever a prosecutor lets information Prosecutor knows is false he manipulated entire crew around pictures, DNA, victim stand uncorrected. Napue v. Ill, 360 US 264, 269 (1959) Alcorta v. Tx. 355 U.S. 28 (1957) The Prsecutor need not elicit evidence if false evidence produced Prosecutor has a Constitutional right to fix it. Giles v. Maryland, 386 US 66 (1967). Virtually on all the reported cases on false testimony use by Prosecutor arise after a conviction on Habeas Corpus. It is the practice in some jurisdictions to require him to turn Defendants file over Defense counsel after conviction. On Transcripts, Pg. 108, The jury is worried about being filmed. They distracted us from my trial.

The Prosecutor was an embarrassment to the state. § 9.02, Duty to protect the integrity of the criminal process. The U.S. Supreme Court has been explicit and clear in finding a duty on the part of Prosecutions to ensure that no false evidence may persuade a trier of fact of a Defendant's guilt. In 1935 court held that knowingly use of false evidence by a Prosecutor and intentional suppression of ex. evidence would constitute a violation of Defendant right to due process under the 14th Amendment.. Moony and Miller, (see above). The court did not regard the reversal of a conviction as a sanction to be used against Prosecutor rather the court considered subversion of the trial process, the primary evil and reversal of the conviction, the remedy. Murrell v. School Dist. No. 1, Denver. 186 F3d 1238 (10th Cir. 1999). Denial of Equal Protection by a Municipal Entity or any other person acting under the color of law are actionable under 1983, 42 U.S.C 1983 exactly. Even if an error od Constitutional magnitude has been committed at ones trial the Prosecutor may appeal. Also argue Harmless Error, In Chapman v. CA 386 U.S. 18 (1967) The supreme court rejected the proposition that any violation of a Defendant constitutional procedure which resulted in a conviction, requires that the conviction be reversed. In the case before it in Chapman v. CA. the court held that at CA. Prosecutors comment on Defendant's failure to testify was not harmless error, Id 2306, use of a invalid (old) prior conviction can never be harmless.error. Ohio 273 510 (1927)

Additional Ground 8

Brett Unsure: Direst Katzner P. 28 L#14. Q: was Brett able to communicate coherently. A: Yes. Pg. 29 L# 12-14. Q: Did Brett have any sort of confusion? A: Yes, (officer contradicts). Q: After speaking to Brett was it still unclear who assaulted him? A: It was still unclear. Pg. 30 L#13, Pg. 39 L#19. Q: Did he say? "A: my wife said other person, but I didn't see them." Pg. 39 (Cross Katzner). Goes from over hearing along colloquy about heads being chopped off to CPS, taken our kids to. He doesn't know who did this. Also above was only stated at 3.5 hearing by Officer, not at trial. Pg. 40 L#14. He didn't

state, how he awoke to a "someone" had taken a sawzall to his neck. Pg. 40 Later he did. L#22. 3,5,7-18-12. Pg.33 L#8 Q: "Was the blood on Renee, smeared?" A: "YES", (lying, see police's own photos. A min. a white shirt. Same with Collected clothes. Katzner walked me back through bloody kitchen to get my shoes, (set-up) Pg.35 L#11 Did Ms. Bishop understand her rights, compared to W.S.H. Report/Looney), Unable to make sound decisions. Pg.44 L#8 Brett says there had been somebody else. Pg. 50 L#1-15, he believed it was his wife, (unsure)! 3.5 Atkins direct by Stern L#1-2 Q: "Was Mr. Bishop's disoriented?" A:. He seemed confused at what had happened. Direct: pg. 13 L#2 Brett looked, bewildered. Pg. 32 L#19-20 Brett initial 911 call was that somebody was in the home. The Prosecutor made a spectacle of himself for the media, commenting on the dangerous and sharp edge that we must cover with the sheath, so the jurors are not harmed during their deliberations. Of course, this was a prejudicial tactic and extremely unbecoming a public figure, he also made the comment that he gave the media just what they ask for by way of Discovery and that it will be televised tonight. Surely defense counselor erred when failing to object, He also failed by not investigating the matter more carefully, hence, failure to review and prepare. The defendant was blindsided. Though it is not the first blow s, so to speak, that he had administered. The Prosecutions measures pretrial were so underhanded and sneaky, the defendant sued the judge, the Public Defenders office, etc. I Federal court, under the Color of Law . (See Federal docket). An acquittal is due the defendant. Did Prosecutor, Paul Stern, admit false and prejudicial evidence into defendants case? Although the defense counsel failed to hire a private investigator, is he still effective? Did the Prosecutor deny the defendant her right to a fair trial and her constitutional right to due process? Counsel did not go over all the evidence with defendant, because the only weapons discussed were hand sized tools. A hatchet, a mallet, and a sawzall. There was "NO" mention of a shiny and damning three foot axe! Or even a sledgehammer. The defendant requires acquittal. On or about 9-18-12, the Prosecutor, Paul Stern, and during the course of the proceedings , di in fact, introduced a shiny, large, big bladed axe, that by the looks of it, could surely split a person in two. Clearly, it was prejudicial. The defendant told counsel, he shoed he away, the defendant was speechless.

Additional Ground 9

Vindictiveness: § 2:38: Nondisclosure of favorable, c.v. Deception of Grand Jury: When Prosecutor, through non defendant, affirmatively deceives the Grand Jury ineffectual. Transforming ex. evidence into exculpatory evidence. Court have invalidated resulting indictments, cases of deliberate deception, reasonably invite the sanction of dismissal. US v. Omni Intern Corp. 634. F. Supp. (414 C.D. Md. 1986. But, even instances of non willfull deception have impelled courts to examine effect of Prosecutions rather than motives. § 4:42 Vindictive Prosecution: Development of due process, right pre trial rights. Prosecutor who are increase charges against defendant. (from assault to attempted murder), exercises right, 42 U.S.C. 1983 civil suit and B.A.R complaints. § 4:45 Vindictive Prosecution, development of due process right, pre trial rights, Speedy Trial Rights (2-28). 7-18-12, Prosecutorial Misconduct and Vindictiveness: Bringing up my past record on colloquy, Pg. 58. Prosecutor, Stern states L#9, there was a prior conviction

of a couple of crimes she allegedly committed, well she did commit, she was convicted on 8-2001 in CA., where she fired a gun in an apartment. May be at Brett, maybe not at Brett. She was eventually convicted of two counts of discharge. L# 17. "I've provided the court documents, (See Pg. 12, L# 25. Continuously referring to the sawzall as a "chainsaw", (See 4-6-12, Pg. 12, L# 4), Bail changed from \$250k to \$500k. Also refers to axe, instead of a hatchet. 9-14-12, Pg. 4, L# 1-4, again referring to my prior CA. conviction. 7-18-12, Pg. 24, L# 4 "We had a little prosecutorial cross", 11-9-11: Motion hearing by Judge Krese, Pg. 3 L# 22. I want to raise bail to a half a million. Both defense and state wanted more time. For 3 more months. I sat rotting in Segregation. So, they could have a holiday break and run for office. My attorney became a Pro Term Judge. 2-28-12, Motion: Pg. 3 Had me committed to buy more time. In total, "total", I spent 15 days at WSH, and Joleen Simpson, never was with me more than 10 mins. Her medical is a sham. 4-6-12- Colloquy, Pg. 12 L# 25. PRIOR CONVICTION:, Pg. 12 L# 4 CHAIN SAW: Pg. 21, the judge told the Prosecutor to go into Judge Kurtz was. My trial was to be heard that day 4-6-12, @ 3:00 p.m. by him. The Prosecutor defied judge, and got Lucas to sneak the pr se out of me and a Campbell extension also. Day 4 Trial, pg. 31, CHAINSAW, pg. 57, Axe, pg. 4 L# 9-17, Colloquy about AXE/HATCHET. It's size, sharpness. Pg. 57 closing, Stern: AXE, pg. 61 "Tinkerbell did it defense." § 12:06, Threats by Prosecutor to charge a more serious crime: While the court has not departed from the proposition that it is a due process violation to punish a person for doing something she has a Constitutional right to do! That a Prosecutor cannot bring more serious charges against an accused merely because she refused to plead guilty to less serious charges, in U.S. v. Goodwin, 457 US 368 (1982). Court. I wrote and made a complaint on the Prosecutor for his humerous tribulations he bestowed upon me. He admitted about receiving it in Judhe Krese's room during a pre trial he snuck in on her calendar. My charge elevated from assault to attempted murder in the first. I was sentenced to 18 years. Not to discount the alleged victims worries, but all he had was a bump on his head, scatches on one arm and a cut/gash on his shoulder. He did not stay in the hospital. He got a few stitches and left.

Prosecutorial Misconduct: Throughout my residency at the trial I am sure that I was further vexed by guards upon the Prosecutors order. Also, when I did have public defender, Jenifer Rancourt, she was running for office as a Judge. She won, I don't see how that cannot be a huge factor and a clear conflict of interest. The two are so used to public defendant, indigents give them much more time and not knowing their rights, so much so that it has become policy. The two are aggrevated with my Speedy Trial rights being invoked as neither were ready for trial. Prosecutor Stern, after I made the B.A.R. complaint, my bail went up, my charge went up, my meds were shuffled. The harassment got so bad I had to sue in Federal Court, under the Color of Law. I was seeking an emergency injuction to move. The stole my purse, and wedding ring. I am destitute. They took my Jeep, no receipt, no warrant. I have nothing and no one. That's a sentence in and of itself. On transcripts, Pg. 6, L# 8-12, Paul Stern is states "I received a note from the B.A.R. that an ethics complaint was filed against me." "It is not going to have any impact (conflict), on my ability." To further prove sneakiness and judge jumping from court to court, the court says, "I am going to make a comment, this is at least the second hearing I've had in this case. I would suggest this case might benefit defense of pre assignment." "It keeps coming up on the calendar with a different judge. All the time. Judge Krese

goes on on to state., Pg. 8, L# 1-10, "That an affidavit of prejudice may arise, and that it may be difficult to find a judge who hasn't heard this case."

All extensions by Prosecutor: In addition to calendar: 4-6-12, 3:00 p.m., Judge Lucas's., Pg. 18, L# 7, Mr. Stern is not ready. Pg. 6, L# 8-10. I had not carried it, (case), with me to trial because I only brought those two documents. 4-6-12 Pg. 12, L# 4, the chainsaw, that was used. Pg. 12, L# 25, there is a prior conviction courtroom full of folks. Pg. 13, L# 1-2, I frankly only brought the (lied), findings, I don't have entire file. 4-6-12, pg. 19, L# 20, Judge: "Do you have charging document?" Stern: "I do not." 4-20-12 Pg. 2 L# 25 "I indicated I was ready." Pg. 3 L# 4-5 "I'd be ready to start this trial." 7-18-12, Pg. 49, L# 13 & 18, "there were some computer problems, my error, I didn't update it." Pg. 62

Courts v. Acation.

See Transcript: Brett Unsure: Direct Bishop, Pg. 46 L# 2-4 "I was confused.", pg. 49 L# 7, "I was trying to figure put what's going on." Pg. 50 L# 21 "I am not sure." Pg. 50 L# 22-23 "I don't recall." Pg. 51 L# 6 "I'm pretty sure." L3 7 "I'm not sure." L# 14, "I think." Pg. 51, L# 24 "Sledge Hammer." Pg. 52, L# 16, "I was confuse." Pg. 53, L# 9, "I think so." Pg. 53, L# 20, "He knows he shouldn't be in the house as he was/is a suspect in poisoning my son, (I assume)." Pf. 53 L# 24-25, Police couldn't find battery, proves they look and took stuff on first and second trip. Pg. 65, L# 1 "I think so." Pg. 77, Cross, Bishop: L# 17 I was "pretty sure." There was not anybody else in the house. L# 17. "I was pretty sure there was nobody in the house." See Transcript: Direct, Gill: Pg. 29 "I did pick up that weapon." Officer O'Hara claims he found it, then applied gloves. This is cross contamination and Destruction of evidence and DNA . Without a warrant for permission, (both lied/false testimony). PROSECUTORIAL MISCONDUCT; Pg. 51, Sledgehammer, Line #1, LIE, Pg. 54 Sledgehammer, L# 11, LIE, Pg. 59, Sledgehammer, L# 1-2, LIE, pg. 36, NO AXE. A spouse may not testify, unless irrevocably damaged. The marriage, on one hand, he claims for Prosecution purposes. But, for common property dwelling he stated, "He assumed, lives in the residence now, not the motel, as in the police report."

**State of Washington vs. Renee Bishop McKean
Cause No. 11-1-02466-5**

The Court will exclude witnesses, with the exception of the State's managing witness, from the courtroom until such time that they testified.

1:43 Colloquy of Court and counsel.

1:45 Court in recess until Monday, September 17, 2012, at 9:00 a.m.

MONDAY, SEPTEMBER 17, 2012

Clerk: N. Albert

Reporter: Laurel Olson

Court opened at 9:14 a.m., Eric Z. Lucas, Judge.

The following proceedings were had to wit:

This matter continued from Friday, September 14, 2012.

State of Washington represented through Deputy Prosecuting Attorney Paul Stern.

Defendant present, in custody, represented by counsel Kenneth Lee.

Detective Maiya Atkins present at counsel table for the State.

Prospective jurors not present.

Colloquy of Court and counsel.

Defendant's Trial Brief filed in open court.

Exhibit no. 1 offered by State: **Admitted 9/18/2012**

Exhibit no. 2 offered by State: **Admitted 9/18/2012**

Exhibit no. 3 offered by State: **Admitted 9/18/2012**

Exhibit no. 4 offered by State: Not offered

Exhibit no. 5 offered by State: **Admitted 9/17/2012**

Exhibit no. 6 offered by State: **Admitted 9/17/2012**

Exhibit no. 7 offered by State: Not offered

Exhibit no. 8 offered by State: Not offered

Exhibit no. 9 offered by State: Not offered

9:40 Court in recess.

10:10 Court resumes as heretofore, defendant present, in custody, and all parties present.

Prospective jurors not present.

Colloquy of Court and counsel.

State of Washington vs. Renee Bishop McKean
Cause No. 11-1-02466-5

Defendant present, in custody, represented by counsel Kenneth Lee.

Detective Maiya Atkins present at counsel table for the State.
Jury not present.

Colloquy of Court and counsel.

9:23 Jury present.

9:24 **OFFICER BRANDON GILL**, called by the State, sworn and testified.

Exhibit no. 14 offered by State: **Admitted 9/18/2012**

Exhibit no. 15 offered by State: Not offered

Exhibit no. 16 offered by State: **Admitted 9/18/2012**

Exhibit no. 17 offered by State: **Admitted 9/18/2012**

10:03 Cross examination of Officer Brandon Gill by the Defendant.

10:08 Redirect examination of Officer Brandon Gill by the State.

Recross examination of Officer Brandon Gill by the Defendant.

10:09 **BRETT BISHOP**, called by the State, sworn and testified.

Exhibit no. 18 offered by State: **Admitted 9/18/2012**

Exhibit no. 19 offered by State: **Admitted 9/18/2012**

Exhibit no. 20 offered by State: **Admitted 9/18/2012**

Exhibit no. 21 offered by State: **Admitted 9/18/2012**

Exhibit no. 22 offered by State: **Admitted 9/18/2012**

Exhibit no. 23 offered by State: **Admitted 9/18/2012**

Exhibit no. 24 offered by State: **Admitted 9/18/2012**

10:45 The Court admonishes the Jury to not discuss the case.
Court in recess.

11:11 Court resumes as heretofore, defendant present, in custody, and
all parties present.

Jury not present.

Colloquy of Court and counsel.

11:14 Jury present.

11:16 Continuation of testimony of Brett Bishop on direct examination
by the State.

Exhibit no. 25 offered by State: **Admitted 9/18/2012**

Exhibit no. 26 offered by State: **Admitted 9/18/2012**

Exhibit no. 27 offered by State: **Admitted 9/18/2012**

Exhibit no. 28 offered by State: **Admitted 9/18/2012**

Exhibit no. 29 offered by State: **Admitted 9/18/2012**

Exhibit no. 30 offered by State: **Admitted 9/18/2012**

State of Washington vs. Renee Bishop McKean
Cause No. 11-1-02466-5

LOOK

Exhibit no. 31 offered by State: **Admitted 9/18/2012**
Exhibit no. 32 offered by State: **Admitted 9/18/2012**
Exhibit no. 33 offered by State: **Admitted 9/18/2012**
Exhibit no. 34 offered by State: Not offered
Exhibit no. 35 offered by State: **Admitted 9/18/2012**
Exhibit no. 36 offered by State: **Admitted 9/18/2012**

11:22 Cross examination of Brett Bishop by the Defendant.
11:26 Redirect examination of Brett Bishop by the State.
11:32 **TIMOTHY MANN**, called by the State, sworn and testified.
11:37 Cross examination of Timothy Mann by the Defendant.
11:39 **OFFICER TIMOTHY O'HARA**, called by the State, sworn and testified.
12:00 The Court admonishes the Jury to not discuss the case.
Jury not present.
Colloquy of Court and counsel.
12:02 Court in recess until 1:30 p.m.

1:39 Court resumes as heretofore, defendant present, in custody, and all parties present; except, Detective Atkins not present.
Jury not present.
Colloquy of Court and counsel.

The Court instructs the camera crew to refrain from filming the jury; and they assure they have not done so; and do not intend to do so.

1:45 Jury present.
The Court informs the Jury that they have not and will not be recorded.
1:46 Continuation of testimony of Officer Timothy O'Hara on direct examination by the State.

Exhibit no. 37 offered by State: **Admitted 9/18/2012**
Exhibit no. 38 offered by State: **Admitted 9/18/2012**

2:17 Cross examination of Officer Timothy O'Hara by the Defendant.
2:22 Redirect examination of Officer Timothy O'Hara by the State.
Recross examination of Officer Timothy O'Hara by the Defendant.
2:24 **OFFICER JASON SAMPAGA**, called by the State, sworn and testified.

