

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

COURT OF APPEALS
DIVISION I

2014 APR -3 PM 2:12

STATE OF WASHINGTON)

Respondent,)

v.)

Brian Wilson)

(your name))

Appellant.)

STATE OF WASHINGTON

BY u

No. 45398-3-II

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, Brian Wilson, 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 Ground 1

See Folder # 1 pages 1 thru 4

Additional Ground 2

See Folder # 2 Statement of additional grounds pages 1 thru 6

Also Folder # 3 Statements

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

Date: 3-18-2014

Signature: [Signature]

Case # 45398-3-11

RECEIVED
APR - 3 2014

March 28, 2014

To the Court of Appeals,

CLERK OF COURT OF APPEALS DIV II
STATE OF WASHINGTON

My name is Brian Wilson. I believe I was falsely arrested and convicted of 3rd Degree Child Molestation. I believe my attorney, Ms. Michelle Taylor, violated my right to a fair trial by not presenting evidence she had in her possession, which she had shown me during my incarceration, which could have changed the outcome of my trial. I believe Ms. Taylor violated my constitutional right to a speedy trial by continuing to postpone it against my wishes (for an earlier trial date). I believe Ms. Taylor allowed the Port Orchard Police Officers David Walker and Patrick Pronovost, to cause the jury to believe the subject officers actually witnessed the incident as it was happening, when my attorney had been in possession of a written statement from the bus driver, Ms. Helen Henry, concerning her call to Kitsap Transit Dispatch. (Note: Kitsap Transit Dispatch placed a call to 911). Ms. Henry stated the call to Kitsap Transit Dispatch was made some time after the incident was over. I believe my attorney asked the court to not have the officers testify about those statements by the witness Helen Henry. In the court transcript, page 9, lines 11 - 19, Ms. Taylor says to the court, "there were statements taken a few weeks after (the incident), I would not want the Officers to testify as to those statements".

The Witnesses who were in court, were not contacted until April 18, 2013, by Port Orchard Police Officer Jason Glantz, to give their statements. I read his report in which he stated he had to track down Ms. Henry, who made the call to her dispatch, because the police did not know who made the call, only it came from Kitsap Transit. He also had to track down Ms. Laura Talkington/Hicks. They both came in on April 19th 2013, to give their written statements.

I would ask the Court of Appeals to admit Ms. Henry's original written voluntary statement, taken April 19, 2013 for the reason as follows: Ms. Henry states she witnessed the incident, she intervenes and makes the man leave, the man leaves the area. The girl, Miss Belfiore gets on her bus, the 86. She asks the girl if she is okay and if she wants someone to be called for her. Miss Belfiore says she is okay she doesn't need anyone called. Miss Belfiore doesn't tell Ms. Henry the story she later tells the officers. Ms. Henry does not say that Miss Belfiore gets off her bus. She says as she is leaving the transfer station, she sees the man

come into her view and bother an older man and that is when she called her dispatch. She does not see any police officers. She doesn't say she recognized the man. She doesn't mention other people helping her chase the man away.

During Ms. Henry's testimony at the trial (page 78 of the transcript, lines 8 – 19) she is asked if she made the call that day. The Prosecuting Attorney asked her to describe the incident. Ms. Henry was stopped in her testimony at the point where Miss Belfiore gets on her bus. She is never asked, what time the incident happened or when she made the call to Kitsap Transit Dispatch. Also, she was not asked where Miss Belfiore went from where the incident happened. My attorney knew the call was made after the incident happened, she knew Ms. Henry made the call to Kitsap Transit Dispatch as she was driving away. Yet, she never asked this simple question: "What time did the incident actually occur?" In the cross examination, she allows a Mr. Raheem to use my name, as if it were me who was there, when he asked, "Ms. Henry, you didn't see Mr. Wilson grab Ms. Belfiore's breast, did you?"

I told my attorney I did not do this, I was not there. My attorney allowed her assistant to use my name, as if I were there.

I am asking the Court of Appeals admit Officer Glantz's supplemental report dated 4/19/2013, containing the phone statement of Ms. Tarkington/Hicks, where she states she saw a man get arrested from the ferry. She latter added to her story, she ran to a patrol car and summoned the officer. The Officer does not remember anyone coming to the car. Ms. Henry doesn't remember Ms. Talkington/Hicks helping her tell the man to leave. Ms. Talkington/ Hicks stated in her testimony at the trial, when asked, what time of the day the incident happened, she replied incident happened around "noonish". The reports shows the Officers Walker and Provonost responded to the 911 call at 3:55 pm.

I am asking the Court of Appeals to admit Officer Walker's investigation report, dated 3/6/2013, the date of the incident. Officer Walker states he responded to a call of a male harassing a female at bus stop located at 720 Sidney Parkway. Upon arrival he contacted the victim at which time Ms. Belfiore told him about the incident. Then Officer Walker stated Ms. Belfiore pointed out a male and he immediately recognized him as Brian Wilson. He stated he and Officer Pronovost quickly detain Brian Wilson (me). He states he asks Mr. Wilson about the incident but Mr. Wilson does not know what he is talking about. Officer

Walker's Testimony at the trial conflicts with his initial report on the day of the incident. In his testimony (pages 123 -126) he says he responded to the call. They (Officers Walker and Pronovost) arrived, the suspect was pointed out and I went towards him and arrested him. When asked if he talked to Ms. Belfiore, he states, I think I talked to her briefly. Officer Walker stated: "Basically, she pointed to the direction where the suspect was. I didn't get a blow by blow detail of what happened, but it was sort of pointed out, that's him. Other people in the area pointed." He stated other people were there but, neither he or Officer Pronovost took down any names.