NO VIDEO, APPEAL, CLOSED, NOSVC

U.S. District Court
United States District Court for the Western District of Washington (Seattle)
CIVIL DOCKET FOR CASE #:

v. Snohomish County Jail et al
Assigned to: Judge Ricardo S Martinez
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/22/2012
Date Terminated: 09/20/2012
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Renee Bishop

represented by

WASHINGTON CORRECTIONS
CENTER FOR WOMEN
9601 BUJACICH ROAD NW
GIG HARBOR, WA 98332
PRO SE

V.

Defendant

Snohomish County Jail
TERMINATED: 03/29/2012

Defendant

Western State Hospital
TERMINATED: 03/29/2012

Defendant

Snohomish Superior Court

Defendant

Snohomish County Public Defender's
Association

Defendant

Jennifer Rancourt
Attorney

Defendant

Tiffany Mecca
Co-Counsel

Defendant

Paul Stern
Prosecutor

Defendant

Judge Curt

Date Filed	#	Docket Text
03/22/2012	<u>1</u>	PROPOSED 1983 Civil Rights Complaint.(No filing fee, no IFP) (SA) (Entered: 03/22/2012)
03/22/2012	<u>3</u>	LETTER to Plaintiff re: IFP deficiency; has until 4/23/2012 to correct (SA) (Entered: 03/22/2012)
03/29/2012	<u>4</u>	IFP deficiency corrected (SA) (Entered: 03/29/2012)
03/29/2012	<u>5</u>	PROPOSED AMENDED 1983 CIVIL RIGHTS COMPLAINT. (SA) (Main Document 5 replaced on 3/29/2012) (JS). (Entered: 03/29/2012)
03/29/2012	<u>6</u>	MOTION for Leave to Proceed in forma pauperis, filed by (Attachments: # <u>1</u> PROPOSED 1983 Civil Rights Complaint)(SA) (Main Document 6 replaced on 3/29/2012) (JS). (Attachment 1 replaced on 3/29/2012) (JS). (Entered: 03/29/2012)
03/30/2012	<u>7</u>	Letter from (LMK) (Entered: 03/30/2012)
03/30/2012	<u>8</u>	SUPPLEMENTAL EXHIBITS filed by Plaintiff (LMK) (Entered: 03/30/2012)
04/03/2012	<u>9</u>	REPORT AND RECOMMENDATION re <u>6</u> MOTION for Leave to Proceed in forma pauperis filed by p. Objections to R&R due by 4/24/2012. Noting Date 4/27/2012. Signed by Hon. James P. Donohue. (Attachments: # <u>1</u> RR Letter, # <u>2</u> RR Proposed Order) (Mailed copy of RR w/attachments to Plaintiff)(SI) (Entered: 04/03/2012)
04/03/2012	<u>10</u>	OBJECTIONS to <u>9</u> Report and Recommendations, Noting Date 4/20/2012, (LMK) Modified on 4/3/2012; Document re-filed as a Letter per chambers (LMK). (Entered: 04/03/2012)
04/03/2012	<u>11</u>	Letter from (LMK) (Entered: 04/03/2012)
04/04/2012	<u>12</u>	SUPPLEMENTAL EXHIBITS filed by Plaintiff XXXXXX (LMK) (Entered: 04/04/2012)
04/05/2012	<u>13</u>	Letter from SA (SA). (Entered: 04/05/2012)
04/05/2012	<u>14</u>	SUPPLEMENTAL EXHIBIT by Plaintiff (SA) (Entered: 04/05/2012)
04/05/2012	<u>15</u>	Letter from (LMK) (Entered: 04/05/2012)
04/05/2012	<u>16</u>	Letter from: (LMK) (Entered: 04/06/2012)
04/10/2012	<u>17</u>	Letter from (SA) (Entered: 04/10/2012)

04/10/2012	18	ORDER signed by Hon. James P. Donohue; This matter comes before the Court on its own motion, for the purpose of clarifying motions procedure. If the Plaintiff intends to request that the Court take a particular action, the Plaintiff shall file a motion that complies with Local Rules W.D. Wash. CR 7 and that is clearly identified as a motion. No action will be taken on any of the letters and exhibits submitted up to this date, but Plaintiff may re-file any requests as motions. Any motions that do not comply with Local Rules CR 7 will be stricken. Copy of Order mailed to Plaintiff. (LMK) (Entered: 04/10/2012)
04/10/2012	19	Letter from (SA) (Entered: 04/10/2012)
04/12/2012	20	Letter from (LMK) (Entered: 04/12/2012)
04/13/2012	21	Letter from (JS) (Entered: 04/13/2012)
04/13/2012	22	EXHIBIT re mail by Plaintiff (JS) (Entered: 04/13/2012)
04/17/2012	23	Letter from (LMK) (Entered: 04/17/2012)
04/19/2012	24	Letter from Greg Gibson and Kathie White re (JS) (Entered: 04/19/2012)
04/30/2012	25	Letter from Plaintiff op re trial date. (JS) (Entered: 04/30/2012)
05/15/2012	26	MOTION of Physical and Imminent Danger and Request for Change of Venue, by Plaintiff p. (JS) (Entered: 05/16/2012)
05/16/2012	27	Letter from p. (LMK) (Entered: 05/17/2012)
05/17/2012	28	ORDER striking 26 Motion to Change Venue, by Hon. James P. Donohue. (Copy sent to Plaintiff) (JS) (Entered: 05/17/2012)
06/04/2012	29	Letter from re Violation of No Church Service. (JS) (Entered: 06/05/2012)
06/07/2012	30	ORDER signed by Judge Ricardo S Martinez. The Court adopts the Report and Recommendation. The Court DENIES Plaintiffs application to proceed in forma pauperis because the Plaintiff appears to have sufficient assets to pay the filing fee. The Court DIRECTS Plaintiff to pay the \$350 filing fee within thirty (30) days of the date of this Order. If Plaintiff does not pay the \$350 filing fee, the Court will dismiss this action without prejudice. Copy of Order mailed to Plaintiff. (LMK) (Entered: 06/07/2012)
06/07/2012		Set/Reset Deadlines & Hearings: Filing fee due by 7/9/2012, (LMK) (Entered: 06/07/2012)
06/20/2012	31	Letter from regarding filing fee payment. Updated docket with Order 30 mailed to Plaintiff. (LMK) (Entered: 06/20/2012)
06/22/2012	32	Letter from (LMK) (Entered: 06/22/2012)
06/28/2012	33	Letter from regarding payment of fee. Check was mailed on 6/27, however, the check was for \$355, and was returned due to overpayment. (Attachments: # 1 Letter mailed to regrading

		overpayment)(LMK) (Entered: 06/28/2012)
07/05/2012		Filing fee received: \$350.00, receipt number SEA50070. (JS) (Entered: 07/05/2012)
07/05/2012	 <u>34</u>	1983 CIVIL RIGHTS COMPLAINT against All Defendants (Receipt # SEA050070), filed by . (JS) (Entered: 07/05/2012)
07/06/2012		AMENDED RECEIPT Number for Filing Fee (Receipt # SEA50082). (JS) (Entered: 07/06/2012)
07/06/2012	 <u>35</u>	REPORT AND RECOMMENDATION re <u>34</u> Complaint filed by . Objections to R&R due by 7/27/2012. Noting Date 8/3/2012. Signed by Hon. James P. Donohue. (Attachments: # <u>1</u> RR Letter, # <u>2</u> RR Proposed Order, # <u>3</u> RR Proposed Judgment)(Mailed copy of RR w/attachments to Plaintiff .)(SI) (Entered: 07/06/2012)
07/12/2012	 <u>36</u>	EXHIBITS by Plaintiff . p. (SA) (Entered: 07/12/2012)
07/12/2012	 <u>37</u>	EXHIBITS by Plaintiff . p. (SA) (Entered: 07/12/2012)
07/16/2012	 <u>38</u>	Letter from . (SA) (Entered: 07/16/2012)
07/26/2012	 <u>39</u>	MOTION for Extension of Time to file Objection filed by Plaintiff . (LMK) (Entered: 07/27/2012)
08/08/2012	 <u>40</u>	MINUTE ORDER granting <u>39</u> Motion for Extension of Time by Judge Ricardo S Martinez.The following Minute Order is made by direction of the Court, the Honorable Ricardo S.Martinez, United States District Judge:Plaintiffs motion for an extension of time to file objections to the Report and Recommendation (Dkt. # 39) is GRANTED. The Report and Recommendation shall be RENOTED on the Courts calendar for September 7, 2012. Plaintiffs objections shall be due August 31, 2012.(LMK) (Entered: 08/08/2012)
08/08/2012		<u>35</u> REPORT AND RECOMMENDATIONS re <u>34</u> Complaint filed by . : Noting Date 9/7/2012, by Judge Ricardo S Martinez. (LMK) (Entered: 08/08/2012)
08/14/2012	 <u>41</u>	CLAIM AND PROOF OF RETALIATION, by Plaintiff . (JS) (Entered: 08/15/2012)
08/20/2012	 <u>42</u>	Letter from Plaintiff . re Extension of Time. (JS) (Entered: 08/20/2012)
08/23/2012	 <u>43</u>	MOTION for Summary Judgment by Plaintiff . (Attachments: # <u>1</u> Exhibits, # <u>2</u> Exhibits, # <u>3</u> Exhibits) Noting Date 9/14/2012. (JS) (Entered: 08/24/2012)
08/31/2012	 <u>44</u>	MOTION for Summary Judgment by Plaintiff . (SA) (Entered: 09/04/2012)
09/05/2012	 <u>45</u>	Service Kite from . (LMK) (Entered: 09/06/2012)
09/11/2012	 <u>46</u>	Letter from . (LMK) (Entered: 09/12/2012)

09/14/2012	47	REQUEST by Plaintiff for Writ.of Habeas Corpus. (LMK) (Entered: 09/17/2012)
09/20/2012	48	ORDER OF DISMISSAL signed by Judge Ricardo S Martinez. The Court adopts the Report and Recommendation.This action is DISMISSED with prejudice. Copy of Order mailed to Plaintiff. (LMK) (Entered: 09/20/2012)
09/20/2012	49	JUDGMENT BY COURT;The Report and Recommendation is adopted and approved. This action is DISMISSED with prejudice. Copy of Judgment mailed to Plaintiff. (LMK) (Entered: 09/20/2012)
09/28/2012	50	Letter from Plaintiff . (JS) (Entered: 10/01/2012)
10/10/2012	51	OBJECTION to DISMISSAL filed by Plaintiff (LMK) (Entered: 10/10/2012)
10/11/2012	52	Letter from . (LMK) (Entered: 10/11/2012)
10/17/2012	53	Letter from p regarding change of address. Address updated on docket. (LMK) (Entered: 10/17/2012)
11/07/2012	54	Letter from regarding status of case. Copy of docket mailed to Petitioner.. (LMK) (Entered: 11/08/2012)
11/15/2012	55	Letter from . (SA) (Entered: 11/15/2012)
12/06/2012	56	NOTICE OF APPEAL (12-36013)/Letter to Ninth Circuit re 48 Order, 49 Judgment by Court by Plaintiff . Filing Fee Not Received; IFP denied 6/7/12. (LMK) Modified on 12/12/2012; added CCA case number (LMK). (Entered: 12/07/2012)
12/10/2012	57	TIME SCHEDULE ORDER 912-36013) as to 56 Notice of Appeal filed by : The schedule is set as follows: Fee due from Appellant on 12/06/2012. Appellant Renee Bishop opening brief due 03/18/2013.(LMK) (Entered: 12/12/2012)
01/02/2013	58	MOTION for Transcripts by Plaintiff p. (Attachments: # 1 letter)(SA) (Entered: 01/03/2013)
01/04/2013	59	ORDER denying 58 Motion for Transcripts, by Judge Ricardo S Martinez. (Copy sent to Plaintiff) (JS) (Entered: 01/07/2013)

March 5, 2012

Rene Bishop
#684568

Re: Harassment, New Council Request

I believe Martin Luther King said, "Injustice anywhere is a threat to justice everywhere."

If the scales of justice are blind and we are to be treated innocent until proven guilty why then are we relentlessly allowed to be tormented by staff and let down by Public Defender's inability to perform "effectively", another right denied us, due partially to case overload.

It seems to me such tactics have become so commonplace that the legal ignorance of the general public is presumed along with their quiet - and that is the biggest injustice of them all.

The jailers have taken the liberty of deciding which man deserves to eat and which does not. I, along with fellow inmates plead with counselors and judges alike

to no avail on the subject of
denial of commissary for "MAX"
status inmates, not yet found
guilty by a jury nor the 'color'
or 'spirit' of the law - and
failed.

Therefore, one can only assume the
lack of action on the courts pre-
sumption of acceptance, of said
measures.

I wish to asked the court today
for mercy on behalf of inmates
everywhere. We're hungry.

Furthermore, I have been torment-
ed relentlessly because I witnessed
two c/o's 'allegedly' passing
drugs and others sexually harass-
ing a young woman.

I had filed grievances along with
victim, which were infiltrated and
we have been harassed malicious-
ly to date. I have had to file a
Civil action with the U. S. District
Court as the system within these
walls have failed once more.

Until then I've made numerous
pleas to prevent any further cruel
and unusual punishment, or
intentional hindering of my
ability to aide in my own

defense as I am scared,
nervous, distracted and with
no hope of a fair trial

I've had four months of perfect
record, until I entered griev-
ances. Clearly, due to retaliation.

All contact with the outside,
including mail has been
terminated, rec-times shortened
or taken, cell tosses resulting
in theft of 100's of dollars
of clothing, legal discovery
and answers, hygiene
products stolen, serious
violations put on my profile
to hinder me ever getting
off "MAX" or 237 lock down
status and constant return
to cell # 109, a solitary
confinement cell where the last
inmate, Mary Magalic, Max
Harrison's client tried to commit
suicide due to two months in.

My counselors were notified
too many times and have the
answers to grievances with clear
and present threats signed by
co-workers, not chain of
command. You need a lock box
for Mark Baird and Commander.

I will not name the cops, now
unless you have wishes for
them as I gave my word.

I had completed 100 pgs. of answers too my discovery it was never returned, thus hindering my ability to aide in my defense.

Serious visitations have been con-
vinced in retaliation to prevent me
from ever getting off MAX: 23/7
lock down status and constant
escorts by 72 go's back to cell #109.

Due to chain of commands failure,
and counsils failure to cure either
issue I ask the court for an
order as follows:

- to be moved back to cell #114
- not moved w/out your knowledge until trial is complete.
- no cell tosses to insure legal docs, not impounded, again
- no threats/harassment, cruel or unusual punishment
- c/o Kinyuan personally take my mail up and out
- return of all my property, pic-
tures, commissary hygiene.
- Off MAX Status,

I only ask what I have earned,
and to be treated like everyone
else. I do have credible witnesses.

Council has been more concerned
with Pro-Tem. Career goals thus res-
ulting in a detriment to me and my
case.

I respectfully request a trial lawyer as soon as possible to insure my speedy trial rights, which I refuse to give up.

I am kept in the dark and have no way with only 1/2 hr. day out of my cell to do so.

If you could call me up to address my issues so I am not forgotten 'again' for months - I'd appreciate it.

Thank you.

Renee Bishop



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10-11-11 Arrest

Superior Court Case Summary

Court: Snohomish Superior
Case Number: 11-1-02466-5

About Dockets

About Dockets

You are viewing the case docket or case summary. Each Court level uses different terminology for this information, but for all court levels, it is a list of activities or documents related to the case. District and municipal court dockets tend to include many case details, while superior court dockets limit themselves to official documents and orders related to the case.

If you are viewing a district municipal, or appellate court docket, you may be able to see future court appearances or calendar dates if there are any. Since superior courts generally calendar their caseloads on local systems, this search tool cannot display superior court calendaring information.