I believe they violated my rights by not asking any of the people at the scene if they witnessed the incident.. It has not been established what the time line was from the incident to the time of dispatching by CenCom (911). When the officers arrived they saw me in the area and arrested me because I was wearing similar clothing to the suspect, I was intoxicated, so they assumed I was the guilty person.

I am asking the Court of Appeals review Officer Pronovost's testimony in which he states, he observed me leaning over Ms. Belfiore and her pushing me away. This testimony conflicts with Officer Walker's report and testimony in which he stated he did not observe the incident. My attorney did not bring this to the jury's attention. She lets the jury believe Officer Pronovost saw the incident happen, even though he could not have, because he was responding to a call made after the incident was over. Also, at that time of day, the Bus Shelter has a line of buses parked in front of it, it is not visible from either direction a car could come from.

The description given of the suspect by Ms. Henry who witnessed the incident was: "A white male in his early 20s, wearing a dark sweater, dark knit hat and jeans. He was drunk and high."

I was wearing a blue hooded sweatshirt, jeans, and a blue beanie with large white snowflakes on it, and a backpack. I was intoxicated. I was 31 years old at the time. I was dropped off at the ferry at 1:30 pm by my Father, Ed Wilson. I had not been drinking before I was dropped off. I walked to the nearby 7-11 which is about a quarter mile from the ferry. I bought a beer and walked to the picnic tables by the boat launch. I sat there and listened to music for several hours. I made several trips to the 7-11 next to the boat launch to

buy beer. I was sitting by the water, listening to music. I believe that's where Officer Walker found me because someone pointed out which way the man had gone, and I was the only one somewhat matching the description, in the area.

Finally I am asking the court to admit Ms. Belfiore's original statements and look at her testimony in the trial. In her original statement, she only states that her friend helps her. She never mentions Mrs. Henry, who stopped to help her, chased the man off, took her on her bus, and who later when she saw the man coming back, reported it to Kitsap Transit. In her testimony at trial, Ms. Belfiore remembers being on a bus when the police come, but it's not Mrs. Henry's bus. She remembers the police pulling in front of the bus and getting off to talk to them. Her testimony conflicts with what the Port Orchard Officers state in their testimony. How can Ms. Belfiore identify a man some distance away as the suspect, then never have him brought over to her to make sure he is the right man. Why if there are so many witnesses at the scene, Why don't the Officers Walker and Pronovost, take down names or ask questions?

I told my attorney Ms. Taylor that I was innocent. I told her I could verify where I was from 9:00 am to 1:30 pm when I was dropped off at the ferry by my father. I told her where I remember being by the 7-11. I tried for months to get information about the incident so that I could prove I was not there. When Ms. Taylor finally did show me reports and statements and I attempted to point out some of the inconsistencies, Ms. Taylor became angry and frustrated with me. She would take the papers and walk out. At one point, Ms. Taylor and Ms. Lewis, the prosecutor came in and told me "we know you are not a sex offender, but you have a problem with alcohol. You need to take the plea bargain" I was afraid to ask for another attorney, because I was told if I did, they could keep me in jail for another 90 days and would start the process all over again. I thought the jury would be able to see the statements and reports that I saw, and would see I was innocent. To me, taking the plea bargain, was like saying I did it when I did not do it. When I did not take the plea bargaining, Ms. Taylor made no effort to defend me at my trial.

I am asking the Court of Appeals, to please allow the evidence I have noted, to be reviewed in my appeal.