Directions

Snohomish Superior
 3000 Rockefeller Ave, MS 502
 Everett, WA 98201-4046

Map & Directions
 425-388-3421
 [Phone]
 425-388-3498[Fax]

Sub	Docket	Date	Docket Code	Docket Description	Misc Info
-	*	11-04-2011	COSTS ASSESSED	Costs Assessed	200.00
1		11-04-2011	INFORMATION ATP0001	Information Stern, Paul	
2		11-04-2011	AFFIDAVIT/DECLARATION PROB CAUSE	Affidavit/declaration Prob Cause	
3		11-04-2011	OMNIBUS APPLICATION OF PROS ATTY	Omnibus Application Of Pros Atty	
4		11-04-2011	ORDER OF DETENTION	Order Of Detention	
-		11-04-2011	ORDER SETTING BAIL	Order Setting Bail Bail \$500,000.00 -	
-		11-04-2011	NO CONTACT ORDER JDG0015	No Contact Order Judge Anita L Farris	
-		11-04-2011	EX-PARTE ACTION WITH ORDER	Ex-parte Action With Order	
5		11-08-2011	HEARING CONTINUED:DEF/RESP REQUEST JDG0016	Hearing * Continued:def/resp Request Arrestment 11/9/11 @1pm C304 Judge Linda C. Krese	
6		11-09-2011	ORDER FOR EXAM	Order For Intial Examination For Competency Or Insanity (to Take <u>Place At Snohomish Co Jail</u>)	Why a 2nd one?
-		11-09-2011	ORD OF TRANSFER FROM INST TO JAIL	Ord Of Transfer From Inst To Jail *	
-		11-09-2011	ORDER FOR STAY OF PROCEEDINGS	Order For Stay Of Proceedings *	
-		11-09-2011	ORDER FOR HEARING JDG0016	Order For Status Hearing 11/29/2011 @1pm C304 Judge Linda C. Krese	
7		11-09-2011	NOT OF APPEAR AND REQ	Not Of Appear And	

		FOR DISCOVERY ATD0001	Req For Discovery Rancourt, Jennifer J	
9	11-09-2011	MOTION HEARING JDG0016	Motion Hearing Judge Linda C. Krese	
8	11-10-2011	NOTICE	Notice Not To Be Interrogated	
10	11-10-2011	REPORT	Report: Opd/pts Interview Worksheet	
11	11-14-2011	LETTER FROM D.S.H.S. SHEET	Letter From D.s.h.s. Sheet Re: Court Notification Of Referral	
12	11-29-2011	MOTION HEARING JDG0006	Motion Hearing Judge Larry E Mckeeman	
13	11-29-2011	LETTER FROM D.S.H.S. SHEET	Letter From D.s.h.s. Sheet	
-	11-29-2011	MEDICAL REPORT	Medical Report	
14	11-29-2011	ORDER OF COMMITMENT	Order Of Commitment To Wsh For Up To 90 Days For Observation, Eval And Treatment	
-	11-29-2011	ORD OF TRANSFER FROM INST TO JAIL	Ord Of Transfer From Inst To Jail	
-	11-29-2011	ORDER FOR HEARING	Order For Hearing 2/28/2012 Presiding Dept (time Not Listed)	
-	11-29-2011	ORDER SETTING BAIL	Order Setting Bail Bail \$500,000.00	
-	11-29-2011	ORDER FOR STAY OF PROCEEDINGS	Order For Stay Of Proceedings	
15	01-13-2012	LETTER FROM D.S.H.S. SHEET	Letter From D.s.h.s. Sheet	
-	01-13-2012	MEDICAL REPORT	Medical Report	
16	02-28-2012	INITIAL ARRAIGNMENT ACTION JDG0023	Initial Arraignment Omnibus Hearing Judge Eric Z. Lucas	03-30- 20129
17	02-28-2012	OR DETERM COMPETENCY TO STAND TRIAL	Or Determ Competency To Stand Trial	
18	02-28-2012	ORDER SETTING TRIAL DATE	Order Setting Trial Date	04-06- 2012JT
19	03-07-2012	LETTER FROM D.S.H.S. SHEET	Letter From D.s.h.s. Sheet	
-	03-07-2012	MEDICAL REPORT	Medical Report	
20	03-08-2012	MOTION AND AFFIDAVIT/DECLARATION	Motion And Affidavit/declaration	

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Disclaimer

What is this website? It is an index of cases filed in the municipal, district, superior, and appellate courts of the state of Washington. This index can point you to the official or complete court record.

How can I obtain the complete court record? You can contact the court in which the case was filed to view the court record or to order copies of court records.

How can I contact the court? Click [here](#) for a court directory with information on how to contact every court in the state.

Can I find the outcome of a case on this website? No. You must consult the local or appeals court record.

How do I verify the information contained in the index? You must consult the court record to verify all information.

Can I use the index to find out someone's criminal record? No. The

21	03-08-2012	ORDER SHORTENING TIME ACTION ACTION JDG0026	Order Shortening Time Dfdt's Mt To Terminate Counsel Confirmed/order Shortening Time Judge George Appel	03-09-2012RM	Washington State Patrol (WSP) maintains state criminal history record information. Click here to order criminal history information.
-	03-08-2012	EX-PARTE ACTION WITH ORDER	Ex-parte Action With Order		Where does the information in the index come from? Clerks at the municipal, district, superior, and appellate courts across the state enter information on the cases filed in their courts. The index is maintained by the Administrative Office of the Court for the State of Washington.
22	03-08-2012	NOTE FOR MOTION DOCKET-LATE FILING ACTION	Note For Motion Docket-late Filing Dfdt's Motion To Terminate Counsel	03-09-2012RM	
23	03-21-2012	CORRESPONDENCE	Correspondence Dfdt/law Clerk & Counsel		
24	03-21-2012	HEARING CANCELLED:DEF/RESP REQUEST JDG0016	Hearing Cancelled:def/resp Request Judge Linda C. Krese		Do the government agencies that provide the information for this site and maintain this site: <ul style="list-style-type: none"> ▶ Guarantee that the information is accurate or complete? NO ▶ Guarantee that the information is in its most current form? NO ▶ Guarantee the identity of any person whose name appears on these pages? NO ▶ Assume any liability resulting from the release or use of the
25	03-21-2012	ATTACHMENT	Attachment: Copy Of Letter From Dfdt & Email To Court From Brett Bishop		
26	03-23-2012	NOTE FOR CALENDAR ACTION	Note For Calendar Motion To Clarify Counsel	03-30-2012RM	
27	03-30-2012	MOTION HEARING JDG0019	Motion Hearing Judge Ellen J. Fair		<ul style="list-style-type: none"> ▶ Guarantee that the information is accurate or complete? NO ▶ Guarantee that the information is in its most current form? NO ▶ Guarantee the identity of any person whose name appears on these pages? NO ▶ Assume any liability resulting from the release or use of the
28	03-30-2012	ORDER FOR WITHDRWL OF ATTORNEY WTD0001	Order For Withdrwl Of Attorney Rancourt, Jennifer J		
-	03-30-2012	ORDER	Order Re: Opd Shall Appoint Dfdt Appear At Trial Call On 4/6/2012 New Counsel And New Counsel Shall		
29	03-30-2012	HEARING CANCELLED: UNKNOWN PARTY JDG0024	Hearing Cancelled: Unknown Party Judge David A. Kurtz		<ul style="list-style-type: none"> ▶ Guarantee that the information is accurate or complete? NO ▶ Guarantee that the information is in its most current form? NO ▶ Guarantee the identity of any person whose name appears on these pages? NO ▶ Assume any liability resulting from the release or use of the
30	04-04-2012	NOTICE OF APPEARANCE ATD0002	Notice Of Appearance Pandher, Gurjit S		
31	04-06-2012	MOTION HEARING	Motion Hearing To Determine Whether Or Not Case Will Go Forward On Monday W/dfdt Representing Herself		

↑ See 3/8/12

			Or Will Be	information?
		JDG0022	Continued Judge Michael T Downes Defense Campbell Mtn To Continue: Court Refers Matter To Judge Kurtz	NO
32	04-06-2012	MOTION HEARING JDG0023	Motion Hearing Judge Eric Z. Lucas	
33	04-06-2012	ORDER DENYING MOTION/PETITION	Order Denying Motion/petition To Proceed Pro Se	
34	04-06-2012	ORDER SETTING TRIAL DATE	Order Re-setting Trial Date	04-20- 2012JT
-	04-06-2012	ORDER FOR HEARING ACTION	Order For Hearing Motion To Review Status Of Case/ Counsel	04-20- 2012RM
35	04-11-2012	CORRESPONDENCE	Correspondence Dfdt/law Clerk	
36	04-13-2012	LETTER	Letter To Court From Dfdt	
37	04-20-2012	AMENDED INFORMATION	Amended Information	
38	04-20-2012	NOT GUILTY PLEA HEARING JDG0016	Not Guilty Plea Hearing Judge Linda C. Krese	
39	04-20-2012	ORD AUTHORIZ SUBSTITUTION OF COUNSL WTD0002 ATD0003	Ord Authoriz Substitution Of Counsl Pandher, Gurjit S Lee, Kenneth A.	
40	04-20-2012	ORD FOR CONTINUANCE OF TRIAL DATE ACTION	Ord For Continuance Of Trial Date Reset To 07/20/2012	06-22- 2012JT
-	04-20-2012	TRIAL CONTINUED: UNSPECIFIED	Trial Continued: Unspecified	
41	04-26-2012	NOTICE OF RELEASE	Notice Of Release From Medical Authority And Legal Commitment	
42	05-03-2012	LETTER	Letter To Judge Downes/paul Sterns Re: <u>Request For Pre- assignment</u>	
43	05-04-2012	LETTER JDG0022	Letter To Counsel From Judge Downes Judge Michael T Downes	

-	05-04-2012	EX-PARTE ACTION WITHOUT ORDER	Ex-parte Action Without Order	
44	05-04-2012	ORDER OF PREASSIGNMENT JDG0023 JDG0022	Order Of Preassignment Judge Eric Z. Lucas Judge Michael T Downes	
-	05-04-2012	EX-PARTE ACTION WITH ORDER	Ex-parte Action With Order	
45	05-24-2012	NOTE FOR CALENDAR	Note For Calendar - <u>omnibus</u> /arraign 1pm Dept 4 Judge Lucas	06-13-2012JC
46	06-06-2012	NOTICE OF WITHDRAWAL OF ATTORNEY WTD0001	Notice Of Withdrawal Of Attorney Rancourt, Jennifer J	
48	06-20-2012	MOTION HEARING	Motion Hearing Pre-trial Motions 9am Dept 8 Lucas	07-18-2012JC
		JDG0023	Judge Eric Z. Lucas	
47	06-21-2012	ORD FOR CONTINUANCE OF TRIAL DATE ACTION	Ord For Continuance Of Trial Date Cont To 9/7/2012 (tcntda)	07-20-2012JT
		JDG0023	Judge Eric Z. Lucas	
-	06-22-2012	TRIAL CONTINUED: UNSPECIFIED	Trial Continued: Unspecified	
49	07-18-2012	EVIDENTIARY HEARING	Evidentiary Hearing Presentation Of Findings 1pm	07-19-2012JC
-	07-18-2012	COURT'S DECISION JDG0023	Court's Decision: See Minutes Judge Eric Z. Lucas	
50	07-18-2012	<u>OMNIBUS</u> ORDER ACTION	Omnibus Order Reset To 09/14/2012	09-07-2012JT
51	07-19-2012	MOTION HEARING JDG0023	Motion Hearing Judge Eric Z. Lucas	
52	07-19-2012	ORDER	Order Finding Good Cause For Trial Continuance	09-14-2012JT
-	07-20-2012	TRIAL CONTINUED:DEF/RESP REQUESTED	Trial Continued:def/resp Requested	
53	07-24-2012	FINDINGS OF FACT&CONCLUSIONS OF LAW	Findings Of Fact&conclusions Of Law. Trial, Subject To The Rules Of Evidence Statements To Officer Katzer And	

			Detective Atkins Are Admissible At	
		JDG0023	Judge Eric Z. Lucas	
54	08-16-2012	NOTE FOR CALENDAR ACTION	Note For Calendar Arraign On Amended Information	08-24-2012RM
55	08-24-2012	AMENDED INFORMATION	Second Amended Information	
56	08-24-2012	NOT GUILTY PLEA HEARING JDG0023	Not Guilty Plea Hearing Judge Eric Z. Lucas	
-	09-07-2012	TRIAL CANCELLED: UNKNOWN PARTY	Trial Cancelled: Unknown Party	
-	09-14-2012	ASSIGNED TO JDG0023	Assigned To Dept 8 Judge Eric Z. Lucas	
57	09-14-2012	JURY TRIAL	Jury Trial Jury Finds Dfdt Guilty	
		JDG0023	Judge Eric Z. Lucas	
-	09-14-2012	JURY FEE ASSESSED	Jury Fee Assessed	250.00
58	09-17-2012	TRIAL BRIEF	Dfdt's Trial Brief	
59	09-19-2012	PLAINTIFF'S PROPOSED INSTRUCTIONS	Plaintiff's Proposed Instructions -supplemental	
60	09-19-2012	STIPULATION	Stipulation Re: Collection Of Dna	
-	09-20-2012	TRIAL DURATION _____ HRS	Trial Duration 4.25 Days	
61	09-20-2012	PLAINTIFF'S PROPOSED INSTRUCTIONS	Plaintiff's Proposed Instructions	
62	09-20-2012	COURT'S INSTRUCTIONS TO JURY JDG0023	Court's Instructions To Jury Judge Eric Z. Lucas	
63	09-20-2012	VERDICT	Verdict Form A: Guilty Of 1st Deg Attempted Murder	
64	09-20-2012	VERDICT	Verdict Form B: Guilty Of 1st Deg Assault	
65	09-20-2012	SPECIAL VERDICT	Special Verdict Form: Yes- Dfdt Was	
			Armed With Deadly Weapon At Time Of Commission Of The Crime	
66	09-20-2012	ORDER SETTING JDG0023	Order Setting Sentencing 1:30pm Dept 8 Judge Lucas Judge Eric Z. Lucas	10-04-2012JC

67	09-20-2012	ORDER OF DETENTION	Order Of Detention
-	09-20-2012	ORDER SETTING BAIL	Order Setting Bail (no Bail)
-	09-20-2012	NO CONTACT ORDER JDG0023	No Contact Order Judge Eric Z. Lucas
68	09-20-2012	EXHIBIT LIST	Exhibit List Jury Trial
-	09-25-2012	EXHIBITS RECEIVED	Exhibits Received Ttl-42 Jb
69	10-01-2012	MEMORANDUM	State's Sentencing Memorandum
70	10-04-2012	SENTENCING HEARING JDG0023	Sentencing Hearing Judge Eric Z. Lucas Court Imposes Sentence On Count 1 Only
71	10-04-2012	VICTIM STATEMENT	Victim Statement
72	10-04-2012	STIPULATION	Stipulation Re: Dv Designation
73	10-04-2012	INSTRUCTIONS	Instructions Re Lfo
74	10-04-2012	ORDER REQ BLOOD TESTS	Order Req Blood Tests
75	10-04-2012	ORDER OF COMMITMENT	Order Of Commitment - temporary
76	10-04-2012	CRIMINAL NO CONTACT ORDER	Criminal No Contact Order
-	10-04-2012	ORDER TO SURRENDER WEAPON	Order To Surrender Weapon
77	10-04-2012	FELONY JUDGMENT AND SENTENCE	Felony Judgment And Sentence
-	10-04-2012	NO CONTACT ORDER	No Contact Order
-	10-04-2012	ORDER TERMINATING	Order Terminating Pre-trial Dv No 11/8/11 Contact Orders Entered 10/19/11 &
-	10-04-2012	NOTICE INELIGIBLE POSSESS FIREARM	Notice Ineligible Possess Firearm
78	10-26-2012	NOTICE OF APPEAL TO COURT OF APPEAL	Notice Of Appeal To Court Of Appeal
79	10-29-2012	TRANSMITTAL LETTER - COPY FILED	Transmittal Letter - Copy Filed
80	10-29-2012	TRANSMITTAL LETTER - COPY FILED	Transmittal Letter - Copy Filed
81	10-30-2012	NOTICE OF CROSS APPEAL	Notice Of Cross Appeal
82	10-31-2012	TRANSMITTAL LETTER - COPY FILED	Transmittal Letter - Copy Filed
83	11-05-2012	MOTION	Motion

84	11-05-2012	ORDER TO PROCEED IN FORMA PAUPERIS	Order To Proceed In Forma Pauperis
-	11-05-2012	ORDER AUTHOR REMOVAL OF COURT FILE	Order Author Removal Of Court File
-	11-05-2012	ORDER FOR WITHDRWL OF ATTORNEY WTD0003 JDG0023	Order For Withdrwl Of Attorney Lee, Kenneth A. Judge Eric Z. Lucas
-	11-05-2012	EX-PARTE ACTION WITH ORDER	Ex-parte Action With Order
85	11-06-2012	TRANSMITTAL LETTER - COPY FILED	Transmittal Letter - Copy Filed
86	12-14-2012	PERFECTION NOTICE FROM CT OF APPLS	Perfection Notice From Ct Of Appls
87	12-18-2012	MOTION AND AFFIDAVIT/DECLARATION	Motion And Affidavit/declaration
88	12-18-2012	ORDER FOR EXPERT SERVICES	Order For Expert Services Re: Dr Brent J Oneal
-	12-18-2012	ORDER AUTH PAYMENT	Order Auth Payment
89	01-04-2013	CORRESPONDENCE	Correspondence Dfdt/law Clerk
90	01-09-2013	DESIGNATION OF CLERK'S PAPERS	Designation Of Clerk's Papers
-	01-11-2013	CLERK'S PAPERS SENT	Dfdt's Clerk's Papers, Vol I Pgs 1-136
91	01-11-2013	TRANSMITTAL LETTER - COPY FILED	Transmittal Letter - Copy Filed
-	01-23-2013	VERBATIM REPORT OF PROCEEDINGS	Verbatim Report Of Proceedings (1 Vol, 4/6/2012)
-	01-24-2013	VERBATIM REPORT OF PROCEEDINGS	Verbatim Report Of Proceedings (1 Vol, 11/29/2011)
-	01-25-2013	VERBATIM REPORT OF PROCEEDINGS	Verbatim Report Of Proceedings (1 Vol, 7/19/2012 & 9/17/12)
92	01-25-2013	NOTICE	Notice Of Filing
93	01-29-2013	TRANSMITTAL LETTER - COPY FILED	Transmittal Letter - Copy Filed
-	01-29-2013	CLERK'S PAPERS - FEE RECEIVED	Clerk's Papers - Fee 69.50 Received
94	02-04-2013	NOTICE	Notice Of Filing
-	02-04-2013	VERBATIM REPORT OF PROCEEDINGS	Verbatim Report Of Proceedings (3 Vol, 9/18- 20/2012)
95	02-06-2013	TRANSMITTAL LETTER -	Transmittal Letter -