Sincerely, Brian Wilson

page 1

Brian Edward Wilson Case No. 45398-3-II

Personal statement

Statement of Additional Grounds

I'm writing this in response to the letter sent to me on November 4, 2013. Asking for my input and why I believe the conviction and/or sentence should be reversed or modified. I was not the man involved in this incident. If I had any doubt I was involved I would have took the deal of 1 year of outpatient treatment. That was offered in a meeting with my public defender and the prosecutor Mrs. Lewis around a month before my jury trial. I was lead to believe this incident happened around 3:50 pm. When the police report the call and responded. During the trial the witness Laura Talkington states it happened around noonish. I had not been drinking and was dropped off at the ferry in Port Orchard at 1:30 pm and had been in the area of the 7-11. Until my arrest later that day. I asked Mrs. Taylor to question officer Walker during my trial about exactly where I was arrested, Mrs. Taylor did not. I told Mrs. Taylor and the private investigator Mrs. Durkee. Where I was from 9:30 am to 1:30 pm and what I could recall of the time leading up to the arrest. My dad Ed Wilson and his Renter Cheryl Price could have testified to my where a bouts and verified the times of where I was, what I was doing, and my condition. I gave a 25 page letter to the private investigator Mrs. Durkee and Mrs. Taylor. That stated the time I was dropped off that they had copies of . My dad or Cheryl were never contacted and my dad was never able to reach Mrs. Taylor after several messages. Also In a letter to Kitsap Transit I stated the time I was dropped off at the ferry transfer station 1:30 pm. Only the veg description of what I was wearing was used from the letter. The Letter to Kitsap Transit was used against me in the trial. The prosecutor Mrs. Lewis made it seem like I wrote the letter directly to Mrs. Henry ,and I was badgering a witness. I didn't write the letter to Mrs. Henry I only mention her name a few times in the letter itself. A few key things stuck out to me in the trial. Mrs. Henry corrected the prosecutor in her questioning. Mrs. Henry told Mrs. Lewis I did not Write the letter to her I wrote the letter to her work. When Mrs. Henry said this and the way she said It. Mrs. Henry was sticking up for me and most likely knew I was not the man involved but could answer Mrs. Lewis's carefully worded questions. Mrs. Henry was questioned about what I wrote in the letter. Not if I was the man she saw with Haley Belfiore on 3-6-13. Page 81 of the transcript it states "He mailed a letter to my employer to come to me". I remember this this statement very clearly. Mrs. Henry Stated I did not write the letter to her but to her work. She understood what Mrs. Lewis was doing in her line of questioning. I wrote two letters to Kitsap Transit only the first of the two was used in my trial and there was no record of it. In the second letter to Kitsap Transit I wrote what I forgot to mention in the first. Kitsap Transit had my picture on file my bus pass had my photo ID on it. I had replaced my bus pass a few weeks before my arrest and had used the same picture for the replacement ID. I rode the Bus often more so in Bremerton where I lived at the time but often came to Port Orchard to visit or make extra money working for my dad. I believe Mrs. Henry knew who I was and I was not the person involved. Weeks before the trial Mrs. Taylor told me Mrs. Henry said the man involved has caused problems on her bus before. I don't know if there is any truth to this statement of Taylor's but I've never had any problems with any Kitsap Transit driver. On page 81 of the transcript line 18 to 22 Henry states she recognized both the individuals. Knew them as customers, but not personally. Mrs. Henry states on page 81 in the letter I wrote to Kitsap transit , I was 31 years old. In the hand written statement from Mrs. Henry taken 4-19-13 she states the suspect she saw with Haley Belfiore was in his early or mid 20s. Mrs. Henry looked very upset on the stand during my trial and was cut off when speaking several times. I had told my public defender Mrs. Taylor that I rode Kitsap Transit buses often for the last 2 years before my arrest and I would most likely be recognized by the driver as not being the suspect involved. On page 82 in cross examination the only question asked is if Mrs. Henry saw me grab Haley Belfiore's breast. Mrs. Henry said she did not see that. I would ask you to review pages 80,81,82 the line of questioning by Mrs. Lewis and Mr. Raheem. If they were trying

to hide the fact I was not the suspect involved and did not want the issue to come up in the trial, was this the questioning they would use to do that. After telling Mrs. Taylor before the trial how often I used Kitsap Transit and that an employee would most likely recognize me the line questioning or lack of questions asked to Mrs. Henry was unreasonable. I was not properly defended I had not seen Haley Belfiore or Laura Talkington before my jury trial. I had seen Mrs. Henry before and had rode her bus several times prior to my arrest. Mrs. Henry knew who I was and could have corrected this mistake. I would like to know if Mrs. Henry or someone from Kitsap Transit contacted the sheriff's office in Port Orchard. Regarding this incident most likely this is what happened in my jury trial. I do not believe I was fairly represented by my public defender Mrs. Taylor. Mrs. Taylor did not discuss the defense she planned to use during my jury trial or see me several weeks before the trial. Mrs. Taylor withheld the discovery until less than 2 weeks before trial after many attempts to get the information months before trial and were brought to the jail by Mr. Raheem. I was shown several supplemental reports from officer Pronovost and Glantz that were very convincing. But these reports never made it to trial or what was said in them. In officer Walker's testimony in the transcript he states on 3-6-13. The shift he was working was from 2 pm to 10 pm this also conflicts with Laura Talkington saying the incident occurred around noonish. In the opening statements in my jury trial that are not included in my copy of the transcript. Mr. Raheem who gave the opening statement in my defense stated none of the witnesses directly involved were in the area of the Sidney park and ride at the time of my arrest. This is a key issue I remember from the trial. On page 124 of the transcript officer Walker states he forgot what he asked me, that I was incoherent and he believed it not beneficial for him to even inquire what happened. He states the simple questions he asked me he could not understand. In officer Walker's incident/investigation report which I have a copy he states "I asked Wilson about the incident with the female at the bus stop but he did not know what I was talking about". Walker also states in the same report I said "at least I am not as drunk as the last time". Officer Walker is referring to an incident that happened several weeks earlier not far from where he found me that day. I had been asleep on a bench near a local bar which I also have little memory of. I was told later of the incident and the police involvement by who I called to pick me up that day I not arrested or was causing problems just too much to drink. From what is stated in officer Walker's incident/investigation report tells me I believed I was in trouble for drinking where I was. I also told officer Walker I knew nothing of the incident involving a female. I had been in the area of the 7-11 a distance away from the bus stop until the time of my arrest. From 1:30 pm to the time I was arrested I never left that area. This incident happened the police were called later in the day from what Laura Talkington stated in the trial. Officer Walker responded to the call, from his trial testimony some unknown people pointed in a direction in which the suspect had walked. Officer Walker found me by the 7-11 where I had been and never left and assumed I was the suspect. After telling officer Walker I had no knowledge of an incident involving a female. He states in the transcript he did not feel it was beneficial to investigate. On page 124 of the transcript Walker states he was very busy that day and was short on officers, had 3 other calls pending and went immediately to the next call and had a crime in progress. There are surveillance cameras around Kitsap bank and the walkway leading to the 7-11 near the bus stop. It would have been very beneficial for me if someone investigated and reviewed these video tapes of the area. I don't understand why this was not done. In a 25 page statement to the private investigator Mrs. Durkee. I asked her to check these video tapes. Mrs. Durkee was not at or involved in my trial nor was able to contact anyone involved. During a meeting with Mrs. Durkee she told me I would probably have to go after them afterwards. I did not know what that meant at the time, but I witnessed what they were able to do in my jury trial to mislead a jury to