		COPY FILED	Copy Filed	
96	02-07-2013	TRANSMITTAL LETTER - COPY FILED	Transmittal Letter - Copy Filed	
97	02-08-2013	TRANSMITTAL LETTER - COPY FILED	Transmittal Letter - Copy Filed	
-	02-12-2013	VERBATIM REPORT OF PROCEEDINGS	Verbatim Report Of Proceedings (1 Vol, 2/28/2012)	
98	02-15-2013	CORRESPONDENCE	Correspondence Dfdt/law Clerk	
99	02-19-2013	TRANSMITTAL LETTER - COPY FILED	Transmittal Letter - Copy Filed	
100	02-22-2013	MOTION TO DISMISS	Dfdt's Motion To Dismiss For Delay Of Speedy Trial & Memorandum In Support	
101	02-26-2013	TRANSMITTAL LETTER - COPY FILED	Transmittal Letter - Copy Filed	
-	02-27-2013	VERBATIM REPORT OF PROCEEDINGS	Verbatim Report Of Proceedings (2 Vol. 11/9/2011 & 4/20/2012)	
102	02-27-2013	NOTICE	Notice Of Filing	
103	03-05-2013	NOTICE	Notice Of Filing (2)	
-	03-11-2013	VERBATIM REPORT OF PROCEEDINGS	Verbatim Report Of Proceedings (1 Vol. 10/4/12)	
104	03-11-2013	NOTICE	Notice Of Filing	
105	03-13-2013	TRANSMITTAL LETTER - COPY FILED	Transmittal Letter - Copy Filed	
106	03-19-2013	TRANSMITTAL LETTER - COPY FILED	Transmittal Letter - Copy Filed	
107	03-25-2013	TRANSMITTAL LETTER - COPY FILED	Transmittal Letter - Copy Filed	
108	03-29-2013	MOTION	State's Motion To Transfer Motion For Relief From Judgment	
109	03-29-2013	NOTE FOR CALENDAR	Note For Calendar Judge Lucas Dept 8 (time Not Given)	04-17- 2013JC
110	04-16-2013	ORDER EXPENDING PUBLIC FUNDS JDG0013	Order Expending Public Funds Judge Thomas J. Wynne	
-	04-16-2013	EX-PARTE ACTION WITH ORDER	Ex-parte Action With Order	
111	04-16-2013	LETTER	Letter To Dfdt From Law Clerk	
-	04-16-2013	ATTACHMENT	Attachment: Dfdt's	

112	04-23-2013	ORDER	Response To State's Motion To Transfer
			Order Transferring Motion For Relief From Judgment
		JDG0023	Judge Eric Z. Lucas
-	04-23-2013	EX-PARTE ACTION WITH ORDER	Ex-parte Action With Order
113	04-24-2013	TRANSMITTAL LETTER - COPY FILED	Transmittal Letter - Copy Filed
114	04-25-2013	TRANSMITTAL LETTER - COPY FILED	Transmittal Letter - Copy Filed
115	06-12-2013	MOTION	Motion For Change Of Venue

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*Superior Court of the State of Washington
for Snohomish County*

JUDGE
ERIC Z. LUCAS

SNOHOMISH COUNTY COURTHOUSE
M/S #502
3000 Rockefeller Avenue
Everett, WA 98201-4060
(425)388-3421 (425)388-3215 Chambers

Department 4
Court Clerk
Nancy Albert
Law Clerk
Amanda K. Effertz

April 11, 2012

Ms. Renee Bishop-McKean
BKG. # 684568
Snohomish County Corrections
3025 Oakes Avenue
Everett, WA 98201

Mr. Paul Stern
Snohomish County Prosecutor's Office
3000 Rockefeller Ave # MS504
Everett, WA 98201-4046

Mr. Gurjit Pandher
Snohomish County PDA
1721 Hewitt Ave. Ste. 200
Everett, WA 98201

Re: State v. Renee Bishop-McKean, Cause # 11-1-02466-5

Dear Ms. Renee Bishop-McKean:

This letter is in response to your letter to the Court.

To the extent that you are requesting the court to take some action on your case, please be advised that the court cannot do so unless this matter is properly scheduled for a hearing and proper notice is provided to all interested parties.

The court has filed your letter and provided copies to the prosecutor's office and Mr. Gurjit Pandher, who is your attorney of record in the matter. If you wish to pursue this matter I urge you to consult an attorney who can advise you on this matter and on how to properly schedule this matter for a hearing. In order to have the matter heard by the court, you must properly schedule this matter in accordance with court rules and provide all parties and counsel of record with copies of all documents you file with the court.

Please understand that you must provide any other parties to this case with copies of all correspondences to the court.

Sincerely,

A handwritten signature in black ink, appearing to read "Amanda K. Effertz". The signature is fluid and cursive, with a large, stylized initial "A" and "E".

Amanda K. Effertz
Law Clerk to the Honorable Eric Z. Lucas

CC: court file
Defense attorney
Prosecutor

April 6, 2012

TO: Judge Lucas
Dismissal/Re-assignment/Self-Rep.
FROM: Renee Bishop

There's been a misunderstanding. I just spoke w/ the friend of mine who was at Judge Kurtz's last hearing w/me. Her husband's an attorney. She said, "I was right," It was Judge Kurtz. She said, Judge Kurtz did in fact state on record your trial was on 4-6-12, on "his" calendar, not yours (see docket) they should have dismissed as the state was unprepared. So, I ask you to dismiss, please.

Mr. Stem admitted he wasn't ready. Rules are rules. The two were present today as well. They heard the prosecutor lie, and state he was asked by Judge Downs to prove it by showing him the information, when he felt uncomfortable and directed him

to take it up w/ Judge Kurtz as it was his case originally. I assumed today at 3 pm you were "he". I was misled by transfer statement "go back to Judge Kurtz=on record", But that didn't happen.

Oddly, and out of nowhere you took case over. It was unforeseen by me / Sandbagged/. Your colloquy made me infer you were he, by your familiar questions, regarding my medicine

I'm wanting to stay w/ J. Kurtz is this o.k? Therefore based on the confusion, your honor, I chose if I may to revoke the signature on the motion and I will not be meeting w/ or using counselor Pander. I will proceed in pro-se,

Please let me know if you think your hearing this case or if it will go back to J. Kurtz. I wish for you to call me up to take up matters

me off Max so I may utilize
the law library. I'd appreciate
it, The prosecutors underhanded
sneaky, manipulative courtroom
switch misled me into assuming
you were he, just as he expected.
I'm asking you to dismiss.
Have a nice day, sir.

Respectfully,

Bishop, R.

**APPENDIX A TO PLEA AGREEMENT
PROSECUTOR'S UNDERSTANDING OF DEFENDANT'S CRIMINAL HISTORY
(SENTENCING REFORM ACT)**

DATE: September 28, 2012 (dhw/gp)
DEFENDANT: **BISHOP-MCKEAN, Renee Christine**
DOB: 8/6/68 F/W
SID: WA26405086 FBI: 392118MA0 DOC:
DNA TAKEN: No

<u>CRIME</u>	<u>DATE OF CONVICTION</u>	<u>PLACE OF CONVICTION</u>	<u>Incarceration/Probation DISPOSITION</u>
ADULT FELONIES:			
*Shooting at Inhabited Dwelling (C)	8/4/01	Orange Co CA	180 Days Confinement 36 Mos Probation
*Willful Discharge of a Weapon (C)	8/4/01	Orange Co CA	180 Days Confinement 36 Mos Probation

*Conviction "washes"

ADULT MISDEMEANORS:

1. Personate to Make Other Liable	9/4/90	Huntington Beach CA
2. Giving False Identification	9/4/90	Huntington Beach CA

JUVENILE FELONIES:

None

JUVENILE MISDEMEANORS:

None

I Date of Conviction reflects the sentencing date on felonies and offense date on misdemeanors.

AFFIDAVIT BY CERTIFICATION

I am a legal specialist employed by the Snohomish County Prosecutor's Office, and make this affidavit in that capacity. I have reviewed the following databases maintained by federal and state agencies to determine the above named defendant's criminal history: NCIC (maintained by the FBI), WWIC (Washington State Patrol Criminal History Section), JIS (Judicial Information System), DOL (Washington State Department of Licensing), DOC (Washington State Department of Corrections). A review of those sources indicates the defendant's criminal history is as listed above.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

LEGAL SPECIALIST

DATED this _____ day of _____, 2012, at the Snohomish County Prosecutor's Office

The defendant's criminal history, as known to the State, consists of two felony convictions from California in 2001 for:

- * Shooting at Inhabited Dwelling
- * Willful Discharge of a Weapon

and two misdemeanors from California for

- * Personate to Make Other Liable
- * Giving False Identification

The misdemeanors do not count, of course, for scoring purposes. The two felonies "wash out" thus they do not count for scoring purposes. However, these two crimes are relevant to the sentencing because of the commonality of the victim, and thus the state attaches a copy of the entire docket and police reports from that matter for the courts consideration. (The State anticipates having a certified copy of the docket to present at the time of the sentencing hearing.) The significance of those acts will be discussed at sentencing.

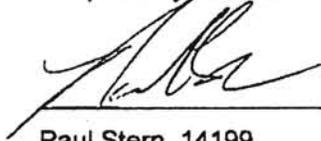
Recommendation

The Court will be asked to impose a sentence for the Attempted Murder in the First Degree, (Count I) only. A sentence should not be imposed on the second count as that charge will disappear under principles of double jeopardy and as directed by our Supreme Court in State v. Turner, 169 Wn.2d 448 (2010).

The range for the Attempted Murder charge is 180 months to 240 months in prison. (See scoring sheets attached.)

The State is asking the Court to impose a sentence of 225 months in prison. A period of community custody should follow, for 36 months, and a lifetime NCO with Brett Bishop.

Respectfully submitted this 14 day of October, 2012



Paul Stern 14199
Deputy Prosecuting Attorney
Snohomish County Prosecutors Office

EXHIBIT A

Strickland v. Wa. 466 U.S. 668 (1984)

Gideon v. Wainwright 372 U.S. 335 (1963)

Avery v. St. of Al. 308 U.S. 444, 446

Hurrell-Harring v. St. N.Y., 217+224 (N.Y. 2010)

Brown v. Bd. of Ed. 349 U.S. 294 (1955)

Brown v. Plata U.S. 131 S. Ct. 1910 (2011)

✓ Powell v. St. of AL. 287 U.S. 45, 57 (1932)

U.S. v. Cronin 466 U.S. 648, 655-57 (1984)

Cuyler v. Sullivan 446 U.S. 335, 349 (1980)

Glasser v. U.S. 315 U.S. 60 ((1942))

Vasquez v. L.A. Cty. 487 F.3d 1246, 1253

... (9th Cir. 2007).

Wade v. Kirkland 118 F3d 667, 670

... (9th Cir. 1997)

Gierstein v. Pugh 420 U.S. 103, 110 n.11 (1975)

Pitts v. Temble Herbst, Inc. 653 F.3d

... 1081, 1091 (9th Circa 2011)

Monnel v. N.Y. City Dept. Soc. Serv., 436

... U.S. 658, 694 (1978)

Pembauer v. City of Cin., 475 U.S. 469, 480

... (1986)

Miranda v. Clark County, 319 F.3d 465,

... 470 (9th Cir. 2003)

✓ Brass v. Cty. of L.A. 328 F.3d 1192, 1198

... (9th Cir. 2003)

Lee v. Cty. of L.A. 250 F.3d 668, 681

... (9th Cir. 2001)

The defendant has been denied her right to a speedy disposition of her case, pursuant to ORG 135.747, which states: "If a defendant charged with a crime, whose trial has not been postponed upon the application of the defendant, or by the consent of the defendant, is not brought to trial within a reasonable period of time, the court shall order the accusatory instrument to BE DISMISSED."

Reasonableness is a question of fact which must be answered in light of the circumstances of each case... The responsibility for delays or interruptions must be assumed by the party causing them. (i.e. court).

There is no requirement that the defendant make a showing of prejudice under or 135.747. *State v. Kent*, supra at 301; *State v. Emery*, supra prejudice must be assumed when the statutes are not complied with. ID at 301. The statutory remedy is dismissal of the charges. *Haynes v. Burks* 290 or 75 (1980); or App. 279 (1986). Under the 14th Amendment, incorporating the 6th Amend. Right to a speedy trial "justice shall be administered... completely and without delay.." A dismissal is required with prejudice. *St. v Ivory* , supra at 503 (1977) (quoting *Struck v. U.S.*, 412 U.S. 434, 440 (1973). Under US Const. four factors are used to determine whether the accused right to a speedy trial has been violated; 1) length of delay; 2) whether the accused asserted her right to a speedy trial. 3) the reason for the delay (poor unorganized counselors on both sides, 4) and the prejudice to the accused. *Barker v. Wingo*, 407 US 514, 92 S. Ct 2182 (1972). The state has a duty to afford the accused a speedy disposition and the accused is not required to take affirmative action to enforce her right. *St. v. Vawter*, supra; *Bevel v. Gladden* 232 or 578 (1962), " a failure to bring a defendant to trial is a delay of justice when it has no reason other than neglect, procrastination, or deliberate choice." *Haynes v. Burks*, 290 or 75, 81 (1980).

In *state v. Dykast*, supra, Judge Jones in his concurrence, state that the American Bar Association, national conference of state trial judges, recommends that 90% of all misdemeanors, infractions and no other felony cases should be adjudicated or otherwise conclude within 30 days of arrest or citation and 100% within 90 days. The standard recommends that 100% of all felony cases to be tried within one year. "300 or at 381".

1 A Yes. I took it from her.

2 Q O.K. And when were the lights -- when did the lights come
3 on --

*enough time 4
intruder 2 both*

4 A Where?

5 Q -- in the house? Who turned the lights on and when?

6 A I turned the lights on, and I turned the lights on in the
7 bedroom maybe 20 30 seconds after I was initially attacked
8 and going through that as you're going through the house
9 and flipping lights on.

10 Q And as you ran out the front door, were all of the lights
11 on then?

12 A The light in the kitchen, I believe, was on, and the light
13 in the bathroom was on.

*not well lit.
contradicts cop dar fine
all
around*

14 Q O.K. And you are exiting the house because you didn't know
15 what was going to happen? Is that pretty accurate?

16 A Yes.

17 Q And was Renee also coming behind you at that point to exit
18 the house?

19 A No.

20 Q Where was she?

21 A She was still in the living room.

22 Q Where was she when you asked her to go get the phone?

23 A She was in the living room.

24 Q O.K. Did she get it?

25 A Yes. She went back into the bedroom and got it.

1 Q And brought it to you?

2 A Yes.

3 Q So you could call 911?

4 A Yes.

5 Q O.K. When you secured the exits after the incident, I'm
6 talking about -- well, did you -- did you secure the exits
7 after the incident or just before?

8 A I locked all the doors before I went to bed.

9 Q Before you went to bed.

10 And did you check the windows?

11 A I checked most of the windows, yes.

12 Q But not all of them?

13 A No. I was asked to stay out of Savannah's room.

14 Q Did you check them all except in Savannah's room?

15 A Yes.

16 Q Would that be to make sure they were closed?

17 A Yes.

18 Q Would they lock?

19 A Would they lock?

20 Q The windows, would they lock?

21 A Yes.

22 Q Were they locked?

23 A Yes.

24 Q So you checked not only on the doors but all the windows
25 other than in Savannah's room?

not all

*Said prior I
ASK him not 2
CUZ dog would
pee*

1 interesting issue because the officer says there was dew on
2 the grass. And this was late at night just before
3 midnight, I think. And the officers -- I don't remember if
4 that officer was asked, but at least one of the officers
5 was asked, well, ~~was the lawn mowed?~~ And his answer was
6 ~~no.~~ But when Brett Bishop was asked what he did when he
7 came home, he ~~said my wife asked me to mow the lawn.~~ And I
8 asked him did you mow the lawn, and he said ~~he did.~~ So I
9 assume that there was a freshly mowed lawn that the
10 officers ~~could not recognize as having been mowed.~~

11 The officers also could not recognize the child
12 swimming pool in the backyard. And I think the K-9 officer
13 was asked about that, and he didn't see any swimming pool,
14 and yet he supposedly was there. And the other officer
15 supposedly was there but could not either see that the lawn
16 was mowed or that there was a swimming pool in the
17 backyard.

18 So all those theories obviously have holes in them.
19 And what you're going to have to decide is not which of
20 these theories is the correct one. You don't have to
21 decide that. What you have to decide is whether or not
22 Renee Bishop, beyond a reasonable doubt, attempted to kill
23 and assaulted her husband. Now, the reasonable doubt
24 instruction is -- none of the instructions are more
25 important than the others, but it is important that you

1 understand just what reasonable doubt is. And the
2 instruction tells you, and this is the ending part of the
3 instruction, Instruction Number 2. At the end, it says if,
4 after all you carefully considered everything, all the
5 evidence or lack of evidence and from such consideration
6 you have an abiding belief in the truth of the charge. So
7 all these other words that the prosecutor used, you don't
8 have to worry about. But just ask yourself, after I've
9 heard all this evidence, heard all this testimony, and put
10 it altogether, do I have an abiding belief that she is
11 guilty of attempted first degree murder and first degree
12 assault? If you do, you will have to convict her; if you
13 don't, you will have to acquit her.

14 And then, finally, I want to talk just a little bit
15 about Instruction Number 5 which is the attempted murder in
16 the first degree. And, on that instruction, it says that
17 she did a substantial step toward causing the death of
18 Brett Bishop. And my question is did she or even if she
19 did do this, was she just injuring him but not -- was this
20 a substantial step toward causing the death, or was it not?
21 And was it done with the intent to murder him? And, again,
22 I go back to the fact that if she really wanted to, she
23 could have. I mean, she had -- whoever perpetrated this,
24 had the means to do it and could have affected, it seems to
25 me, very easily a murder.

009

9-18-12

1 A Absolutely. I mean, that's something that I should be
2 doing, especially as a K-9 handler.

3 Q Did you see any?

4 A I did not.

5 Q Was there any indentation?

6 A Apart from what my dog and I left going across that grass,
7 there was no other indication. = Stepping on

8 Q No footprint?

9 A Nothing.

10 Q No impact mark?

11 A None.

12 Q Any sign whatsoever just visually that some person had
13 climbed out a window, jumped out of a window, walked
14 through that yard, anything along those lines?

15 A None. It was pristine. WAS the grass to be cut?

16 Q They also mention that you and your dog sort of did do the
17 track. Did you leave tracks?

18 A I did, yes. So I failed 2 preserve crime scene

19 Q So did that teach us that if somebody was walking it would
20 be visible?

21 A It would. I'm roughly 190 pounds. I left significant
22 tracks. My dog is roughly 75 to 80 pounds, and I could see
23 where he walked on that grass.

24 Q And prior to you getting there, nothing at all?

25 A Nothing at all.

So did you
the car?

dn.a. evidence
2 acquire me

(Handwritten scribble)

1 Q O.K. So you told us a little bit about how the dog works.
2 What did the dog do?

3 A So being that I -- I had been told by Renee that this
4 suspect had fled out that window, that would be the ideal
5 start point for me for a K-9 track. To go down below that
6 window, put my dog in a down, and give him his command to
7 go ahead and imprint odor and track it to source.

8 I allowed my dog, based on the way the scene appeared
9 when I went back there, to check both windows, the area
10 down below both.

11 I instructed him to sniff around. I ultimately
12 instructed him to such, which is his command to go ahead
13 and imprint odor and track, and my dog did not appear to
14 have any odor to work. As a precaution, based on his
15 *in rain in 30 to 40 sec* behavior which indicated to me there was no odor to work, I
16 brought him around in a spiral fashion throughout the
17 backyard to leave no part of that grass unturned and give
18 him an opportunity to check odor in all parts of the yard.
19 We had nothing to work there.

20 Q With your experience and training as a tracker, what did
21 you conclude from your time in that backyard?

22 A There was no human scent there for me to track -- for my
23 dog to track, rather.

24 Q Did you -- the -- after you were done with that, what else
25 did you do? *Perp could have been in yard*

1 fled.

2 Q Were there -- he's talked about there being some dew on the
3 ground. Do you recall that?

4 A Yes, sir.

5 Q And did you see any footprints?

6 A No. Just ours.

7 Q So you were able to make footprints?

8 A Yes, sir.

9 Q Did you see any evidence of somebody being outside, jumping
10 out a window, walking, running, anything?

11 A No, sir.

12 Q And as you and Gill were there, were you able to see that
13 if somebody walked there would be evidence left behind?

14 A Yes, sir. There would have been the same footprints we
15 were leaving in the dew there.

16 Q The -- was the dog able to track anything?

17 A No, sir. There was no indication.

18 Q Did you have any information that would suggest somebody
19 had fled out a window and then left?

20 A No, sir.

21 Q The -- what did you do next?

22 A Next we went back to the front. I don't remember if
23 Mrs. Bishop was still there or not, but we were trying to
24 get medical aid for Mr. Bishop. They came out and assessed
25 him initially and told him he needed to go to the hospital,

*Stomping out
any
defense*

1 but he volunteered to stay, have them patch it up, and stay
2 there until we could get a statement, and he wanted to show
3 us through the apartment or through the residence.

4 Q And, to your knowledge, he eventually did go to the
5 hospital?

6 A Yes, sir, he did.

7 Q Did you walk through the residence?

8 A I did. I initially took photographs of the entire
9 residence with nothing disturbed, and then he walked us
10 through and pointed out things of importance.

11 Q So let me make sure we're clear on this. Did you walk
12 through on your own first?

13 A Me and Officer Gill walked through first to clear the
14 residence.

15 Q Right. And then did you go through to take photographs
16 without Mr. Bishop?

17 A Yes.

18 Q And would that allow you to decide what you thought was
19 important?

20 A Correct.

21 Q And then did you go through a third time with him so in
22 case you missed something?

23 A That is correct.

24 Q I'm going to ask you about one thing, and then we'll
25 probably take a break and then go through some of the

*to give
5 to
not
gill
space*

1 time you went through and the time you came back through to
2 glove up and remove these items?

3 A I would take photographs before that. From the time that I
4 made the initial sweep and then came back inside, I'm not
5 sure what the time limit was. It wasn't very long. I
6 didn't record what time it was.

7 Q O.K. Like not as much as an hour? *how unpro. + great 2 hide
that "you" did not come
back to look all at 1st
Sweep*

8 A No, sir.

9 Q O.K. So it was the same visit where you actually went
10 through and then went back through to secure the items?

11 A Yes, sir.

12 Q O.K. Did you go in the backyard?

13 A Yes.

14 Q O.K. When you went in the backyard, did you see the
15 swimming pool?

16 A I don't recall a swimming pool.

17 Q O.K. And did you recall whether the lawn had been freshly
18 mowed?

19 A It didn't appear so, if I remember right.

20 Q Did it appear to be in need of mowing?

21 A I can't recall, sir.

22 Q There was blood on the carpet?

23 A There was blood droplets on the carpet, yes, sir.

24 Q Were people walking on the carpet?

25 A Yes. Yes.

1 Q Possible any of them walked on blood?

2 A I'm sorry?

3 Q Do you think it's possible any of them walked on some of
4 that blood?

5 A Yes. It's possible.

6 MR. LEE: That's all.

7 THE WITNESS: I'm sorry, sir?

8 MR. LEE: That's all.

9 THE COURT: All right. Thank you.

10 Redirect.

11

12

REDIRECT EXAMINATION

13 BY MR. STERN:

14 Q Clarify one thing you had -- did you have one set of gloves
15 on when you collected hatchet and mallet?

16 A Yes.

17 Q Did you have a different set of gloves on when you
18 collected the Sawzall?

19 A Yes, sir. It was in a totally different room.

20 MR. STERN: That's all I wanted to address. Thank
21 you.

22

23

RECROSS-EXAMINATION

24 BY MR. LEE:

25 Q I thought you said all three items were in the same room?

1 A I pulled the car up there, and then Renee said I need to
2 take the car and park it around the corner down the street.

3 Q Was there room in front of the house for you to park?

4 A Yes.

5 Q Where did she direct you to move your car?

6 A Just away from the house and basically out of sight.

7 Q Out of --

8 A Out of sight.

9 Q And did you do as she asked you to do and move your car to
10 a place that it wouldn't be in sight?

11 A Yes, I did.

12 Q Once you moved the car, were there other things that she
13 asked you to do that evening?

14 A Yeah. She asked me to mow the lawn, take out the trash,
15 and bring the Shop-Vac up from the basement.

16 Q Did you mow the lawn?

17 A Yes.

18 Q Did you take out the trash?

19 A Yes.

20 Q Now, tell me about this Shop-Vac. What is a Shop-Vac?

21 A It's a wet/dry vacuum.

22 Q Your wife use that often?

23 A No.

24 Q Did you have one in the basement?

25 A Yes.

LIES

It
hite?

Then
Why didn't dog
find prints
the DEW
Specia

GA

yet its nowhere in
pics?

1 Q Did you take it upstairs?

2 A Yes.

3 Q Did she explain to you why she wanted a Shop-Vac up in the
4 main house?

5 A She said to vacuum out the car.

6 Q And was that even possible?

7 A No. We didn't have an extension cord long enough to reach
8 from the street or from the house to the street or into the
9 alley in the back.

10 Q Shop-Vac that you had capable of cleaning carpets and that
11 sort of thing?

12 A Yes.

13 Q Where did you put it?

14 A I put it on the porch in the back.

15 Q And why did you put it there?

16 A Just a place to put it.

17 Q Is that where she told you to bring it up and put it
18 someplace?

19 A Yeah. She just asked me to bring it up. Yeah. That's
20 where I put it.

21 Q I'll show you a photograph number 35. And is that the
22 Shop-Vac she asked you to bring up that night?

23 A Yes.

24 Q And 36. Is that sort of a close-up of the Shop-Vac?

25 A Yes.

1 Q All right.

2 A So. Yeah.

3 Q All right. If I were to tell you that that's the kitchen,
4 that's a sink, that might help.

5 A That will but -- leading

6 O.K. So I was able to see Ms. Bishop there dart from
7 house dark, cops didn't see my neck & use of the
8 view several times and into other rooms. At that point,
9 Tim O'Hara and I crossed the north side of the house onto
10 the street right about here is where we encountered Brett.
11 (Indicating.) He was speaking with other officers in this
12 area.

12 Ms. Bishop, I noticed, had come out by this time and
13 was sitting on the porch speaking with Officer Katzer here.
14 (Indicating.) So we ultimately ended up going inside the
15 front of the residence and sweeping the residence room by
16 room.

17 Q O.K. Now, let's -- did you, in your sweep, did you see
18 anything that was significant?

19 A Yes. I did notice that the window in the child's room.

20 Q We've heard yesterday Katzer describe this room as one of
21 the-as the daughter's room?

22 A O.K. And so the window was propped open and secured by a
23 child lock, roughly six to eight inches, I would say. And
24 that, in addition to the window in the master bedroom, was
25 open. That window was open wider and the screen was pushed

1 out and lying on the grass down below. And I say pushed
2 out because it was pretty obvious that window screen was
3 bowed in such a way that logically, I think, looking at it,
4 it appeared as if it had been pushed out and not pried
5 open.

6 Q And the distinction for that, if I'm understanding, is that
7 couldn't have been an ^{entry} injury point?

8 A It was not my impression that it was. It appeared, if
9 anything, that somebody had pushed out from the inside.

10 Whether or not they fled from there, I don't know at that
11 point.

12 Q O.K.

13 A We did see several areas where there was blood on walls and
14 on the floor. This was in a hallway between the master and
15 the child's room there.

16 On one of the counters here in the kitchen, there was a
17 Sawzall battery and a mallet laying on a counter here. And
18 then in the master bedroom, we saw a Sawzall minus a
19 battery. That Sawzall had a blade attached, but there was
20 also a separate blade lying next to it a few feet away in
21 the bedroom. ^{↓ other said missing} _{↓ lie}

22 So, yeah, those are initial observations.

23 Q Now, the Sawzall, the mallet, they were, during the course
24 of your time, there were they collected by you and O'Hara?

25 A They were later. Not during the initial sweep. That's

1 A I would say between 6 and 8 feet.

2 Q The daughter's bedroom window, is that it here?

3 (Indicating.)

4 A Yes.

5 Q And are these the only two windows? They appear in the
6 photograph. Are they the only two windows in the back?

7 A Yeah. ~~With the exception of whatever this basement is.~~

8 Q And this obviously remained closed?

Oversight = never ✓'d it!
just took me

9 A Yes.

leading to what do you mean obviously?

10 Q You talked about the screen and it was bowed out and gave

11 you the impression that it was pushed, not pulled. Is this
12 the screen you're talking about?

13 A That is the screen.

14 Q Now, did Ms. Bishop indicate to you or did you hear that
15 she claimed that this intruder had fled out one of these
16 windows?

17 A She did. She had ~~indicated~~ while he was present there that
18 the intruder had fled out her child's bedroom window.

19 Q Now, you had gone and looked at the bedroom window; is that
20 right?

21 A That's correct.

22 Q And remind me what you saw there.

23 A There was a -- a -- what looks like a child safety lock
24 attached to the side of the sill that prohibits the window
25 from going up or down. It's locked in place.



1 Q Did that appear to be working just fine?

2 A Yes. The window was secured there. I moved it up and down
3 and was unable to move the window.

4 Q Was that open sufficiently for somebody --

5 A Not at all.

6 Q -- to get out of that window?

7 A Not at all.

8 Q I've laid before you photograph 16. Would you take a look
9 at that and tell me if that represents the --

10 A Yes.

11 Q And is that a fair depiction of that window?

12 A It is.

13 MR. STERN: Offer 16.

14 THE COURT: Any objection to 16?

15 MR. LEE: No objection.

16 THE COURT: 16 is admitted.

17 (Whereupon, Exhibit(s) 16
18 was/were admitted into
evidence.)

19 BY MR. STERN:

20 Q Let me put that up here for a moment, and we'll go back
21 between the two of them.

22 And is this the lock over here? (Indicating.)

23 A Yes.

24 Q O.K. And the window was functioning a way that it just
25 wouldn't open any more than it was?

1 correct.

2 Q And was O'Hara who collected those?

3 A Yes.

4 Q So we'll hear from him.

5 Now, let's talk about these windows in the -- here and
6 here. (Indicating.)

7 A Yes.

8 Q O.K. Let me have you resume your seat. I'll take that.

9 A O.K.

10 Q I'll move this back.

11 Let me show you a couple of photographs, and then
12 hopefully we'll project them up here.

13 Let me show you photograph number 14. Can you tell me
14 what that is?

15 A Yes. This is a picture of the Bishop residence backyard
16 which actually lies on the south side of the residence.

17 Q O.K.

18 A And the window closest to us here would be the master
19 bedroom where Brett and Renee would sleep. The window
20 furthest from us along that same side of the house would be
21 the child's room.

22 Q O.K. And are those the two windows you described earlier
23 as being open? ~~_____~~

24 A It was. You can see there's a screen -- I assume we'll see
25 up there -- that's bowed out below this master bedroom

1 window. And then the window over here is the one I'm
2 talking about, and you can actually see in the photograph
3 that it is propped open several inches, and there's some
4 piece of fabricking [sic] from that. (Indicating.)

5 Q O.K. Let me show that to you.

6 MR. STERN: I'm going to offer Exhibit 14.

7 THE COURT: All right. 14 is admitted.

8 (Whereupon, Exhibit(s) 14
9 was/were admitted into
evidence.)

10 BY MR. STERN:

11 Q We'll display this for you in a moment as soon as we figure
12 out how.

13 All right. This is the photograph we just showed,
14 right?

15 A Yes, it is.

16 Q See that all right? Not the best light we got.

17 So you've got the -- if I'm orienting, is that the
18 bedroom window?

19 A It is.

20 Q All right. And does this represent a pretty good idea of
21 how far off the ground that is?

22 A Yes. I think you can use the fence in the background there
23 which is your standard six-foot fence there.

24 Q So this appear to be, what, 8, 9 feet off the ground,
25 something like that?

*no?
ok?
admitted
mr. lee*

we just showed

12

(D) (L) (P) (W)

1 A On -- in our bedroom, behind the bed and on the side of the
2 bed, was a whole bunch of Sawzall blades, big red ones,
3 probably 10 inches long. They said diablo on them.

4 Q And you ever seen those before?

5 A No.

6 Q What else you see in the house?

7 A I seen the window -- bedroom window was open.

8 Q Next to the turkey tins, I think that's what you called
9 them, did you folks use those big turkey aluminum tins
10 often?

11 A No.

12 Q Do you entertain?

13 A Not -- no.

14 Q Were you expecting people to come over and be doing a lot
15 of cooking?

16 A No.

17 Q Is that something you folks ever did?

18 A Very, very, very rarely.

19 Q And is -- next to them, did you see a whole bunch of
20 bottles of bleach?

21 A Yes, I did.

22 Q And did you see large numbers of bottles of bleach in other
23 parts of the house as well?

24 A Yeah. I believe there's some in our bathroom.

25 Q Do you folks usually buy bleach in quantity?

1 Q Did you figure out where those -- you said saw them
2 somewhere else in the house later?

3 A Yeah. I found them in the washing machine.

4 Q Did you put them in the washing machine?

5 A No.

6 Q Seem odd to you that they were in the washing machine?

7 A Very.

8 Q What else you see in the house?

9 A Under the kitchen sink, there was a lot of bottles of
10 bleach; seven or eight turkey basting pans; big, black
11 garden trash bags. In my daughter's room in her closet is
12 where I found the stuff for the Sawzall, the charger, the
13 extra battery, the box it came in. And those were hanging
14 up in my daughter's closet all the way in the back in a
15 trash bag.

16 Q Now, let's go -- how old is your daughter?

17 A She's nine now.

18 Q And may be obvious, but let's ask. Did she ever own a ~~tool~~ ^{took it}
19 Sawzall? _{from me}

20 A No.

21 Q Use a Sawzall?

22 A No.

23 Q Would you even let her use a Sawzall?

24 A No.

25 Q The -- what else you see hanging around the house?

Contradicts
he popped it
lie
out when he
took it
from me

1 Q Now, you've got -- do you have a particular habit about
2 checking the house, making sure it's secure or things like
3 that before you go to bed?

4 A I go around and make sure it's locked up.

5 Q Tell us precisely what it is you do.

6 A Before I go to bed, I make sure the front and back doors
7 are locked, the door to the basement's locked, close
8 ~~windows~~ *never check*

9 Q There are some child lock windows on your daughter,
10 Savannah's, room. In particular, we took some pictures of.
11 Do you know what I'm talking about?

12 A Yes.

13 Q And what's the function? And this is photograph number 16.
14 Is that one of the locks we're talking about?

15 A Yes.

16 Q O.K. What's the function of those?

17 A Doesn't let them open very wide.

18 Q That night, the 14th of October, did you, in fact, go
19 through the house before you went to bed as is your habit
20 to make sure all the doors were locked?

21 *Lie* A Yes.

22 Q Were they all locked?

23 A Yes.

24 Q Did you go there to make sure that all the windows were
25 secured?

1 A Yeah. But I was asked to stay out of Savannah's room
2 because the dog would go in there and pee in it.

3 Q O.K. And who asked you that?

4 A Renee.

5 Q But that had the child lock on the window, right?

6 A Yes.

7 Q That was -- is that Savannah's room?

8 A Yes. That is Savannah's room.

9 Q All of the other windows secured before you went to bed?

10 A Yes. *← proves intruder!
If he closed then who opened?*

11 Q When you went to bed, who climbed into the bed first; do
12 you recall?

13 A I believe Renee was already in bed.

14 Q O.K. And when you got into bed, did you notice something?

15 A When I laid down, I heard crinkling.

16 Q Describe this thing to me.

17 A Sounded like plastic.

18 Q Did you think that was odd at the time?

19 A I did. I asked what was that?

20 Q And did Renee explain to you what that crinkling plastic
21 thing was?

22 A She said she put a blanket under the -- under the sheet.

23 Q What was your response to that?

24 A O.K.

25 Q What's the next thing you remember happening?

1 what she told me on scene and what she was telling Detective
2 Atkins.