convict me. A little over a month a month before the jury trial I was called to a meeting at a the jail. Mrs. Taylor and the prosecutor Mrs. Lewis were present at this meeting. I was told ahead of time Mrs. Lewis would be attending this meeting. I wrote a 7 page letter to give to Mrs. Lewis explaining what I believe had happened on 3-6-13 believing Mrs. Lewis mite help me because Mrs. Taylor was not. Writing this letter to Mrs. Lewis was not a good idea and Mrs. Taylor tried to advise me not to give Mrs. Lewis the letter in the meeting. Mrs. Lewis told me she did not believe I was a sex offender and we all makes mistakes when we have to much to drink. I assured Mrs. Lewis I do not make mistakes like this or conduct myself in the type of behavior I read in the reports I was able to read a the time. In the meeting I declined the offer of 1 year of outpatient proposed by Mrs. Lewis and told her I'd be taking this to trial. As I was walking away from the area of the interview room back to the dorm. I heard Mrs. Lewis say in a raised voice say "You really did it this time Michele". It sounded as if she was scolding my public defender Mrs. Taylor. During the meeting I brought up a 22 year old male and also in the letter I gave to Mrs. Lewis. I told the private investigator about this 22 year old male in are second meeting around a month in a haft after the arrest, and in the 25 page letter that both her and Mrs. Taylor were given. The 22 year old male Jacob Huff arrived in the same dorm I was in at Kitsap County Jail a few days after I had been put in the dorm. He looked familiar to me but I could not place where I knew him from. After several days Jacob Huff confronted me and told me he had seen me arrested downtown that day and asked me what I was charged with in front of a group of inmates in a card game. I told him sexual misconduct and I could not recall the incident. Jacob Huff was not in the dorm long and was soon taking out for stealing from another inmate. I did not talk to Jacob Huff much while he was in the dorm. But he did tell me a few conflicting stories of what he was doing downtown. I doubt much of what he said had any truth in it. But he was in the area and knew I was arrested and where and when. I later matched up a few things he told me and what I was able to read from the reports and phone statements. Also I vaguely remember 2 men hurrying passed me while I was sitting along the pathway by the water near the 7-11. I believe one of those men was Jacob Huff and this is why he took interest in why I was in jail and what I knew. I later read in the statements from the bus driver Mrs. Henry the male suspect she saw that day was early twenties or mid twenties. Jacob Huff was 22 years old at the time I learned, and I was 31, I am told I look younger then I am but not early or mid twenties. I had told Mrs. Taylor about Jacob Huff in a meeting and she accused me of making him up. Mrs. Taylor also at one point asked another client of hers in the same dorm as me, things about my case and if Jacob Huff was a real person. Maybe Mrs. Taylor had problems finding out information about him but I told her the dates and how long he was in the dorm with me. Months later after telling Mrs. Taylor about Jacob Huff she used him to delay my jury trial. I later found out after I was sentenced and released someone had talked to Jacob Huff regarding my case while he was in jail. I'm not sure who maybe the prosecutor. But as the private investigator told me Jacob Huff was not arrested for the incident that occurred on 3-6-13. I was arrested charged with this crime and delays and the time put between my arrest and my jury trial were harmful to my case. During the meeting with Mrs. Lewis and Mrs. Taylor I had given Mrs. Taylor a letter from a Richard McCurdy and had Mr. McCurdy come and speak with them after are meeting. Mr. McCurdy explained what he wrote in the letter regarding my case and Jacob Huff and how he knew him. Also that he looked similar too me in ways and also same color hair and height. At the end of this meeting that day I had with Mrs. Taylor and Mrs. Lewis, the prosecutor told me she would have to set over my jury trial a little over a month due to other cases she had going trial. This meeting was in early June. On 5-16-13 in court the prosecutor Mrs. Lewis asked the court for my jury trial to set on 5-20-13. I told the judge and Mrs. Taylor I wanted the jury trial on the date Mrs. Lewis