3 Q. What differences did you hear that you thought were
4 significant?

5 A. Specifically, that the suspect had now fled out a different
6 window. She indicated that the suspect had fled out of her
7 ~~bedroom window.~~

8 Q. So we're clear, though, the bedroom window, is that this
9 window here? *(Indicating.)*

10 A. Yes.

11 Q. And is this the whole area where the dog track went?

12 A. Yes.

13 Q. So had the dog, to your knowledge, tracked out either one of
14 those windows?

15 A. Officer Gill would be better able to answer that question.

16 Q. But just to make sure, they are all on the same side?

17 A. They are all on the same side.

18 Q. Had you been in that bedroom?

19 A. Yes, I had.

20 Q. Was that window open?

21 A. The window was open.

22 Q. And was it open the same?

23 A. No. It was open all the way, and there was a screen on it
24 that had been pushed out. ← *objection or in*

25 Q. And what else did you hear?

1 It appeared to be maybe like a sharp scratch or a cut.

2 Q. And is that what this -- in this photograph, right here, this
3 mark right here that I'm pointing to?

4 A. Yes. *States earlier B not yet under arrest
When at house*

5 Q. Thank you.

6 A. *(Returning to the witness stand.)*

7 Q. Now, did you go back -- well, you're at the scene, you've
8 talked about looking at Brett's injuries, going through the
9 house, and seeing certain things. What became of Ms. Bishop?

10 A. After I had spoken to her, she agreed to speak with
11 detectives; and I transported her to the Everett Police
12 Department for a further interview.

13 Q. And when you brought her to the police department, did
14 somebody else come in and talk with her?

15 A. Yes, Officer Atkins -- or Detective Atkins -- came in.

16 Q. That's the lady who has been sitting next to me here?

17 A. Yes.

18 Q. When she came in, did you sit in on some of that interview?

19 A. I did. I stayed with her for the interview.

20 Q. And did Ms. Bishop tell a rendition of what happened that
21 night?

22 A. She did, yes.

23 Q. How consistent was that with what she had earlier told you?

24 A. Her overall statement was the same, that a third person had
25 been in the house; but there were several differences between

1 rule it as background DNA, and it's not involved in the
2 mixture as a whole that I'm reporting on and issuing
3 statistics with.

4 Q O.K. And were you able to do that in this case --

5 A Yes.

6 Q -- and say that this was not interfering in any way and was
7 very minor?

8 A Yes.

9 Q You actually were able to put the degree of -- I'm going to
10 use bad vocabulary -- the degree of minorness [sic]. I'm
11 sure there's a better way of wording that. You were able
12 to put that in some sort of mathematical number?

13 A Yes. Whenever we make a match or an inclusion with a
14 reference sample to an item of evidence, we need to convey
15 how significant that match is. And so that's when we issue
16 statistics with our match statement.

17 Q Now, what was the statistic as far as the confidence, if
18 you will, that that DNA was from the defendant and Brett as
19 opposed to someone else?

20 A I'll have to look at my report.

21 Q Sure. Here. Is this a copy -- is that a copy of your
22 report?

23 A Yes.

24 Q Does that have that statistic on that page there?

25 A Yes, it does.

1 displayed in the store, sold, is it possible that trace
2 amounts of DNA could also slough off?

3 A Yes.

4 Q And would it be likely that in the course of selling a
5 product in the store, some DNA might sort of slough off?

6 A Yes.

7 Q Were you able to figure out if there was some other very
8 minor DNA on the handle area as well?

9 A Yes. In the profile, I did detect possible trace DNA from
10 a third source. But it was at such a low level that I
11 couldn't make any comparisons to it.

12 Q Would that be consistent with the type of thing I was
13 talking about? What might happen from somebody selling or
14 displaying or purchasing the item in the store?

15 A Yes.

16 Q Was the quantity of the DNA from Ms. Bishop significantly
17 more than that of the small source you talked about?

18 A Yes.

19 Q Was there a way that you are able to quantify that?

20 Give us an idea of how much -- well, quantify that?

21 A Well, in our mixture interpretation, we are able to
22 determine that a trace -- low level source of DNA is at
23 such a low level that it's not interfering with the DNA of
24 the whole profile, the more significant contributors. So
25 if it's deemed that it is at that low level, we can just

1 A Uh-huh. And there was some faint staining in the center,
2 but I swabbed this whole face there.

3 Q And you found blood roughly where?

4 A Well, it was staining consistent with blood, and it was
5 near the center there.

6 Q And by "the center there," just so we're -- as we're
7 writing this down as well, that would be the face.

8 That would that be the area that would make impact with an
9 item?

10 A I suppose.

11 Q If you hit somebody straight on, that would be where the
12 blood would be?

13 O.K. All right. So let's go back to 40 here. So keep
14 talking about what you found in it.

15 A I believe that's wrapped up.

16 Q O.K. Well, so you found some DNA on the handle?

17 A Yes.

18 Q And you found some DNA on the mallet, the face, the impact
19 area.

20 A Correct.

21 Q You had some reference samples from Brett and from the
22 defendant there?

23 A Yes.

24 Q Did you -- are you able to compare the DNA from the mallet
25 head to see who that came from?

1 A Yes. I -- my DNA profile from the mallet had -- was a
2 single source male profile that matched Mr. Bishop.

3 Q And when you say matched him, what does that mean?

4 A It matched that each of those 15 regions of DNA.

5 Q The handle had some of this touch DNA so that if somebody
6 had picked up the mallet and was swinging it, that might
7 cause some transfer?

↓ caps/morons

8 A Yes. If they weren't wearing gloves, you would expect to
9 find some DNA.

10 Q And were you able to find DNA from either the defendant or
11 Mr. Bishop on the handle?

12 A The profile from the handle was a mixture meaning not [sic]
13 more than one person contributed to that sample, and it was
14 a mixture consistent with the known profiles of Mr. Bishop
15 and Ms. Bishop.

16 Q Which would mean that two people would have handled that?

17 A At least ^{not 100%} two sources, yes. *(how many more)*

18 Q And you got Ms. Bishop's on the handle?

19 A Her DNA was included as a possible source in the mixture. *not 100%*

20 Q And we heard over the last couple of days that Mr. Bishop
21 obviously took that from her at some point. If he had
22 touched it, his DNA could transfer as well?

23 A It could.

24 Q Now, in the course of a store -- in the course of a mallet
25 or an item being manufactured, packaged, sent to a store,

*you know she
is
calling it*

120' Re 1

1 Brett Bishop?

2 A So the static with this match is that it -- the probability
3 of selecting unrelated individual at random from the U. S.
4 population with a matching profile is 1 in 2.8 quintillion.

5 Q Again, more than the world's population?

6 A Yes. And there was possible trace DNA of a different
7 source, but was at a low level that I couldn't make any
8 comparisons to.

9 Q Now, let's talk about the handle. Where -- again, similar
10 situation. Were you able to find DNA from the handle?

11 A Yes.

12 Q And were you able to extract enough of that to be able to
13 profile it and look at it and what not?

14 A Yes. There is enough DNA on the handle. I swabbed just
15 from the "black" portion down. And, from that sample, my
16 profile was a mixture of at least three contributors.

17 Q Now, again, similarly, if there are individuals, could that
18 come from people handling it? **COPS**

19 A Yes.

20 Q And could that come from somebody holding onto it while in
21 a -- striking somebody with it?

22 A Possible. **=Perp. did it**

23 Q And could that come in passing from the act of
24 manufacturing, packaging, putting it in a store, sales
25 clerk putting things out, things like that?

1 (Indicating.) I'm going to borrow your report a moment.

2 This cutting area here. (Indicating.)

3 If this had been washed off shortly after it made
4 impact, put in a sink and rinsed off, washed off, would
5 that create a problem for you in trying to extract DNA?

6 A If an item was cleaned thoroughly, staining wouldn't be
7 readily obvious, and so it would be in more trace amounts.

8 Q O.K. The most of the evidence, the best of the sample you
9 got, point to again right up here. (Indicating.) And were
10 you able to test that?

11 You talk about this presumptive test for human blood.
12 Were you able to do that?

13 A Yes. And it was positive there.

14 Q And then were you able to go further and test that human
15 blood to see if it matched either the reference samples
16 that you got, that of Ms. Bishop and that of Brett Bishop?

17 A Yes. Well, to clarify, the presumptive test is not
18 specific for human blood, but the downstream testing is
19 specific for human DNA.

20 But, just as before, I processed the sample from the
21 staining consistent with blood, and I obtained a male
22 profile that matched Mr. Bishop.

23 Q O.K. And were you able to tell us, and I'll give this back
24 to you, were you able to tell us -- are you able to tell us
25 how likely that blood on that handle is that it came from

1 somebody was cut with the sharp instrument, would you
2 expect -- would you be trained to look other than just the
3 cutting surface to other parts of the item to see if the --
4 there might be blood that sort of spattered from the
5 cutter?

6 A Yes.

7 Q And would you look at the handle as well?

8 A Yes.

9 Q Can you tell us if the -- if the DNA from Mr. -- you say
10 it's matches Mr. Bishop, the stuff on the handle part
11 matched Mr. Bishop?

12 A A major contributor matched Mr. Bishop.

13 Q Are your tests able to tell us whether that is touch DNA or
14 blood DNA?

15 A No. I couldn't determine a source.

16 Q O.K. Let's go back to the third item or move on to the
17 third item that we're looking at, and that is what we've
18 marked as Exhibit 1. And I'll leave that here.

19 And did you look at this item number 1?

20 A Yes.

21 Q That's your tape on here?

22 A Correct.

23 Q And is this the -- tell us what that is? (Indicating.)

24 A That's the crime lab barcode and my initials there.

25 Q O.K. These are your initials here? (Indicating.)

1 A So the estimated probability of selecting an unrelated
2 individual at random from the U. S. population with a
3 matching profile is 1 in 2.8 quintillion.

4 Q Quintillion?

5 A Yes.

6 Q Again, more than the world's population?

7 A Yes.

8 Q So let's talk about the handle and the trigger and what
9 not. What did you learn there?

10 A So the DNA profile I obtained from the handle and trigger
11 regions of the saw is a mixture of at least two
12 contributors. And it was consistent with the combined
13 known profiles of Mr. Bishop and Ms. Bishop.

14 Q So let me go back and make sure we understand that.

15 You found on the handle area obviously Mr. Bishop's
16 DNA?

17 A He was included in the mixture.

18 Q And he had told us yesterday that he had taken that from
19 Ms. Bishop, so that be consistent, your finding that he had
20 actually handled it. Would that be consistent with that?

21 A It's impossible for me to say how, but it's consistent with
22 either handling it for a long time or from maybe there's
23 possible blood sloughing off on that region.

24 Q And you said handling it for a long time. Because, for the
25 quantity, there would have to be handling more than just

1 things that would show up in these proficiency tests. O.K.

2 So let's go back. You've done all these things to make
3 sure these are -- have you done all these things to make
4 sure this is a pristine and scientifically appropriate
5 test?

6 A Yes.

7 Q Satisfied no contamination or problems or anything along
8 those lines?

9 A Correct.

10 Q So what did you find on the blood -- on the blood on the
11 saw?

12 A So the staining consistent with blood on the blade was a
13 single source male profile, and it matched Mr. Bishop.

14 Q And you've given us statistics before, and if you want to
15 do that again, talk about the randomness of that, that
16 would be --

17 A I'll need the additional page.

18 Q You have pages --

19 A 3 and 4.

20 Q Here is 1 and 2.

21 And, again, just so we're all clear, what I've handed
22 to you is a copy of your four-page report that you, in
23 essence, provided to the police and to us?

24 A Yes.

25 Q And useful for you to have. O.K. go ahead.

1 passing moment?

2 A In my experience, yeah.

3 Q Now, how about Mrs. Bishop, the defendant, what -- did you
4 find anything about her that you could talk about?

5 A She was also included as a possible source of the mixture,
6 and I found the profile as a whole to be consistent with
7 the known profiles of Mr. Bishop and Ms. Bishop.

8 Q Now, again, we've talked with the other two items that in
9 the manufacture and packaging and selling and displaying
10 and purchasing trace amounts of DNA can appear?

11 A Yes.

12 Q Did you find, as you told us you would in the others, some
13 trace amount?

14 A There was an additional trace source of DNA from at least
15 one other contributor, but it was at such a low level that
16 I couldn't make any comparisons to it.

17 Q And, again, you've talked about -- you just talked about
18 somebody holding it for a long period of time. Can you --
19 does that teach us anything about the likelihood of some
20 third person holding this for a long period of time?

21 A It's reasonable to assume that that trace donor didn't
22 handle it for very long.

23 Q In fact, you were able to quantify that how more likely it
24 was that it was Brett Bishop and the defendant as opposed
25 to, say, Brett Bishop and some, oh, third intruder?

1 A Yes.

2 Q How much more likely is it that that is Mrs. Bishop and
3 Brett?

4 A It is 1.1 trillion times more likely that the observed
5 mixture is a result of Brett Bishop and Ms. Bishop than
6 having originated from Mr. Bishop and some unrelated
7 individual.

8 Q 1.1 trillion times more?

9 A Yes.

10 Q All right. Thank you. And I think that ends our little
11 discussion with this thing. And if you want to have your
12 seat, I got a couple more questions for you if you're more
13 comfortable sitting down. Take that back from you.

14 Just want to ask you one more thing. You talked about
15 and you showed us inside these boxes these little aluminum
16 looking pouches. And explain again what those are.

17 A They are packages of my DNA extracts that when I'm all
18 finished they get returned to the agency with the original
19 item.

20 Q And do you try to do your work in such a way that if
21 somebody ever wanted to retest the samples, they could do
22 that?

23 A Yes. Our policy is that, if possible, we can preserve at
24 least half so that another analyst down the road could
25 perform a similar test that I performed.

1 Q O.K. On the mixture, that occurred to some greater or
2 lesser degree in all three of those items?

3 A I'm sorry, can you repeat the question.

4 Q All three items had some degree of DNA, both from Brett and
5 Renee, and also traces from some other DNA?

6 A Profile from the hatchet handle it was inconclusive to
7 include Ms. Bishop.

8 Q O.K. Other than that?

9 A Other than that, yes. The other tools had mixtures
10 consistent with both Mr. Bishop and Ms. Bishop and a
11 possible third trace.

12 Q And if you had had a DNA sample as you did from Brett
13 Bishop and from Renee Bishop, you had their samples, if you
14 had had a sample from the person whoever that other person
15 was, would that have allowed you to identify that DNA?

16 A No. It was such a low level that trace were sat [sic] no
17 meaningful inclusions could be made to it. So say appeared
18 to be consistent, all I would be able to say is it would be
19 inconclusive.

20 Q And when the prosecutor talked about the putting the items
21 in the store and other handling of the items, if that
22 occurred some time ago, would that make it more difficult
23 or more unlikely that there would be DNA from those persons
24 that did that?

25 A It would -- it could be possible. It would slough off or

1 say someone owned the item for really long time and it was
2 several years ago that it was purchased, it's hard to say.
3 I haven't done any studies on that myself.

4 Q So you don't know that there's any length of time that DNA
5 is expected to remain on various surfaces?

6 A Well, I've had cold cases where DNA is retained on an item
7 for 20 years. So it would just depend on the condition of
8 the item.

9 Q So is it possible that a third person handled these items?

10 A Yes.

11 MR. LEE: That's all.

12
13 **REDIRECT EXAMINATION**

14 BY MR. STERN:

15 Q To help assist us, you were able to calculate the
16 likelihood of some third person as opposed to Ms. Bishop
17 and Mr. Bishop; is that right?

18 A The statistics I mentioned earlier is the likelihood that
19 it's the combined profiles of the two known individuals
20 versus the combined profiles of Mr. Bishop and somebody
21 else.

22 Q And that was, remind us, 230 trillion times more likely
23 that it's the defendant and Brett as opposed to Brett and
24 someone else?

25 A I believe that was the number for one of them.

1 a Ph.D. in biochemistry. And then I have, after the Ph.D.,
2 I had two years of postdoctoral fellowship training at
3 Princeton University.

4 Q And do you do a lot of work in the area of DNA analysis?

5 A Yes. I spent over 30 years doing research that was DNA --
6 either DNA itself or related to DNA and almost 20 years in
7 forensic DNA serving as a consultant, have my own forensic
8 DNA consulting business started back in about 1993. And,
9 during that time, I've consulted on over 400 forensic DNA
10 cases.

11 Q Have most of those kinds of occasions been at the request
12 of the defense?

13 A Yes.

14 Q And have you ever been asked to consult or to testify in a
15 case by the prosecution?

16 A I have been asked to consult for the prosecution in three
17 cases. Those were -- those span a number of years, but,
18 yes, three cases. And the prosecution normally has their
19 own witnesses, so -- but I've never turned down
20 consultation with the prosecutor.

21 Q Have you ever -- have you done, in the course of your
22 working in this area, have you ever done any original work
23 of your own?

24 A Yes.

25 Q And what would that be?

1 A Well, a number of things, but one of the more extensive
2 ones was that I discovered and characterized some DNA
3 sequences back in the late '80s and followed up with those
4 and did a few more studies. And those have been picked up
5 by two independent either forensic labs or research labs
6 who looked at the same sequences, tried them out, and
7 concluded that those sequences would make a useful forensic
8 DNA test. And those research groups are not connected with
9 me. I don't know those people, but they publish their
10 articles saying that they tested that system out and found
11 that it would be useful in a forensic setting.

12 Q And have you actually published some materials of your own?

13 A Yes. I have approximately 74 articles published in the
14 scientific journals, anonymously peer-reviewed scientific
15 journals.

16 Q Dr. Riley, did you have occasion to review some scientific
17 materials in connection with this case?

18 A Yes.

19 Q What did you review?

20 A I reviewed the laboratory report and the laboratory notes
21 collected by the analyst, and I reviewed the electronic
22 data that was collected by computer during the DNA
23 profiling stage of the analysis.

24 Q And what would -- what is your opinion of the State Patrol
25 lab report?

1 A Well, I think that the two areas that I was most concerned
2 with had to do with the handle of the mallet and the handle
3 and trigger area of the reciprocating saw.

4 And I noticed that the results that were said to be
5 consistent with the defendant were quite weak. The signals
6 were weak. And, with this technology, we are always
7 concerned about false results due to contamination. And
8 the reason for that is especially when the signals are
9 weak, those are the most prone to represent contaminants.
10 So, for example, the level of DNA that was detected really
11 didn't rise above what would be the background level of DNA
12 in someone's house.

13 I mean, we shed millions and millions of our skin cells
14 every day. And it has been shown that house dust contains
15 our DNA. So when a lab takes an object from someone's
16 house and they find very small amount of DNA on it that
17 matches someone who lives in the house, to my training and
18 way of thinking, that doesn't prove that they actually
19 handled that object. It just shows that they may have
20 detected a little bit of their DNA.

21 Q To be specific, we're talking about the defendant as far as
22 handling that object when you're saying this?

23 A Correct. Yes.

24 So to convince me scientifically that there's evidence
25 that a person handled an object, I'd want to know that the

1 level of DNA they're detecting is enough to rise above that
2 background that you might find in a house, and that
3 everything else is clear as well.

4 And then the other thing I noticed was that the
5 defendant's known sample was not really kept separate from
6 the evidence. It was based on my reading of the laboratory
7 records, it was right there alongside the evidence. In my
8 opinion, the reference sample which contains a lot of DNA,
9 usually, should be kept separate from the evidence and
10 worked up separately. But, in this case, that didn't
11 happen; they were worked up side by side.

12 And so, for that reason, I couldn't rule out some false
13 results due to cross contamination, and that could happen
14 by getting a little bit of the defendant's DNA on the
15 analyst's glove or on some of the equipment. In any case,
16 if her sample had been kept separate while that evidence
17 was being worked up, then it would be -- I'd have a much
18 easier time accepting the results as something that might
19 be clear and important, except for that problem with it not
20 rising above background in the house.

21 **Q** Does the DNA analysis that was done, does it show pretty
22 clearly who the major contributor or contributors were to
23 these items?

24 **A** Well, yes. Now, even for -- I'm just referring to the
25 handles of the saw -- well, it was a handle and trigger

1 that were sampled, and that was combined.

2 So handle/trigger of the saw and the handle of the
3 mallet. The major contributor is the alleged victim, and
4 that did suggest to me that it's possible that he was the
5 main person who handled those items. At least that raised
6 that possibility.

7 Q And you suggested the possibility that perhaps the
8 defendant didn't even handle those items at all; is that
9 correct?

10 A I think that is possible based on the results I've seen.

11 Q And what about the possibility of a third contributor to
12 those items?

13 A There -- there was a very weak indication of a third
14 contributor on the handle of this saw and on the handle of
15 the mallet.

16 Q What about the hatchet?

17 A May I refer to my notes?

18 Q Sure.

19 A Well, yes. That the hatchet had a mixture of at least
20 three people's DNA. And it looked like the defendant was
21 excluded or at least it was inconclusive regarding the
22 defendant.

23 Q O.K. What about the victim?

24 A The victim was included as a possible contributor.

25 Q And let me ask you this, Doctor, if a person were to handle

1 those items with latex gloves on, would that affect whether
2 or not their DNA would be found on those items?

3 A It could. It could remove or prevent any trace of DNA from
4 appearing. With latex glove on, that would completely
5 shield the item from at least those skin cells from the
6 hands, yes.

7 MR. LEE: That's all I have.

8 THE COURT: Cross-examination.

9
10 **CROSS-EXAMINATION**

11 BY MR. STERN:

12 Q Professor Riley, you have basically spent most of your
13 career as a teacher; is that right?

14 A Well, I would say more as a researcher. I was on the
15 research faculty at the UW.

16 Q And so we're not misleading anybody, the 74 articles that
17 you published, most of your work -- in fact, let's face it,
18 all of your work was studying -- well, most of it was
19 studying issues relating to prostate cancer and diseases of
20 the prostate and things along those lines; is that right?

21 A Well, I'd have to count the articles. I also have a number
22 of articles on STRs which are the DNA structures that are
23 used in forensic cases.

24 Q I did count for you. I got one of your old resumes from a
25 prior time when you testified, but I believe -- well, no.

1 Bishop exited the house. At that point, a second unit had
2 come up to join me, a second police unit. I directed Brett
3 down the stairs, and I had him sitting at the base of the
4 front steps. I asked him if anybody else was inside, and he
5 said that his wife was. At that point I went up to the front
6 door to try and make contact with her.

7 Q. So Brett comes outside?

8 A. That's correct.

9 Q. And what is he looking like?

10 A. He doesn't have his shirt on. He's wearing blue jeans. He's
11 got blood across his torso, like kind of smeared across his
12 torso. He's got a cut on his right arm, and he's got some
13 abrasions on his left side and a little bit of blood on his
14 forehead. *That's all!*

15 Q. Is he calm, relaxed?

16 A. No, I wouldn't say that.

17 Q. What would you say?

18 A. He seemed to be -- I don't know. Not calm or relaxed. He was
19 excited. *= high*

20 Q. And he comes outside the house?

21 A. Yes.

22 Q. You've got other officers now who have shown up?

23 A. That's correct.

24 Q. Do you remember who?

25 A. Officer O'Hara I think had arrived at that point. Officer

Copy

1 Gill had arrived in the rear of the house; he came in through
2 the alley. Said on stand all 3 met out
back

3 Q. You were at the front door of the house?

4 A. That's correct.

5 Q. Let me show you -- this is a picture taken during the daylight
6 that we have marked as Exhibit Number 6.

7 MR. STERN: Mr. Lee, do you have any problem with that?

8 *(Handing.)*

9 BY MR. STERN:

10 Q. We've marked this as Photograph Number 6. Is that a depiction
11 of the front of the house, obviously taken during the
12 daylight?

13 A. Yes, it is.

14 MR. STERN: Offer Number 6.

15 THE COURT: Any objection to 6?

16 MR. LEE: No objection.

17 THE COURT: 6 is admitted.

18 *(Exhibit 6 was admitted into evidence.)*

19 BY MR. STERN:

20 Q. We'll put these up on an overhead tomorrow so it will be
21 easier. But you're coming up to the front of the house here?

22 A. That's correct.

23 Q. And the alley is obviously around behind the house?

24 A. Yes.

25 Q. And that's where Gill goes?

1 here. You can see the corner of his beard and his hair
2 hanging down here. And along his left shoulder, running up
3 his tattoo, are a series of red abrasions, scratches.

4 Q. You said that you saw the Sawzall and the Sawzall blade when
5 you were in the residence?

6 A. Yes.

7 Q. Having heard that there was an assault with one, what did that
8 appear -- why was that significant to you?

9 A. Well, it brought me to the conclusion that the Sawzall blade
10 had skipped off of his arm, like when you're trying to cut a
11 piece of wood but you don't have it straight on and it kind of
12 gets to the side and does that bounce, that's more or less
13 what that looked like to me. ~~REDACTED~~

14 Q. Did you notice -- we had talked about a bruise to his
15 forehead. Did you see any kind of mark on his forehead?

16 A. I did, yes.

17 Q. I'm going to show you what we have marked as Exhibit 7. Can
18 you tell me what that is.

19 A. It appears to be his forehead with a scratch on it.

20 Q. Now, there's sort of a light; that was obviously taken with a
21 flash?

22 A. That's correct.

23 Q. And where that big flash is, does that represent something?
24 Is that a mark, or --

25 A. Like, the red mark?

1 A. That's correct.

2 Q. Did you get close enough to Brett to see any marks or injuries
3 on him?

4 A. Yes.

5 Q. I'm going to show you three photographs and ask if they
6 represent any injuries to him. The first is Photograph Number
7 12. Why don't you take a look at that. Do you recognize that
8 as --

9 A. Yes, that's accurate with the night in question.

10 Q. That's what he looked like that night?

11 A. Yes.

12 Q. Tell me what it is you see in that photo.

13 A. Well, he's got this --

14 Q. By the way, that's Number 12. As long as you have turned it
15 around, let me offer Number 12, since you have flipped it
16 around.

17 THE WITNESS: Sorry.

18 MR. STERN: That's okay.

19 Any objection?

20 MR. LEE: No.

21 THE COURT: 12 is admitted.

22 *(Exhibit 12 was admitted into evidence.)*

23 BY MR. STERN:

24 Q. Now you can flip it around.

25 A. This is a picture of Brett Bishop. This is his left shoulder

1 Q. Yes.

2 A. Yeah. His forehead was red right there at the time I saw it.
3 I'm not sure from what, but, yeah, right where the flash is,
4 is kind of the spot.

5 Q. But when you saw him, did he appear to have a fresh mark in
6 the middle of his forehead?

7 A. Yes, a fresh cut.

8 Q. And you mentioned that he had a bleeding mark on his other
9 arm?

10 A. That's right.

11 Q. Can you describe that to us.

12 A. Yes. It was an open cut that was bleeding on his left arm.

13 Q. The photograph that I've handed to you, which is Number 13,
14 does that accurately reflect what you saw?

15 A. Yes, it does.

16 MR. STERN: I offer Exhibit 13.

17 MR. LEE: No objection.

18 THE COURT: 13 is admitted.

19 *(Exhibit 13 was admitted into evidence.)*

20 BY MR. STERN:

21 Q. Why don't you to turn that to us. That white thing, is that
22 some gauze that had been on it?

23 A. Yes. He's been treated by Fire Department personnel by this
24 point, and that's some gauze that they've rolled up to put on
25 there; but this is just how it looked. It was a deep cut, as

1 you can see by the photo.

2 Q. Let me see if we can go back. You had seen him, and he
3 appeared to be injured?

4 A. Yes, when he first came out.

5 Q. Sufficiently that you called the fire aid crew?

6 A. Yes.

7 Q. And they patched him up?

8 A. Yes. They gave him minor treatment there.

9 Q. And that gauze was part of that?

10 A. Uh-huh. That's right.

11 Q. You then removed that; that was then removed for the
12 photograph of that --

13 A. Yes.

14 Q. -- of that injury.

15 One more thing. I'm going to ask you to step down here so
16 we can all see this a little bit better. I want to go over
17 Photograph Number 12 with you one more time a little closer so
18 the jurors can see it.

19 A. *(Leaving the witness stand.)*

20 Q. You mentioned -- I'll do that, and you stand right there.

21 You mentioned that -- these got sort of staggered. Now,
22 there's a mark also on the neck of Brett?

23 A. That's correct.

24 Q. Describe for us what you saw on him.

25 A. The mark on his neck is like a straight line that's very red.

*Conflicts said he arrested me +
left that he had little dealings
W/B
What about mark on my neck
proves he didn't check*

1 A. When he stepped out of the residence, I could see that he
2 wasn't wearing a shirt. I saw a bleeding wound on his right
3 hand -- on his right arm, shoulder area. He had red, what
4 appeared to be scratch marks or abrasions on his left upper
5 arm. He had what appeared to be cuts on his neck and a
6 bleeding wound on his forehead.

7 Q. Let's do them, I guess, in the order that you talked about.
8 He had a bleeding wound on his right arm?

9 A. That's correct.

10 Q. Tell me about what you saw.

11 A. It appeared to be like a cut, or it was open, kind of like a
12 gash, and it was bleeding down his arm, and also the blood was
13 coming down on his lower, I guess, right-hand side.

14 Q. Did you come to learn that the aid crew eventually came and
15 tended to him, cleaned up the wounds a little bit?

16 A. Yes.

17 Q. And after they cleaned up the wounds a little bit, to your
18 knowledge, was a photograph taken?

19 A. That's correct.

20 Q. I'm going to show you what we have marked as Exhibit 13. Does
21 that show just the open wound after it had been cleaned up?

22 A. That is correct.

23 Q. Does this photograph accurately depict the wound to his right
24 shoulder?

25 A. It does.

1 Q. The lady sitting right here next to Mr. Lee in the gray sort
2 of suit thing, do you know -- have you ever seen her?

3 A. I have.

4 Q. Who is that?

5 A. It's Renee Bishop.

6 Q. Were you one of the officers who responded to her residence on
7 October 14th of last year?

8 A. I was.

9 Q. When you got there, what was your job; what was going on?

10 A. When I arrived, I joined Officer Katzer at the front of the
11 residence. A male walked out of the residence, and I spent
12 most of my time with him.

13 Q. Let me ask you the dumbest question I've got to ask during the
14 trial, but a question I actually have to ask at one point
15 during the trial. What state was her residence in?

16 A. Everett, Washington.

17 Q. And when you got to the residence, Officer Katzer was there?

18 A. Correct.

19 Q. Any other officers that you remember?

20 A. I remember other officers being there. I believe it was K-9
21 Officer Gill and Officer O'Hara.

22 Q. But your main function was dealing with Brett?

23 A. That's correct.

24 Q. And in doing that, tell me how you came into contact with him,
25 what he looked like, what was going on.

1 Q. Except when you saw it, it was more bloody?

2 A. That is correct.

3 Q. Tell me about the injury to his forehead area.

4 A. It was about the upper middle forehead area, and it was just
5 bleeding. All I saw is that it was red and bleeding.

6 Q. Fresh blood?

7 A. That is correct.

8 Q. Again, to your knowledge, the aid crew would have patched that
9 up, cleaned that up prior to some photographs being taken?

10 A. Yes. ← evidence taken after fact - Wong Su -
bad fruit

11 Q. Now, let's talk about the injuries to his other shoulder.

12 Tell me about that.

13 A. It was irregular kind of red marks of some sort.

14 Q. Are they the ones depicted in Photograph Number 12 here?

15 A. That is correct.

16 Q. And tell me -- you recognize what is in this photo?

17 A. Yes, I do.

18 Q. Tell me what that appeared to be to you, what those marks
19 looked like.

20 A. It appeared to be something that skipped across, some sort of
21 cut or some sort of -- something that caused those.

22 Q. You said that there was a cut on his neck. = ~~that was the~~
~~head~~

23 A. That is correct.

24 Q. Tell me about that.

25 A. There were several. They looked superficial; they weren't

1 very deep, but they were bleeding.

2 Q. So they were fresh?

3 A. That is correct.

4 Q. And to the extent you can, just show them, on your neck, where
5 they were.

6 A. They were on the throat area, right across here (*indicating.*)

7 Q. And were they crosswise?

8 A. Yes.

9 Q. Were you able to have a conversation with Brett about what had
10 happened?

11 A. I was.

12 Q. Did you learn how it is that he got all those injuries?

13 A. I did.

14 Q. And what did you learn about who had inflicted those injuries?

15 A. He told me he believed it was his wife, Renee Bishop.

16 Q. Were you able to determine the source of the injuries to the
17 neck?

18 A. I did.

19 Q. Which was?

20 A. A Sawzall that was found in the bedroom.

21 Q. Did you ever talk with Ms. Bishop?

22 A. I did not.

23 Q. Were you pretty much confined to Brett?

24 A. I was.

25 Q. And what else did you do that evening?

not sure/dark

bad witness @ is

1 me that she was injured indicating her arms were injured.
2 She did have blood on her, but I could find no active
3 bleeding or any wound.

4 Q You used the term and you're going through the house and
5 you're talking about the walls, the term "transfer," blood
6 transfer. What did you mean by that?

7 A Blood transfer is like if I have blood or any type of paint
8 or anything on my hand and I walk through an area and I was
9 to brush up against it, that is transfer. I'm transferring
10 whatever I had on me to another surface.

11 Q The -- did you see -- you said you saw some blood on Brett
12 both fresh blood and other types of blood on him.

13 A I did, sir. He had blood on his arm and then other
14 injuries over his body.

15 Q O.K. Let me show you what I believe we've admitted.

16 Exhibit 26 is admitted; is that right?

17 No? O.K. Well, then it will be.

18 Let me show you what we've, marked as Exhibit 26. Can
19 you tell me what that is?

20 A That is the torso, lower body portion of Brett.

21 Q O.K. And does that distinguish from fresh blood to sort of
22 this transfer you're talking about?

23 A Yes, sir.

24 Q Does that show what you're talking about by transfer?

25 A It does.

1 MR. STERN: Offer Exhibit 26.

2 MR. LEE: No objection.

3 THE COURT: All right. 26 is admitted.

4 (Whereupon, Exhibit(s) 26
5 was/were admitted into
6 evidence.)

6 BY MR. STERN:

7 Q If I put this in front of the jurors, tell them what
8 they're going to look at first.

9 A That is Brett sitting on his couch in his living room. You
10 can see his jeans, he is shirtless. He is leaned over, and
11 you can see the right side of his torso.

12 Q O.K. So when you're talking about blood transfer, this
13 would be what basically you're talking about?

14 (Indicating.)

15 A Yes, sir.

16 Q So blood that would have come like from rubbed off or --

17 A From another surface or contact with something else.

18 Q All right. And he had fresh bleeding from this open area
19 in his arm and other places?

20 A He did.

21 Q And other places as well?

22 A Yes.

23 Q The -- and you saw no such injuries to Ms. Bishop?

24 A I did not.

25 Q Did she say anything else that caused you to take any

1 A I have.

2 Q And you remind us what that is of.

3 A It is of the left side, upper torso of Mr. Bishop, his arm
4 area.

5 Q O.K. And what is significant to you? Let me -- hold it in
6 front of the jurors, what's significant to you about that
7 photo?

8 A It's a pattern.

9 Q This here? (Indicating.)

10 A Yes. And it's consistent with the blade of the Sawzall,
11 the teeth of the blade with the Sawzall not actually being
12 on at the time. It's where it impacted and swiped the
13 skin.

14 Q And is that -- one last question. We had talked about --
15 well, one last question on some of these photos. We had
16 talked about the daughter's bedroom. You've collected my
17 chart, haven't you?

18 And the daughter's bedroom here; is that right?

19 A That's correct.

20 Q And which we had had earlier admitted a photograph taken
21 from an angle of that window. Let me show you what we've
22 now marked as Exhibit 37. Is that sort of a better
23 straight on shot of that?