proposed on 5-20-13. I stated I wanted the trial to begin on that date in open court. After Mrs. Taylor asked to continue and set the trial over to a later date and the judge asked me if I objected to the continuance. Mrs. Taylor had asked for continuances at three prior court dates the first was she needed to interview the Kitsap transit driver Mrs. Henry. The second continuance was because she needed to interview the witness Laura Talkington. The third she needed to interview the alleged victim Haley Beliore. On 5-16-13 Mrs. Taylor continued and set the trial over based on the new information about Jacob Huff. Mrs. Taylor was purposely delaying my trial and me speaking up in court was not enough to stop her. This was very harmful to my case the length of time it took to get to trial. Mrs. Taylor put the burden on the prosecution nothing on my behalf to was submitted to convince the jury of my innocence. None of the police reports were submitted which conflicted with what the officers said in my trial. None of the handwritten statements from the witnesses Mrs. Henry, Laura Talkington, or Haley Beliore were involved there was a lot of conflict in what they wrote earlier that year and what they said in the trial. They wrote the statements around a month after the incident and they should have been questioned in trial about what they wrote in those statements given the time in between the incident and the trial. The letter I wrote to Kitsap Transit that was used against me in the trial stated the time I was dropped off in the area at 1:30 pm before the incident had occurred according to the witness Laura Talkington. Saying the incident happened around noonish in the transcript. I overheard the judge say most of the letter was blacked out. When they were discussing which parts were to be used in the trial before the trial started. No witnesses were brought forth on my behalf that could testify were I was that day, what I was doing, or what Time I was dropped off at the Sidney park and ride and verify the time of 1:30 pm. The letters and statements I gave to the private investigator Mrs. Durkee were involved in my trial. Nothing of what I said in those letters was investigated or were any of my questions answered or people talked to by the investigator or Mrs. Taylor. To provided me any kind of defense at trial. The letter from Richard McCurdy the information about Jacob Huff was never looked into and not brought up in trial. But instead was used to delay my trial. During the jury trial I was looking at the trial in a different way then the jury members. I had read the police reports and the written statements from the witnesses and the phone statements. There was a lot of conflict in what they said in the trial and what was in the reports and statements and the jury should have had access to that information also to have a fair trial. A lot of what the witnesses said didn't match up. Mrs. Henry said Haley had gotten on to her bus after the incident. Haley said she had gotten on a bus with a male driver named Dan. Haley said she doesn't even remember the female driver Mrs. Henry or even talking to her. How would she remember if the right person was in the courtroom that day who was at that bus stop with her. That person was not me Haley did not even look at me directly during the trial. I believe Mrs. Taylor chose the defense she for a reason. The reason she did this I don't know and don't understand someone would need to ask her those questions. I didn't know anything about trials or how things done. I most likely would have chose a bench trial if I knew that was an option at time. I believe Mrs. Taylor was trying to get me to fire her as I had mentioned in a letter to the judge over a month before my trial. I had noticed while in jail some inmates would fire there lawyers to postpone a trial. Mrs. Taylor often was very moody she even said after leaving one of are meeting that she was going to drop my case. After a meeting where she had shown me the phone statements from the witnesses and I brought up some issues in the reports and the police reports. In the phone reports it stated the suspect walked away from the bus stop with a older man. But in Mrs. Henry's written says it says he was bothering a older man. Jacob Huff told me something similar to that of what Mrs. Henry states in her written statement and the phone reports while in jail. As if he were there himself and not me. I soon found out that in the appeals

process no new evidence can be submitted and only the transcript and the trial would be looked at by the appeals court. It became clear to me why Mrs. Taylor chose the defense she used and why she never discussed what she planned to do in trial with me. As I stated I am 31 years old never have had anything close to a felony. I only had Misdemeanor's on my record before this felony conviction mostly driving related. And the longest I'd ever been in jail is 8 days in 2011 for a driving on suspended before doing 6 months for this felony. I didn't know anything about trials or how things work in Kitsap County. I believe I didn't have a fair trial. My family encouraged me to get a new lawyer after I had told them thing Mrs. Taylor had done. I didn't think it would be possible for Mrs. Taylor to lose my case. considering I was not involved but it happen. Everything was worded very carefully and the right questions not asked, or information given to the jury to review or witnesses on my behalf. I was told the best way to get information submitted is threw a personal restraint petition. I plan to file a personal restraint petition but I was also told I could submit information in my statement of additional grounds which I will do also. In hope to over turn this wrongful conviction.

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3 of 25

- If the police did search the area for the attacker was it an extensive search or did they arrest the only person they could find drinking in the area? that they have seen before but the other times they had seen him intoxicated. ~~I~~ had done nothing wrong.
- Was I around the same areas or area when the officers or officer had ~~seen~~ ^{seen} me last? What was my condition those times did ~~any of the~~ the officer check my blood alcohol level was I given a breathalyzer? Any of those encounters?
- In both of the encounters I know of that were in the 2 1/2 months before 3-6-13 I only know about because the officer or officers contacted my mom Judy Rushing. In those ~~phone~~ phone conversations did my mom say anything about my health conditions, my mental health conditions or my anxiety problems?

Brian Wilson

CN-400,0227

4 of 25

- What time did I last enter the 7-11 in downtown would they still have the video-tape?
- Was the attacker of the victim ~~alone~~ or with group or another person?
- Was I wearing a backpack if so what color?
- ~~_____~~
- I arrived in port Orchard around 9:30 am by foot ferry from Bremerton
- I was picked up by my dad Ed Wilson ~~at~~ by the library around 9:35 am
- I work with dad on rental house until 1:00 pm
- Was then dropped off the same spot ~~at~~ I was picked up by the library around 1:30 pm. Was given 20.00 dollars from dad
- I then walked to 7-11 about a 4- to 5 minute walk from the library

Brian Wilson

CN-40010227

5 of 25

- At 7-11 I purchased 1 pack of malboro reds around \$8.50 Also 1 12oz can of sparks and 1 16oz can Smirnoff ice Fruit punch. the Sparks was 1.79 plus tax and 7% Alcohol the Smirnoff was 2.79 plus tax 8% Alcohol
- I then went to a spot I've drank before several times before located close too the 7-11 along the walk-way closest to the water by the picnic area
- It was rare to see many ~~peo~~ people walking the path. I sat on the concrete barrier along the path had my beer behind it and chain-smoked marboros while listening to music on my cell phone with my headphones on and over looking the water.
- I was not watching a clock but was in that spot for quite a while only getting up to go to the 7-11 two more times purchasing each time a 16oz Smirnoff ice fruit punch 2.79 and to use the bathroom.
- I don't remember leaving that area until a bit but waking up in a holding cell