24 A It is.

25 Q And is that of the window that's right here? (Indicating.)

1 where the Sawzall actually attaches -- the blade actually
2 attaches to the instrument itself where it retracts in and
3 out, there was blood on the blade there.

4 **Q** And did that appear to be fresh blood to you?

5 **A** It did.

6 **Q** And I believe my next photo is of -- 33 is of that --

7 **A** Yes, sir.

8 **Q** And is this -- can you show me -- here, I'll give you this
9 pointer; you can walk down if you want. Do whatever you'd
10 like. The best way to do it. Show me what you're talking
11 about as far as --

12 **A** This here this discoloration of the redness is the blood,
13 and this is where the blade would retract in and out. This
14 is your platform to keep it from cutting yourself when
15 you're cutting. But this different color, the darker color
16 what appeared to be blood.

17 **Q** Thank you. Just so the record is clear, as we look at
18 photograph 33, that would be on the left-hand side of the
19 photo?

20 **A** Yes, sir.

21 **Q** O.K. Now, you happen to have experience with these
22 Sawzalls and what not.

23 **A** Yes.

24 **Q** Let me show you photograph 12 again. And you've seen this
25 picture before?

1 A. That is correct.

bad fruit

2 Q. What did you do with that?

3 A. We took it -- rolled it up and took it as evidence.

4 MR. STERN: Those are the only questions I want to ask
5 you, sir. Mr. Lee may have some.

6 THE COURT: Thank you, Counsel. Cross-examination, Mr.
7 Lee.

8 MR. LEE: Thank you, your Honor.

9 CROSS EXAMINATION

10 BY MR. LEE:

11 Q. Do you recall, in your conversation with Brett Bishop, that he
12 said he and his wife were in the bed, asleep?

13 A. I do.

14 Q. Was that the first thing he said to you?

15 A. I don't recall exactly. He had a hard time talking to me at
16 first.

17 Q. While they were in the bed, asleep, he woke up to the sound of
18 buzzing and pressure on his neck?

19 A. That is correct.

20 Q. And then he jumped up?

21 A. That is correct.

22 Q. Do you remember what his wife purportedly said to him at that
23 time?

24 A. She said, It is stuck to me, and, There is someone in the
25 house.

1 MR. LEE: That's all.

2 THE COURT: Redirect?

3 REDIRECT EXAMINATION

4 BY MR. STERN:

5 Q. When you got there, was Mr. Bishop still in the house?

6 A. I believe so. When I got there, he was just coming out of the
7 residence.

8 Q. But when you got there, was the front door closed, and he's
9 the one who opened it?

10 A. I do not recall.

11 MR. STERN: I have nothing else. Thank you.

12 THE COURT: Recross?

13 MR. LEE: No, your Honor.

14 THE COURT: Anything else from this witness?

15 MR. STERN: No. Thank you.

16 THE COURT: All right. Thank you for your testimony this
17 afternoon, Officer. You may step down. You may be excused.

18 *(The witness was excused.)*

19 MR. STERN: Judge, we are on schedule for the day, and the
20 next witness will be here tomorrow morning.

21 THE COURT: All right. Anything else, Mr. Lee?

22 MR. LEE: No, your Honor.

23 THE COURT: Ladies and gentlemen, we have come to the end
24 of the day. We are a little bit early. Normally, the court
25 day ends at 4:30, so normally we have a full day, we will go

Brett V

- 1 Mr. and Mrs. Bishop?
- 2 A. Yes, I did.
- 3 Q. What did you hear?
- 4 A. I heard Brett Bishop stating that -- words to the effect
5 of "You did this," things like that. And Renee stating 09:30
6 words to the effect of, you know, "I didn't do it. It was
7 another person. Don't say anything because they'll call
8 CPS and take our kids away," that kind of thing.
- 9 Q. Okay. Did you also hear him say, "You tried to cut my
10 head off. You're going to jail"? 09:30
- 11 A. Yes.
- 12 Q. Okay. Would that in your mind have made her a suspect?
- 13 A. I was still undetermined as to the facts of the case as to
14 what had happened.
- 15 Q. But you did hear him make those statements? 09:30
- 16 A. I did hear him say that, yes.
- 17 Q. So -- and then you talked first to him?
- 18 A. Only briefly, yes.
- 19 Q. And when you talked to him, did he say who he had thought
20 had attacked him? 09:31
- 21 A. No, he did not.
- 22 Q. What did he say?
- 23 A. He stated that he had been attacked. He said that my wife
24 said that there was another person, but I didn't see them.
- 25 Q. Okay. Did he say whether if there was any -- whether he 09:31

1 Q. Did she ever ask for an attorney?

2 A. No, she did not.

3 Q. And the interview eventually ended probably over an hour
4 after it began at -- Ms. Bishop saying, you know, that was
5 enough, she didn't want to talk any more; is that correct?

09:29

6 A. That's correct.

7 MR. STERN: Those are the only questions I wanted to
8 ask you, sir. Thanks.

9 THE COURT: Thank you, counsel. Mr. Lee, cross
10 examination?

09:29

11 MR. LEE: Thank you, Your Honor.

↓ ho 20

12 ~~CROSS EXAMINATION~~

13
14 BY MR. LEE:

15 Q. When you arrived at this residence, were there any other
16 officers there?

09:29

17 A. I don't believe so. I think I was the first on scene.

18 Q. Do you know when Officer Katzer arrived in relation to
19 when you arrived?

20 A. I'm Katzer.

09:29

21 Q. I'm sorry, I didn't mean Katzer. I mean Atkins.

22 A. Detective Atwood, she didn't arrive in the interview much
23 later after I transported Ms. Bishop to the
24 jail -- or to the police station, excuse me.

25 Q. When you arrived, did you hear any colloquy between

09:30

Brett

1 saw any evidence of another person?

2 A. I didn't talk to him for that long, but did he not say
3 that, no.

4 Q. Did he say whether he saw anyone else?

5 A. He stated that he had not seen anyone else. 09:31

6 Q. Did he say what woke him up?

7 A. I don't believe initially he said what had woke him up,
8 but I know that later on he said that it was the sawzal
9 cut that -- I'd have to refer to my report to see if he
10 said it immediately. 09:31

11 Q. Would you do that.

12 A. He didn't initially state whether or not or how he had
13 woken up, but he did say that someone had taken a sawzal
14 to his neck. *unsure*

15 Q. Did he say anything about whether it was light or dark? 09:32

16 A. Not initially.

17 Q. Before you talked to Renee Bishop, had he said anything
18 about whether it was light or not?

19 A. Not that I recall.

20 Q. Did he say anything about seeing his wife holding the
21 sawzal? 09:32

22 A. Not before I talked to Ms. Bishop. Later he did.

23 Q. Before he talked to Ms. Bishop?

24 A. Correct. He did not say that before I talked to
25 Ms. Bishop. 09:32

1 Q. Okay. Again, in your report, in the second paragraph of
2 your report, is this a part of his statements to you prior
3 to your talking to Ms. Bishop when he says that he'd been
4 cut with a power tool and a hatchet?

5 A. He did say that he'd been cut with a power tool and a
6 hatchet, yes. 09:33

7 Q. And when he turned the light on he saw his wife, Renee
8 Bishop, holding the sawzal?

9 A. I didn't learn that until later.

10 Q. Okay. Does your report indicate that? 09:33

11 A. In my full narrative it does. I believe you're looking at
12 the superform; is that correct?

13 Q. Yes.

14 A. Okay.

15 Q. Okay. So in your mind with the information that he had
16 heard him say that it was his wife and she tried to cut
17 his head off, you still did not consider her to be a
18 suspect at this point? 09:33

19 A. I had -- I didn't have enough information to make a
20 determination on what had happened yet. 09:33

21 Q. Do you think -- let me ask you this: If Renee Bishop,
22 when she did come to the door, if she had walked past you
23 and simply walked down the street, what would have
24 happened at that point?

25 A. I would have detained her. 09:34

1 A. No.

2 MR. STERN: Officer, those are the questions I want to ask
3 you. Thank you.

4 THE COURT: Thank you. Counsel, cross-examination.

5 MR. LEE: Thank you, your Honor.

6 CROSS EXAMINATION

7 BY MR. LEE:

8 Q. When the 9-1-1 call came in, you didn't receive that call?

9 A. Not directly to me.

10 Q. How did you get the information?

11 A. The 9-1-1 dispatcher who sends police cars to those calls
12 sent the information to my computer screen and advised me over
13 the air.

14 Q. And what were you advised of?

15 A. That there was a male on the line talking about being
16 assaulted by a Sawzall.

17 Q. Did the 9-1-1 report say anything about being assaulted by his
18 wife?

19 A. No. I don't believe that it did.

20 Q. Did it say anything about a stranger or other person?

21 A. No.

22 Q. So that's all the information you got?

23 A. That's correct.

24 Q. When you arrived at the residence, it would have been how long
25 after you received the call that you got there?

1 A. Probably only a couple of minutes. I don't recall how long it
2 took me to drive there, but I know I was in the area.

3 Q. And did you hear Brett Bishop say anything other than that his
4 wife had done that to him?

5 A. I'm sorry, I didn't --

6 Q. Did you hear him say that there was somebody there or anything
7 like that?

8 A. He said, when he came out, that there had been somebody
9 else -- or, he said, my wife told me there was somebody else;
10 I didn't see them.

11 Q. And it was after that that he concluded that his wife had done
12 it?

13 A. I was not with him for that portion.

14 Q. All right. So the bedroom window was -- her bedroom window,
15 in her room, was open that night?

16 A. Yes. That's correct.

17 MR. LEE: That's all.

18 THE COURT: Redirect.

19 REDIRECT EXAMINATION

20 BY MR. STERN:

21 Q. In that one minute that you were waiting for her to open up
22 the house after Brett had come outside, do you know what she
23 was doing?

24 A. No.

25 Q. Was Officer Kravchun one of the officers who arrived with you

Hatchet touched

1 A Absolutely.

2 Q As you had walked through the first time, you didn't
3 mention anything about a hatchet.

4 A No, I didn't. We did not see a hatchet on the initial
5 sweep of the residence. But while we were going through
6 here this second time, Brett had stated that he believed he
7 was hit with a hatchet. He had this wound on his arm that,
8 in my estimation, appeared consistent with his claim. So
9 we believed we had an outstanding hatchet. We looked
10 around and in the kitchen, on top of one of the appliances,
11 I could see a handle protruding from the side of it. I did

12 pick that tool up. It looked like a handle from a tool and
13 observed that it was, in fact, a hatchet. That also looked
14 new. That hatchet also had a small amount of blood. I
15 also noticed that it had drops of water on it.

16 Q Now, you mentioned -- well, let's go back to the hatchet
17 and the blood. Tell me about that.

18 A So, as I stated, the little amount of blood near the actual
19 blade of the hatchet and then some water along the side of
20 the hatchet. If my fingertips were the blade, I would be
21 talking about this area here. (Indicating.)

22 And, to me, it appeared the hatchet had just been
23 rinsed. I mean, that's what it looked like.

24 Q Let me show you a photograph which I think is number 17.

25 And do you recognize what's in this photograph?

1 A After that, I returned my dog to his car, was clear I
2 wasn't going to use him. I then returned back inside the
3 residence with Tim O'Hara to collect some of these items
4 that we had observed earlier in the home.

5 Q Now, I want to talk about that.

6 What -- as you went through, you told us you found the
7 mallet where now?

8 A It was on a counter in the kitchen.

9 Q Did you -- were you able to see anything about the mallet?

10 A It appeared brand-new. I do recall Brett stating that he
11 didn't recognize it as one of his tools.

12 Q ~~And did you -- the Sawzall, you said you saw that in the~~
13 ~~bedroom here?~~

14 A That's correct.

15 Q Did you see anything about that that was significant?

16 A Again, like the mallet, it did look new as well. There was
17 a small amount of blood on the blade that was attached to
18 it. The other blade that was lying a few feet away also
19 appeared to be a new, fresh blade.

20 Q You could see what appeared to be blood?

21 A Yes.

22 Q Are you particularly trained on how to try to collect
23 things in a way to preserve the blood and not --

24 A Yes, sir.

25 Q And was that -- all those precautions made?

↓ Wong-su

and yet you touched the hatchet

(B) dark house

1 THE COURT: All right. Mr. Lee,
2 cross-examination.

3 MR. LEE: Thank you, Your Honor.

4
5 CROSS-EXAMINATION

6 BY MR. LEE:

7 Q Mr. Bishop, can we go back to the night of the incident and
8 kind of take you through what happened in -- from the time
9 you first woke up and something was going on. The house
10 was all dark at that time, was it?

11 A Yes. The house was dark.

12 Q So you couldn't see very well?

13 A I could see if anyone was in the room.

14 Q O.K. When you were awakened, you didn't know who was
15 trying to attack you at that point, did you?

16 A Not at that point.

17 Q O.K. And later, when you and Renee were both up and you
18 were struck with the hatchet?

19 A Uh-huh.

20 Q Did you know who struck you with the hatchet at that time?

21 A Not at that time.

22 Q O.K. And when you were hit on the head with the mallet,
23 did you know who had struck you at that time?

24 A Yes.

25 Q Did you see Renee strike you with a mallet?

how w/ sheets +
towels over
window?
w/ no glasses

Not 100%

1 Q And they're accurate pictures?

2 A Yes.

3 MR. STERN: Offer 35 and 36.

4 MR. LEE: No objection.

5 THE COURT: All right. 35 and 36 are admitted.

6 (Whereupon, Exhibit(s) 35 & 36
7 was/were admitted into
8 evidence.)

8 BY MR. STERN:

9 Q And those came up because she asked you to?

10 A Yes.

11 Q One last thing here. I think in this photo -- yeah. In
12 that photo, the bleach was also on the counter. This thing
13 here in the middle, what's that?

14 A That's a -- that's the battery for the Sawzall.

15 Q And how did that get there?

16 A I took it out of the Sawzall in front of the refrigerator
17 basically.

18 Q And how did that happen?

19 A Renee came at me in the kitchen with the Sawzall, kind of
20 raised up, and we had a struggle over it, and she kept
21 pulling the trigger making it run, so I reached down and
22 pull the battery out of it and put it there.

23 MR. STERN: All right. Sir, those are my
24 questions I want to ask you. Mr. Lee may have some
25 questions. Let me take this photograph down.

lie

1 Q Within this jurisdiction and throughout the northwest, do
2 emergency sort of aid crew work through the fire
3 department?

4 A Yes.

5 Q So if somebody is injured and they call the fire
6 department, somebody who is sort of trained like you who
7 will be one of the folks who show up?

8 A Call 911 and it's a medical call, we'll show up.

9 Q Give us a little summary of your professional training,
10 experience, and what not.

11 A Work Everett Fire Department for nine and a half years.
12 Variety of different ranges ladder trucks, engines, fire
13 calls, EMS calls.

14 Q What's your training in emergency medical services?

15 A I'm an EMT, just a basic EMT. There's paramedics and
16 there's different levels.

17 Q O.K. EMT stands for emergency medical --

18 A Technician.

19 Q O.K. Thank you.

20 Is it -- if so, if somebody needs aid, if they're
21 injured and the police call or somebody calls for aid, a
22 fellow like you or the people you work with would show up;
23 is that right?

24 A Correct.

25 Q Did you and a crew of your colleagues respond to an address

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(Whereupon, the witness stepped down.)

MR. STERN: Give me just a second. I'll grab --
If you could turn your radio off for a minute. You just got a call, right?

If you just turn it off, we'll get you out of here in five minutes, I bet.

TIMOTHY MANN, having been called by the State and being first duly sworn by the Court, testified as follows:

DIRECT EXAMINATION

BY MR. STERN:

Q Sir, when you get settled, would you tell us your full name, please?

A Timothy Mann.

Q And you're wearing a uniform. What kind of uniform?

A Everett Fire Department.

Q What do you do for a living, sir?

A Work for the fire department, firefighter.

Q Doing what?

A EMS calls, fire calls.

Q An EMS?

A Acting driver.

Q An EMS stands for?

A Emergency medical services.

1 that, see what's going on, and we all kind of talk to
2 patients and see what --

3 Q Did he have some wounds to him?

4 A Yes.

5 Q Did he have blood coming from various parts of him?

6 A Yes.

7 Q And were you and your colleagues able to treat him there?

8 A Yes.

9 Q Was there a bruise to his forehead?

10 A Could have been, yes.

11 Q And the neck?

12 A Yes.

13 Q And the worst of the injuries was to a shoulder; is that
14 right?

15 A Cut on his shoulder, yeah.

16 Q Among other things, did you folks clean that up?

17 A We would have wiped it down, looked at the area, make sure
18 there was nothing else going on or any further injuries to
19 that area.

20 Q And would you have put some gauze on it, patch it up?

21 A Yes.

22 Q Show you what we've marked as Exhibit 13. You
23 remember that injury from Mr. Bishop that night?

24 A That could have been it. *not 100%*

25 Q Now, did that appear to be a recent, fresh injury?

1 on Hoyt Avenue back October 14 of last year?

2 A Yes, we did.

3 Q And there's a report of that event and you've got that?

4 A Right here. (Indicating.)

5 Q And you've had a chance to review that?

6 A Yes.

7 Q And what you're saying right here, you've got a copy of
8 that with you. O.K.

9 When you got to that, how many other people were on
10 that call with you?

11 A On my rig?

12 Q Yeah.

13 A There's three of us.

14 Q O.K. And what's the -- what were the functions of the
15 other two people?

16 A Captain, myself as a driver, and then what's called a pipe
17 man.

18 Q O.K. When you got to the residence, did you see eventually
19 two civilians?

20 A Yes.

21 Q Let's deal with the man first. What did you see? What did
22 you do?

23 A Park out the sidewalk, sat him down, the pipe man's duties
24 are normally to assist wounds or, you know, medical care,
25 whatever is needed and stuff. So he would have looked at.