"General Statement"

May 15, 2013

Hello, My Name is, Richard Byron McCurdy.
I am writing this statement in regards to Brian Wilson, and his case. First of all, I have known Brian Wilson for approximately 15 years, He lived in the same neighborhood of (Sunnyslope) as myself! I really am shocked to have seen him here in Jail with the Alledged charges he has, That just does not seem at all like Brian, I find this very hard to believe, Not saying that it is not possible, I just dont see it. I've never seen Brian have any such behavior at all in any kind of way, This is Sobriety, and of Drinking which I've seen Mr Wilson, after having more than enough to drink many times, mostly in his younger years 16-21 or so. He has always been respectful to girls, and for the most part to others around him sometimes a little cocky or mouthy,

25076 but for the most part a really quiet individual. OK
Now I have a little to say about a person of interest, that I strongly feel needs to be looked at, and at the very least be ruled out as a possible person of interest, or maybe could actually be the Real Perpetrator. either way Its been weighing strongly on on Brian's mind, He has been trying hard to sort this all out in his head, And I really feel he could be "Innocent"

"Jacob Huff"

while I was on a 85 Day stay from (Oct 7, 2012 - Dec 31, 2012) Here in the Kitsap County Jail, an individual by the name Jake Huff, had come in some time in that time frame exactly what days is unknown, we were in Dorm B, and Jacob Huff was my bunk, (shared bunks) and he went on and on about this young girl, he was totally obsessed with, you could tell, her name was Katelyn (Katie) I do not recall her last name, but the important thing was how he was constantly talking about how much he liked her and had been trying to rush her into sex, telling me stories, how he was trying to get into her pants, and she did not want to, and that she was still a virgin, I believe he said she was (17 yrs old maybe) he was saying how he was making out with her and got his hands down her pants a couple of times, and on and on I can't remember every thing, but I remember that myself and another guy that was in bunk next to us, we kept telling him he needs to slow down with this girl, if he really likes her, that he should slow down, don't force sex on her, its not right and thats not #1 Reason to like a girl, you will end up making her go the other direction and loose her all together

Next Page

#2

May 15, 2013

Well I was released after Jacob Huff on Dec 31, 2012, and unfortunately due to a "crazy" woman, I am now back in here, Jan 21, 2013, - Jun 13th 2013, during this time in here Jake had returned to jail as well, I think it was around beginning of April maybe, He was again in the same Dorm as myself, Dorm-D And wouldn't you know it, the first thing He did when He saw me, He came up to me and said, "you were right, I got out and tried to have sex with Katie, I rushed right into it, and she got very upset and angry at me, and we no longer talk," Jake said, "And what's more strange is how, he seemed to know so much about Brian Wilson's situation, than Brian himself even knew. He told Brian things about where he was arrested and ~~seeing~~ seeing him on the bus, and how He, come up to Brian, Jake and some other guy who was with him, don't remember his name but I believe he said he had long hair, and older, than Jake! but suppose to have offered Brian to smoke some pot! And I remember something about Jake saying he for some reason was hiding from the cops he hid behind some rocks, and at one point saw Brian being arrested," he said"

I Richard B. McCurdy, Hereby swear
That this statement is true to the best
of my knowledge and therefore would
be willing to talk to the Investigator,
or the courts, or Attorney if needed. I Really
hope this is helpful in one direction or another

Thank You Have A great Day
sincerely Richard B. McCurdy
Richard Byron McCurdy
11-22-1972 - 40 yrs old

I'm Brian Wilton on 3-6-13 around 1:30 pm in downtown Port Orchard at the transfer station bus stop near the foot ferry. There was a incident involving a young girl which I was involved in. I believe I was not involved in the incident. It's been very hard for me to find out the simplest of details of what happened this day while I'm back home. On 3-6-13 I arrived in Port Orchard by foot ferry at around 1:30 pm. I lived in Bremerton before this incident. I was picked up by my dad to help him with a mental house he was able to up to make some extra money. After my dad dropped me off the school, he picked me up by the library around 1:30 pm. I then went to the 7-11 for some beers and proceeded to the walking by the water and drink by the small park area behind the 7-11 and listened to music. I was in this area quite some time. I remember going to the 7-11 like 2 times to get more beer and to use the bathroom. I don't remember leaving the area or being arrested or talking to anyone besides the lady working at the 7-11.

MARCH 21, 2014

TO WHOM IT MAY CONCERN

On March 6, 2013 I made arrangements with my son (Brian Wilson) to work at my rental located at 4449 Beach Dr. E., #20, Port Orchard, WA. I picked Brian up at 9:30am on the above date at the Foot Ferry in Port Orchard. We worked from 9:45 am to about 1:15 pm.

I drove Brian to the Foot Ferry area at approximately 1:30 on the date referenced above.

His attorney, Ms. Taylor, never contacted me for any information regarding his case as to the times in question. I attempted to contact Ms. Taylor 2 or 3 times by telephone -- talked to her receptionist once and left a message on her answering machine twice.

There was an investigator assigned to this case who never made any contact with me regarding Brian's case.

Brian told me that he told his lawyer and investigator that they should contact me for his whereabouts on the date listed above.

Edward Wilson

A handwritten signature in cursive script, appearing to read "E. Wilson", written in black ink.

MARCH 21, 2014

TO WHOM IT MAY CONCERN

Ed Wilson (Brian Wilson's father) is my landlord at the residence located at 4449 Beach Dr. E., #20, Port Orchard, WA.

On the day in question (March 6, 2013) Brian arrived at my residence to do lawn maintenance around 9:30 am. His dad and Brian left after 1:00 pm.

A handwritten signature in cursive script that reads "Cheryl Price".

Cheryl Price

July 17, 2013

1 MS. LEWIS: I really didn't expect -- I kind of
2 tried to extend her testimony a little bit. I didn't expect
3 it to go as quickly. I expect the next witness to probably
4 mirror that amount of time there. And then our victim isn't
5 going to be here until 3:00.

6 THE COURT: Is there any way to move that up a
7 little bit as well?

8 MS. LEWIS: I can check.

9 THE COURT: Why don't we do that as well, to see
10 if we can get her a little sooner?

11 MS. LEWIS: To move her up? Okay.

12 THE COURT: Well, let me know when we're ready.

13 MS. LEWIS: Okay. Thank you.

14 (Court at recess.)

15 THE COURT: You can be seated.

16 It sounds like we have a witness ready?

17 MS. LEWIS: We do, Your Honor. Thank you for your
18 patience. It actually works out pretty well because now the
19 victim is present, too. So we have got both of the
20 witnesses for today right outside.

21 THE COURT: Well, I don't want to delay bringing
22 the jury back in, but I have done some research on the
23 sealing issue and I think we have an answer on that. So we
24 will deal with that later.

25 We can bring the jury back in.

84

July 17, 2013

1 testified as follows:

2 DIRECT EXAMINATION

3 BY MS. LEWIS:

4 Q. Ms. Talkington, can you state your name and spell your last
5 name for the record, please?

6 A. Laura Talkington, T-a-l-k-i-n-g-t-o-n.

7 Q. I am going to go ahead and move that microphone a little bit
8 closer to you.

9 Does that work?

10 A. Uh-huh.

11 Q. Laura, you don't need to give us an address, but where do
12 you live?

13 A. In Bremerton.

14 Q. How long have you lived there?

15 A. Since February, I think.

16 Q. Okay. How long have you lived in Kitsap County?

17 A. My whole life.

18 Q. How old are you?

19 A. Eighteen.

20 Q. And do you live alone or with someone?

21 A. With my boyfriend.

22 Q. Do you know somebody named Haley Belfiore?

23 A. Yes.

24 Q. How do you know her?

25 A. Well, I was in jury with her when I was younger.

86

LAURA TALKINGTON - Direct (Lewis)

July 17, 2013

1 I'm sorry. What was the name of this witness?

2 MS. LEWIS: Laura Talkington.

3 THE COURT: Okay. Not Hicks?

4 MS. LEWIS: No.

5 (Whereupon, the following
6 proceedings occurred in the
7 presence of the jury.)

8 THE COURT: Please be seated.

9 We're going to continue. Ms. Lewis, are you ready?

10 MS. LEWIS: I am, Your Honor. The State calls
11 Laura Talkington.

12 THE COURT: Ms. Talkington, if you can come on
13 forward. Before you have a seat, I will have you stand
14 right there, please, and face me. Can you raise your right
15 hand? Do you swear or affirm the testimony you are about to
16 give will be the truth, the whole truth, and nothing but the
17 truth?

18 MS. TALKINGTON: Yes.

19 THE COURT: Go ahead and have a seat. And I can
20 tell already that you are going to be quiet. We have a
21 microphone in front of you. It's important that everybody
22 can hear you. So just be careful about that.

23 MS. TALKINGTON: All right.

24 THE COURT: Okay.

25 * * * * *

LAURA TALKINGTON, being first duly sworn on
oath, was examined and

85

July 17, 2013

1 Q. Okay. How long have you known her?

2 A. Probably a year, I take it, yeah.

3 Q. And how would you describe your relationship with her?

4 A. More of an acquaintance.

5 Q. Okay. Do you guys ever hang out?

6 A. No.

7 Q. Do you recall seeing her in March of this year?

8 A. Yes.

9 Q. Where was that?

10 A. Downtown by the ferry docks.

11 Q. What were you doing that day?

12 A. I was coming back from my boyfriend's place and we were
13 going to move into mine.

14 Q. And is that the one in Bremerton?

15 A. Yes.

16 Q. First, do you remember what time of day that was?

17 A. I think it was noonish.

18 Q. Okay. And at what point did you see Haley?

19 A. As I was walking to catch the ferry to Bremerton, I looked
20 over and saw her and she was mouthing, like, "Help me" or
21 something. And I saw, like, this guy just, like, standing
22 over her, like, bothering her and, like, she looked
23 distressed. And I went up and, like -- I was, like, You
24 need to leave her alone. And he just, like, right as I
25 walked up, I could just smell alcohol.

87

LAURA TALKINGTON - Direct (Lewis)

July 17, 2013

1 Q. Let me back you up just a little bit. Okay. So you walked
2 up to her or -- Excuse me. You saw her do what?
3 A. She was mouthing, like, "Help me" or something. Like, she
4 just looked at me and it was like she seemed scared or
5 something.
6 Q. What makes you say that she seemed scared? What did you
7 see?
8 A. Her facial expression.
9 Q. Okay. What did it look like? I know it's hard to describe.
10 I mean, we can say somebody looks scared. But can you
11 describe it?
12 A. I don't know how to really describe a facial expression.
13 Q. Okay. And can you describe -- you did a little bit -- but
14 can you describe in a little more detail how his body was
15 positioned next to hers?
16 A. Like where the covered sitting area is, he was, like,
17 hunched over with his arm over, like, her head.
18 Q. Okay. Was she seated or standing?
19 A. She was standing.
20 Q. And was he seated or standing?
21 A. Standing.
22 Q. Okay. Was he in front of her or in back of her?
23 A. He was to the back and side, like at an angle.
24 Q. Okay. And I think you said he was doing something with his
25 arm?

88

LAURA TALKINGTON - Direct (Lewis)

July 17, 2013

1 Q. Okay. Do you remember where his face was in relationship to
2 her face?
3 A. Um, it was, like, at -- I think it was, like, in the corner,
4 I think, like, up, like above, like hovering.
5 Q. So pretty close to her face?
6 A. Yes.
7 Q. What did he do in response to what you said?
8 A. Um, I think he backed off and he started coming towards me
9 and then, like, he just started mumbling. I don't remember
10 what he said. But he started walking towards me, so that's
11 when I went and got the officers, because I saw two officers
12 already down there. And then as soon as -- Like, I said to
13 the officers, I'm, like, I think you need to deal with this.
14 Like, I had to go catch my ferry.
15 Q. Okay. And so you did?
16 A. Uh-huh.
17 Q. Shoot. I just had a question and I lost it.
18 Did you notice anything about his demeanor that struck
19 you?
20 A. He just seemed really drunk.
21 Q. Okay.
22 A. Like he didn't -- Like -- I see him right now. It's not,
23 like, normal, like a normal person would be.
24 Q. Okay. And do you see that person here in the courtroom?
25 A. Yes.

90

LAURA TALKINGTON - Direct (Lewis)

July 17, 2013

1 A. Yeah. His arm was, as I got closer, he started moving his
2 arm, like, down over her shoulder.
3 Q. Okay. And you were motioning with your right arm. Was it
4 his right arm?
5 A. I'm not quite sure.
6 Q. Okay. Do you recall talking to a police officer sometime
7 after this incident, like in April?
8 A. Yes.
9 Q. Sergeant Glantz, does that sound familiar?
10 A. Yes, it does.
11 Q. Okay. Do you recall telling him that the defendant was
12 using his left arm to lean up against the bus shelter and
13 his right arm was resting over her right shoulder?
14 A. Yeah.
15 Q. Okay. Does that refresh your memory? I mean, if it
16 doesn't --
17 A. Yeah, it kind of does. I really don't remember much. All I
18 remember is her seeming like she needed, like, someone to
19 interfere between her and him. So I did. I don't remember
20 much details of it.
21 Q. Okay.
22 A. But as far as I can remember, she needed help, and so I did.
23 Q. Okay. And what did you say to him?
24 A. I told -- I said, "She's only 15 years old. You need to
25 back off."

89

LAURA TALKINGTON - Direct (Lewis)

July 17, 2013

1 Q. Okay. Can you identify him with the color of shirt?
2 A. The striped.
3 Q. I would ask the record to reflect that she has identified
4 the defendant.
5 Do you -- Well, I'm sorry if I have already asked you
6 this, but how long were you at the ferry dock when you
7 noticed Haley?
8 A. It was right as I was walking off of one of the buses.
9 Q. Okay. So do you know how long she had been there before
10 that?
11 A. No, I do not.
12 Q. Okay. And did you notice him touching her at all?
13 A. I wasn't that close at first. But like I said, as I got
14 closer approaching and saying what I said, he backed off and
15 started, like, coming towards me, like, yeah, not in, like,
16 an aggressive way, just like he was just speaking to me.
17 Q. Okay. So did you see him touch her at all?
18 A. It looked like his arm was resting over her shoulder, but I
19 can't recall and I can't say yes or no to that.
20 Q. Okay. Any other sort of touching?
21 A. Just his body was, like, pressed against her back.
22 Q. Okay. Anything else?
23 A. No.
24 MS. LEWIS: I don't have any further questions,
25 Your Honor. Thank you.

91

LAURA TALKINGTON - Direct (Lewis)

Brian Edward Wilson

Case number: 40010227

DOB - 10/14/81

SS - 531-15-8748

DL - WILSON BE 192 PM

1 of 25

4-14-2013

Kitsap County Jail
Dorm - D

- How soon after the assault was 9-11 called & who called 9-11
- How soon after assault did the first officer arrive at the scene and what time.
- Was the victim still at the scene of the assault where was she exactly?
- did the attacker flee from the scene or try to or did ~~the attacker~~ the attacker wait for police to show up at the scene?
- did the victim immediately point me out at the scene and the first officer on scene arrest me?
- If she did point me out how far away was I?
- When did the second officer arrive on the scene? what time
- What is the name of first officer on the scene?

Brian Wilson

CN-40010227

2-08-25

- What was the name of second officer on the scene?
- did the victim point me out with both officers present?
- did one of the officers wait with victim while other looked for the attacker?
- Who was the senior officer at the scene?
- did victim see me arrested?
- What was I wearing a hat if so what kind of hat was it? What colors was this hat?
- Was I wearing pants? If so what color? Maybe shorts?
- was I wearing coat or sweat shirt or T-shirt brand name? Plain? What color?
- What do I look like how tall am I, weight eye color, hair color, scars, tattoos? Age?